

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

**ORDINANCE NO. 3145-19**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND TERMINATING A PORTION OF THE DITCH RIGHT OF WAY DEPICTED ON THE PLAT OF TROTTER'S REPLAT, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "J", PAGE 58, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA THAT ENCUMBERS THE PROPERTY IDENTIFIED AS ORANGE PROPERTY APPRAISER PARCEL #07-22-30-8760-00-172 PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.**

**WHEREAS**, a ten foot ditch right of way is depicted on the plat of Trotter's Replat, as per the plat thereof recorded in Plat Book "J", Page 58, Public Records of Orange County, Florida (hereinafter the "Ditch Right of Way"); and

**WHEREAS**, a portion of the Ditch Right of Way encumbers the property located at 807 Maryland Avenue, Winter Park, Florida (hereinafter the "Property") and the owner of the Property, Paul F. Bryan (hereinafter "Bryan"), has requested that the City vacate, abandon and terminate that portion of the Ditch Right of Way more particularly described on the Description and Sketch attached hereto as Exhibit "A" (hereinafter the "Vacation Area"); and

**WHEREAS**, to induce the City to grant his request, Bryan has entered into an agreement with the City (hereinafter the "Agreement") whereby Bryan has executed and delivered a new easement in escrow to the City over another portion of the Property (hereinafter the "Replacement Area") and has agreed to install a new pipe and related equipment in the Replacement Area.

**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 easements and rights of way no longer needed for municipal or public purposes; and

**WHEREAS**, the City Commission has made a determination that the Ditch Right of Way located in the Vacation Area will no longer be needed for municipal or public purposes at such time that this ordinance becomes effective

**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, abandons and terminates that portion of the Ditch Right of Way located within the Vacation Area.

**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 not take effect until such time hereafter that the City records a separate notice in the public records of Orange County, Florida stating that all the conditions of the Agreement have been satisfied and the Ordinance has become effective.

**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 8<sup>th</sup> day of July, 2019.

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Mayor Steven Leary

ATTEST:

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City Clerk Cynthia S. Bonham

**EXHIBIT "A"**  
**(Vacation Area)**

**COMMENCE** AT THE NORTHEAST CORNER OF THE SOUTH 50 FEET OF THE NORTH 100 FEET OF LOTS 17 AND 18, TROTTERS REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "J", PAGE 58, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE NORTH 89°53'47" WEST, ALONG THE NORTH LINE OF THE SOUTH 50 FEET OF THE NORTH 100 FEET OF LOTS 17 AND 18 OF THE AFORESAID PLAT, A DISTANCE OF 87.53 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 49°49'52" EAST, A DISTANCE OF 77.68 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HUNTINGTON AVENUE; THENCE NORTH 89°53'47" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 15.54 FEET; THENCE DEPARTING THE NORTH RIGHT-OF-WAY LINE OF HUNTINGTON AVENUE, RUN NORTH 49°49'52" WEST, A DISTANCE OF 77.68 FEET TO THE NORTH LINE OF THE SOUTH 50 FEET OF THE NORTH 100 FEET OF LOTS 17 AND 18 OF THE AFORESAID PLAT; THENCE SOUTH 89°53'47" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 15.54 FEET TO THE **POINT OF BEGINNING**.

**SKETCH OF DESCRIPTION  
EXHIBIT "A"  
- NOT A SURVEY -**

SHEET 4 OF 4

