

After recording return to:  
City Clerk  
City of Winter Park  
401 S. Park Avenue  
Winter Park, FL 32789

## **ORDINANCE 3199-21**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE VACATION OF AN 8.00 FEET WIDE BY 478.00 FEET LONG PORTION OF AN UTILITY EASEMENT RESERVED OVER FORMER TANTUM AVENUE WITHIN TRACT 1, CITY OF WINTER PARK GOLF COURSE, AS RECORDED IN PLAT BOOK 44, PAGE 102, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A"; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Park is the owner of that certain 50.00 feet wide Utility Easement dedicated by the plat of CITY OF WINTER PARK GOLF COURSE reserved over the former Tantum Avenue right of way vacated by said CITY OF WINTER PARK GOLF COURSE;

**WHEREAS**, as the fee simple owner of the underlying lands, the City of Winter Park desires to vacate a portion of the easement, said portion being described on Exhibit "A" attached hereto, for purposes of establishing additional burial plots for the adjacent city owned Palm Cemetery;

**WHEREAS**, this Ordinance is not intended to and does not abandon the City of Winter Park's fee simple interest in the lands subject hereto;

**WHEREAS**, the plat of CITY OF WINTER PARK GOLF COURSE reserved the 50.00 feet wide Utility Easement for the benefit of the City, however allowed existing utilities to remain and the City has contacted those applicable utility vendors as provided by "Sunshine 811" as established by Florida Statute 556 and obtained letters of no objection to this vacation;

**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

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, HEREBY ORDAINS AS FOLLOWS**

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

**SECTION 2. ADOPTION.** The City Commission of the City of Winter Park hereby vacates and abandons that portion of the utility easement described in that certain legal description and sketch of description attached hereto as Exhibit "A".

**SECTION 3. CONFLICTS.** In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls.

**SECTION 4. RECORDATION.** After adoption, this Ordinance shall be recorded in the public records of Orange County, Florida.

**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 10th day February, 2021.

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Mayor Steven Leary

ATTEST:

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City Clerk, Rene Cranis

