

ORDINANCE 3165-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.06 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTH OF MONROE AVENUE, NORTH OF ELVIN AVENUE, EAST OF BENNETT AVENUE AND WEST OF ORLANDO AVENUE, AND HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 01-22-29-3712-15- 010, 01-22-29-3712-16-072, 01-22-29-3712-16-070, 01-22-29-3712-16-092 AND 01-22-29-3712-16-091 AND CERTAIN PORTIONS OF THE LEWIS DRIVE AND BENNETT AVENUE PUBLIC RIGHTS-OF-WAY AS MORE SPECIFICALLY DESCRIBED HEREIN INTO THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF WINTER PARK JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Benjamin Partners, Ltd., Greenhouse Partnership, Ltd., and Winter Park Redevelopment Agency Ltd. (hereinafter collectively the "Owners") own five (5) parcels identified by Orange County Tax Parcel ID Numbers: 01-22-29-3712-15-010, 01-22-29-3712-16-072, 01-22-29-3712-16-092, 01-22-29-3712-16-091, and 01-22-29-3712-16-070 (approximately 1.22 acres), such properties being legally described in **Exhibit A**, attached hereto and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Owners are petitioning the City of Winter Park for the voluntary annexation of the Subject Property as well as certain portions (approximately .84 acres) of the Lewis Drive and Bennett Avenue public rights-of-way ("Rights-of-Way") adjacent to the Subject Properties, such Rights-of-Way also being described in **Exhibit A** attached hereto and incorporated herein by this reference; and

WHEREAS, the Subject Property and Rights-of-Way are being contracted (or de-annexed) from the city limits of the City of Maitland and the effective date of this annexation Ordinance will be after the effective date of the City of Maitland's contraction of the Subject Property and Rights-of-Way; and

WHEREAS, the City of Winter Park has determined that the Subject Property and Rights-of-Way is reasonably compact and contiguous to the municipal limits of the City of Winter Park, that annexation of the Subject Property and Rights-of-Way will not result in the creation of an enclave and that the Subject Property's and Rights-of-Way's annexation meets the prerequisites and standards set forth in Section 171.044, Fla. Stat., for voluntary annexation into the City of Winter Park; and

WHEREAS, the City of Winter Park has provided adequate notice required by general law for the annexation of the Subject Property and Rights-of-Way and has conducted the required public hearing prior to the adoption of this Ordinance.

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

SECTION 1: *Recitals.* The above “Whereas” clauses are true and correct and constitute legislative findings of the City of Winter Park City Commission and are incorporated herein by this reference.

SECTION 2: *Property Annexed.* That, after conducting a public hearing and having found that the Owners’ petition for voluntary annexation of the Subject Property and Rights-of-Way meets the prerequisites and standards for annexation under general law, the Subject Property and Rights-of-Way legally defined in Exhibit “A” and graphically shown on the map attached hereto as Exhibit “B” are hereby annexed into the municipal boundaries of the City of Winter Park.

SECTION 3: *Effect of Annexation.* That the City of Winter Park, shall have all of the power, authority, and jurisdiction over and within the Subject Property and Rights-of-Way as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or her designee is directed to file a copy of this Ordinance with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective after its adoption upon the later of: (i) the date this Ordinance is adopted at its second reading, and (ii) the effective date of the contraction of the Subject Property and Rights-of-Way from the City of Maitland city limits.

FIRST READING AND PUBLIC HEARING: February 10, 2020.

SECOND READING AND PUBLIC HEARING: February 24, 2020.

ADOPTED this 24th day of February, 2020, by the City Commission of the City of Winter Park, Florida.

APPROVED:

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk

EXHIBIT “A”

LEGAL DESCRIPTION

SUBJECT PROPERTY

LOTS 1, 2, 15 & 16, BLOCK O AND LOTS 7, 8, 9 & 10, BLOCK P AND A PORTION OF VACATED LOREN AVENUE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Having Orange County Tax Parcel Identification numbers:

Address	Parcel ID	Size
1315 Loren Ave	01-22-29-3712-15-010	.57 acre
322 Monroe Ave	01-22-29-3712-16-072	.20 acre
312 Monroe Ave	01-22-29-3712-16-070	.15 acre
308 Monroe Ave	01-22-29-3712-16-092	.15 acre
304 Monroe Ave	01-22-29-3712-16-091	.15 acre

RIGHTS-OF-WAY

Bennett Avenue

A PORTION OF BENNET AVENUE, AS LOCATED IN THE NORTHWEST 1/ 4 OF THE NORTHEAST 1/ 4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA.

Lewis Drive

A PORTION OF LEWIS DRIVE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Those portions of Bennett Drive and Lewis Drive being annexed are further described herein

SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)

DESCRIPTION:

A PORTION OF LEWIS DRIVE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH $00^{\circ}59'56''$ WEST, ALONG THE EAST LINE OF SAID NORTHWEST $\frac{1}{4}$, FOR A DISTANCE OF 30.02 FEET; THENCE DEPARTING SAID EAST LINE, NORTH $89^{\circ}59'35''$ EAST, A DISTANCE OF 571.72 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF MONROE AVENUE AND THE WEST RIGHT-OF-WAY LINE OF LEWIS DRIVE AND THE POINT OF BEGINNING; THENCE NORTH $88^{\circ}59'35''$ EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF MONROE AVENUE, FOR A DISTANCE OF 70.01 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF LEWIS DRIVE; THENCE, SOUTH $00^{\circ}05'33''$ WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 451.45 FEET; THENCE NORTH $89^{\circ}54'39''$ WEST FOR A DISTANCE OF 70.00 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY OF LEWIS DRIVE; THENCE NORTH $00^{\circ}05'33''$ EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 450.11 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 01, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, CONTAINING 0.72 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:


1. The lands as shown hereon lie within Section 01, Township 22 S., Range 29 E., Orange County, Florida.
2. This is not a survey.
3. Bearings shown hereon are assumed relative to the South right-of-way line of Monroe Avenue, said bearing being $N89^{\circ}59'35''E$ per plat.

SHEET 1 OF 2

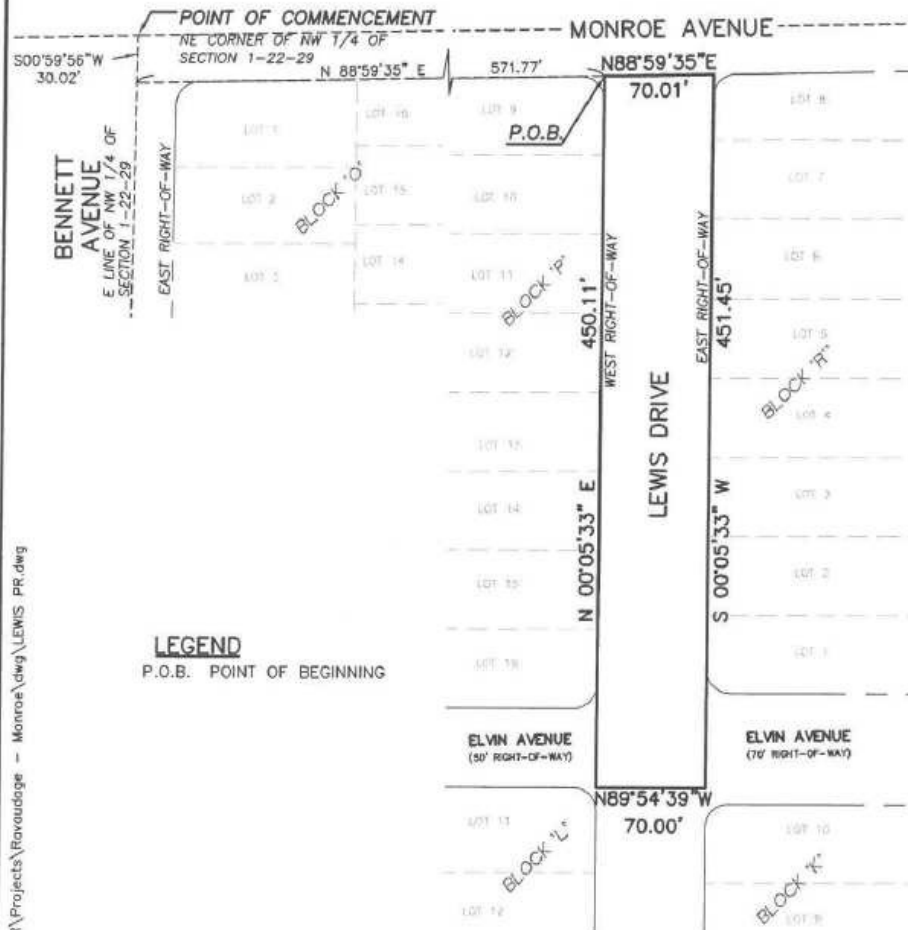
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Survey@HLSM.US

Job No: J-222
Date: 04/25/19
Drawn By: WFM
Scale: 1"=100

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.


William F. Menard
Professional Surveyor & Mapper
Florida Registration #5625

SKETCH OF DESCRIPTION
(THIS IS NOT A SURVEY)



\\SERVER\Projects\Bavaudage - Monroe\dwg\LEWIS PR.dwg

SHEET 2 OF 2

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SEE SHEET 1 OF 2
FOR SIGNATURE & SEAL

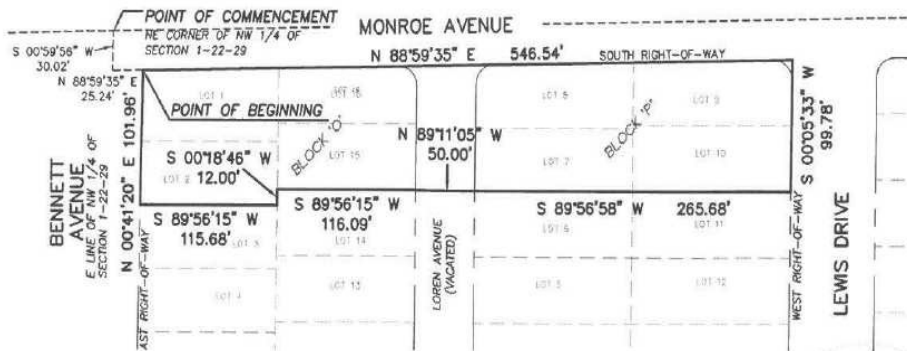
DESCRIPTION

LOTS 1, 2, 15 & 16, BLOCK O AND LOTS 7, 8, 9 & 10, BLOCK P AND A PORTION OF VACATED LOREN AVENUE, HOME ACRES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "M", PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 00°59'56" WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4, FOR A DISTANCE OF 30.02 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 89°59'35" EAST, A DISTANCE OF 25.24 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF MONROE AVENUE AND THE EAST RIGHT-OF-WAY LINE OF BENNETT AVENUE AND THE POINT OF BEGINNING; THENCE NORTH 88°59'35" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF MONROE AVENUE, FOR A DISTANCE OF 546.54 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF LEWIS DRIVE; THENCE, SOUTH 00°05'33" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 99.78 FEET TO THE SOUTHEAST CORNER OF LOT 10, BLOCK P; THENCE SOUTH 89°56'58" WEST ALONG THE SOUTH LINE LOT 10 & LOT 7, BLOCK P, FOR A DISTANCE OF 265.68 FEET TO THE SOUTHWEST CORNER OF LOT 7, BLOCK P; THENCE NORTH 89°11'05" WEST, FOR A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 15, BLOCK O; THENCE SOUTH 89°56'15" WEST ALONG THE SOUTH LINE OF SAID LOT 15, FOR A DISTANCE OF 116.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE SOUTH 00°18'46" WEST ALONG THE EAST LINE OF LOT 2 BLOCK O, FOR A DISTANCE OF 12.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 89°56'15" WEST ALONG THE SOUTH LINE OF SAID LOT 2, FOR A DISTANCE OF 115.68 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF BENNETT AVENUE; THENCE NORTH 00°41'20" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 101.96 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 01, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, CONTAINING 1.22 ACRES, MORE OR LESS.

SKETCH OF DESCRIPTION
(THIS IS NOT A SURVEY)



SURVEYOR'S NOTES:

1. The lands as shown hereon lie within Section 01, Township 22 S., Range 29 E., Orange County, Florida.
2. This is not a survey.
3. Bearings shown hereon are assumed relative to the South right-of-way line of Monroe Avenue, said bearing being N89°59'35"E per plat.

Job No: J-222 Date: 04/25/19 Drawn By: WFM Scale: 1"=100'	HLSM, LLC Henrich-Luke-Swaggerty-Menard Professional Surveyors & Mappers Licensed Business No. 7276 302 Live Oaks Boulevard Casselberry, Florida 32707 P. (407) 647-7346 F. (407) 982-7166 Survey@HLSM.US	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. William F. Menard Professional Surveyor & Mapper Florida Registration #5625
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SKETCH OF DESCRIPTION (THIS IS NOT A SURVEY)

DESCRIPTION:

A PORTION OF BENNET AVENUE, AS LOCATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST; THENCE S00°59'56"W ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 21.81 FEET TO THE POINT OF BEGINNING; THENCE S72°43'23"E, A DISTANCE OF 26.28 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BENNETT AVENUE; THENCE S00°41'20"W, ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 101.62 FEET; THENCE, DEPARTING SAID EAST RIGHT OF WAY, N89°54'39"W, A DISTANCE OF 46.29 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BENNETT AVENUE; THENCE N00°47'09"E, A DISTANCE OF 115.83 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE S72°43'23"E, A DISTANCE OF 21.82 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING APPROXIMATELY 0.12 ACRES (5,023 SQUARE FEET) MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LANDS AS SHOWN HEREON LIE WITHIN SECTION 01, TOWNSHIP 22 S., RANGE 29 E., ORANGE COUNTY, FLORIDA.
2. THIS IS NOT A SURVEY.
3. BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST LINE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 29 EAST; SAID BEARING BEING S00°59'56"W (ASSUMED).

SHEET 1 OF 2

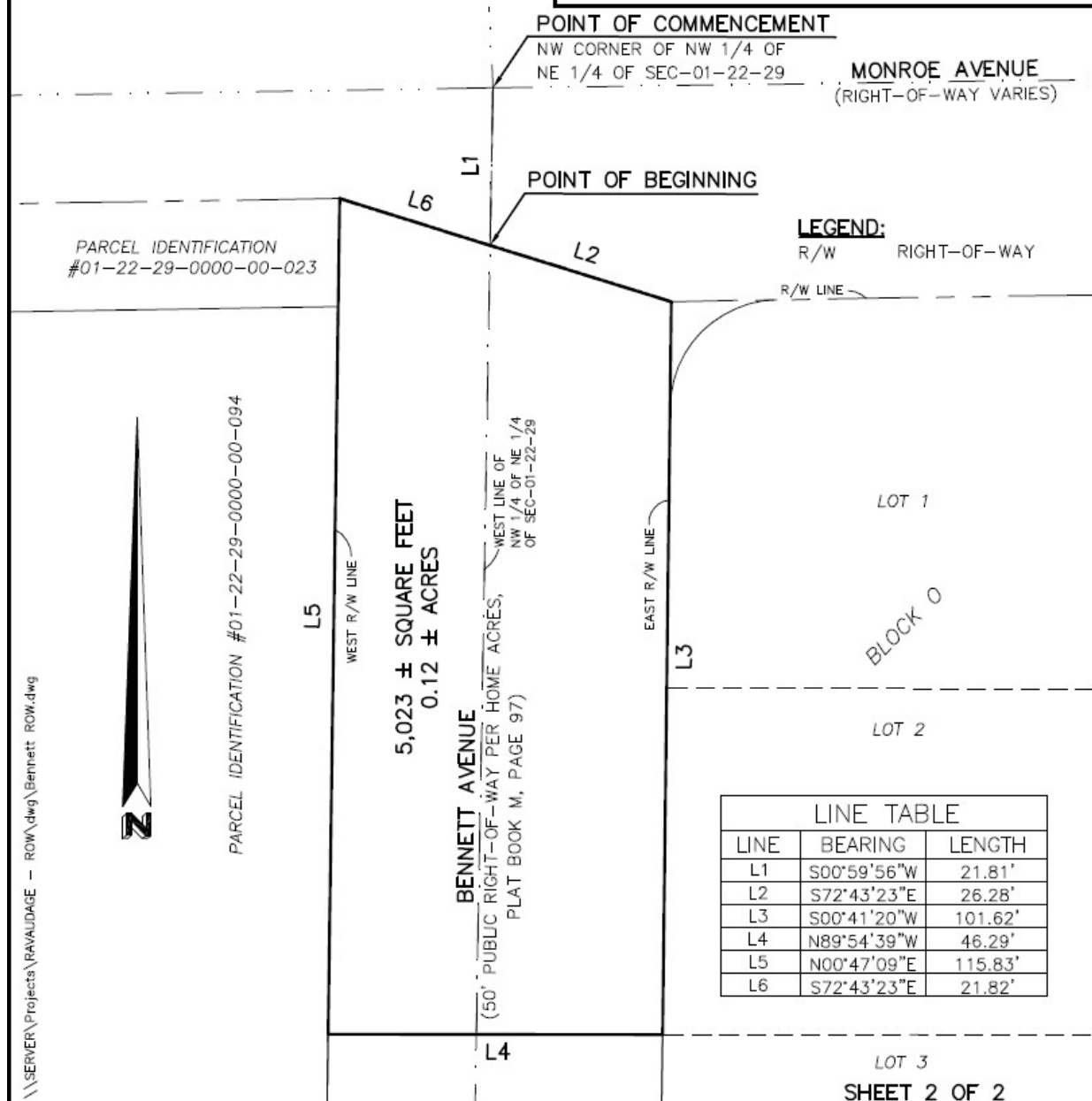
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Job No: I-263
Date: 5/21/18
Drawn By: JJR

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William F. Menard
Professional Surveyor & Mapper
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Job No: 1-263
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Drawn By: JJR
Scale: 1"=20'

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SEE SHEET 1 OF 2
FOR SIGNATURE & SEAL

EXHIBIT "B"

