

After Recording Return To:
City of Winter Park, City Clerk's Office
401 Park Avenue South
Winter Park, Florida 32789

ORDINANCE NO. 3112-18

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING A 15 FOOT EASEMENT GRANTED TO THE CITY OF WINTER PARK ON OCTOBER 17, 1995, RECORDED IN OFFICIAL RECORDS BOOK 4964, PAGE 2797 AND OFFICIAL RECORDS BOOK 4971, PAGE 4989 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA. (EXHIBIT A); PARTICULARLY DESCRIBED IN EXHIBIT B; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park has authority to adopt this Ordinance by virtue of its home rule powers and Charter with respect to abandoning and vacating rights of way no longer needed for public purposes, and the City Commission has made such a determination;

BE IT ENACTED by the People of the City of Winter Park, Florida as follows:

Section 1. The City Commission of the City of Winter Park, Florida hereby vacates and abandons that certain portion of the Utility Easement located at 2010 Mizell Avenue legally described in that certain legal description and sketch of description attached hereto as **Exhibit "B"**.

Section 2. In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls.

Section 3. After adoption, this Ordinance shall be recorded in the public records of Orange County, Florida.

Section 4. This ordinance shall take effect immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 9th day of July, 2018.



Mayor Steven Leary

ATTEST:



City Clerk Cynthia S. Bonham

EXHIBIT A

Orange Co FL 5402170
10/23/95 03:02:28pm
OR Rk 4964 Pg 2797
Rec 10.50 DBC .70

THIS INSTRUMENT PREPARED BY
AND RETURN TO:

Randolph J. Rush, Esquire
Winderweede, Haines, Ward
& Woodman, P.A.
Post Office Box 880
Winter Park, Florida 32790

Orange Co FL 5418912
11/04/95 10:34:07am
OR Rk 4971 Pg 4989
Rec 10.50 DBC .70

EASEMENT

THIS EASEMENT made this 17th day of October, 1995, between WINTER PARK MEMORIAL HOSPITAL ASSOCIATION, INC., a Florida not-for-profit corporation, of 1870 Aloma Avenue, Suite 200, Winter Park, Florida 32789, Grantor, and the CITY OF WINTER PARK, a Florida municipal corporation, of 401 Park Avenue South, Winter Park, Florida 32789, Grantee:

W I T N E S S E T H:

That the Grantor, for and in consideration of the mutual benefits, covenants and conditions herein contained, and in consideration of the sum of One and No/100 Dollar (\$1.00) paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby give and grant unto the Grantee and its successors and assigns, a non-exclusive underground utility easement, as is more particularly hereafter described, with full authority to enter upon, install, construct, operate and maintain public utilities, including but not limited to sanitary sewer, stormwater and water facilities within said easement as the Grantee and its successors and assigns may deem necessary or desirable; said public utilities being located in an easement area (the "Easement Area") within Grantor's premises in Orange County, Florida, to-wit:

A 15 foot easement being 7.50 feet on either side of the following described centerline:

Commence at the Northeast corner of Lot 1, Block 5 ALOMA SECTION 1 as recorded in Plat Book O, Page 51, of the Public Records of Orange County, Florida, said point also being on the Southerly right of way line of Mizell Avenue; thence along the Easterly line of said Lot 1, N 39°36'06" W 27.00 feet to the point of beginning; thence S 42°35'28" W 158.74 feet; thence N 89°01'29" W 11.00 feet to a point on the Easterly right of way line of Edinburgh Drive and the point of terminus, said point being 5.00 feet South of the Northwest corner of Lot 3, Block 5 of said ALOMA SECTION 1.

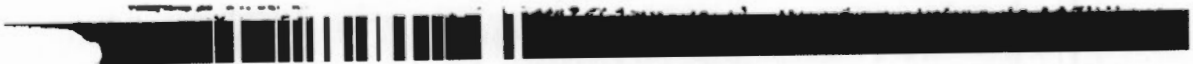
TAX PARCEL ID # 09-22-30-0120-05010

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

Grantor hereby warrants and covenants (a) that Grantor is the owner of the fee simple title to the premises in which the above-described Easement Area is located, (b) that Grantor has full right and lawful authority to grant and convey this easement to Grantee, and (c) that Grantee shall have quiet and peaceful possession, use and enjoyment of this easement.

Grantor reserves unto itself and its successors and assigns the use of the surface of the Easement Area.

STATE OF FLORIDA, COUNTY OF ORANGE I HEREBY CERTIFY
that the above and foregoing is a true copy of the original filed in this office.
JULIE M. SULLIVAN, City Clerk
City of Winter Park, Florida
11/9/95
[Signature]



Grantee shall, at its sole cost and expense, repair and replace any improvements or landscaping disturbed or damaged by Grantee during the construction, maintenance, repair, or removal of such facilities.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

WINTER PARK MEMORIAL HOSPITAL ASSOCIATION, INC., a Florida not for-profit corporation 1870 Aloma Avenue Winter Park, Florida 32789

BY Patricia M. Ashmore Patricia M. Ashmore, President

[Signature]
Print Name Robert M. Lambert
[Signature]
Print Name Isabelle Lambert

OR Bk 4971 Pg 4990
Orange Co FL 5418912

Record Verified - Martha D. Haynie

STATE OF FLORIDA
COUNTY OF ORANGE

¶ The foregoing instrument was acknowledged before me this 17 day of October, 1995, by PATRICIA M. ASHMORE, as President of Winter Park Memorial Hospital Association, Inc., a Florida not-for-profit corporation, on behalf of said corporation. She is personally known to me or produced _____ as identification.

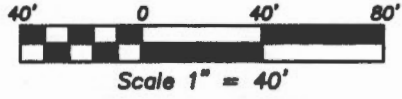
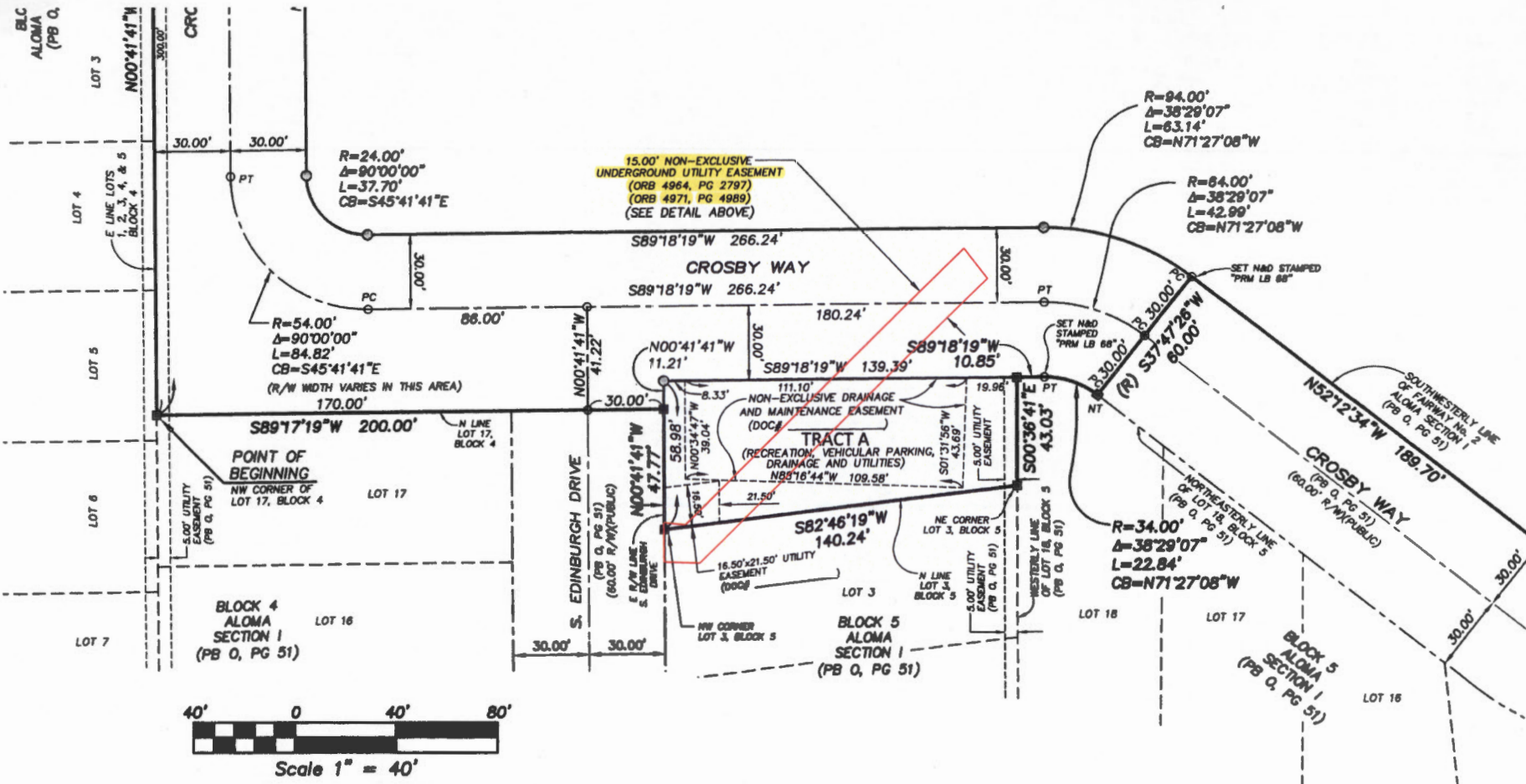


LAURA M. BRAGG
COMMISSION # CC 309771
EXPIRES AUG 18, 1997
Atlantic Bonding Co., Inc.
800-732-7245

Laura M Bragg
Print Name Laura M Bragg
NOTARY PUBLIC
My Commission Expires: Aug 18, 1997

OR Bk 4964 Pg 2798
Orange Co FL 5402170

Record Verified - Martha D. Haynie



McINTOSH ASSOCIATES, INC.
 PLANNERS SURVEYORS
 18TH, WINTER PARK, FLORIDA 32789 (407) 844-4088
 STATE OF AUTHORIZATION NUMBER LB88

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

2AM
 lat\project wellness plat.dwg

EXHIBIT B