

**ORDINANCE NO. 3158-19**

**AN ORDINANCE OF THE CITY OF WINTER PARK,  
FLORIDA, AUTHORIZING THE PARTIAL ASSIGNMENT  
OF THE CITY OWNED EASEMENT LOCATED NEAR THE  
INTERSECTION OF FAIRBANKS AVENUE AND NEW  
YORK AVENUE; PROVIDING FOR CONFLICTS AND AN  
EFFECTIVE DATE.**

**WHEREAS**, Section 2.11 of the Charter of the City of Winter Park, Florida, authorizes the City Commission, by ordinance to convey or authorize by administrative action the conveyance of any lands of the City of Winter Park (“City”); and

**WHEREAS**, the City is the owner of that certain Permanent Right-of-Way Easement recorded in Document #20190224671, Public Records of Orange County, Florida, (hereinafter the “Easement”); and

**WHEREAS**, the Florida Department of Transportation (hereinafter “FDOT”) has requested that the City partially assign to FDOT the non-exclusive right to maintain the sidewalks, mast arms and curbs located within the easement area; and

**WHEREAS**, the City has determined that the assignment of such non-exclusive rights will not adversely interfere with the City’s use of the Easement and therefore may be assigned to FDOT.

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:**

**SECTION 1. RECITALS.** The above recitals are incorporated herein by reference and are made a part of this Ordinance.

**SECTION 2. APPROVAL.** The City Commission of the City of Winter Park hereby approves the partial assignment of said non-exclusive rights in the Easement to FDOT.

**SECTION 3. ASSIGNMENT.** This Ordinance shall constitute the authorization by the City Commission pursuant to Section 2.11 of the Charter of the City of Winter Park, Florida, to partially assign such non-exclusive rights in the Easement to FDOT and for the Mayor or the City Manager to execute the partial assignment on behalf of the City along with any other documents that may be necessary to effectuate the intent of this Ordinance.

**SECTION 4. CONFLICTS.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 25<sup>th</sup> day of November 2019.

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Mayor Steven Leary

ATTEST:

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City Clerk Rene S. Cranis