

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

ORDINANCE 3268-23

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING A 15 FOOT-WIDE PORTION OF THE VIA TUSCANY RIGHT-OF-WAY DEDICATED BY MAITLAND SHORES FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "S", PAGE 68, OF THE PUBLIC RECORDS OF ORANGE COUNTY, LYING EAST OF THE RESIDENTIAL LOT LOCATED AT 2433 VIA TUSCANY, WINTER PARK, FLORIDA, HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 32-31-30-5478-05-080 AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, RECORDING AND AN EFFECTIVE DATE.

WHEREAS, Brandon K. Heuber and Rebecca M. Heuber ("Applicants") are fee simple owners of the residential lot located at 2433 Via Tuscan, Winter Park, Florida, having Orange County Tax Parcel Identification #32-31-30-5478-05-080 (Lot 8, Block E, PB S, PG 68); and

WHEREAS, the Applicants have petitioned the City of Winter Park ("City") for the partial vacation and abandonment of the Via Tuscan right-of-way as set forth herein; and

WHEREAS, the Via Tuscan right-of-way was dedicated to the public by Maitland Shores First Addition, as recorded in Plat Book S, Page 68, Public Records of Orange County, Florida; and

WHEREAS, it has been determined that Applicants have caused the publication of the required notice of intent to vacate pursuant to general law and have paid all outstanding ad valorem taxes for 2433 Via Tuscan, Winter Park, Florida; and

WHEREAS, the City has the 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

WHEREAS, the City has determined that portion of Via Tuscan right-of-way being vacated and abandoned by this Ordinance is no longer needed by the City of Winter Park or for any public purpose.

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 Via Tuscany right-of-way legally described to wit:

The West 15.00 Feet of Via Tuscany Lying East of Lot 8, Block E, Maitland Shores First Addition, as recorded in Plat Book S, Page 68, Public Records of Orange County, Florida, being more particularly described as:

Begin at the northeast corner of Lot 8, Block E, Maitland Shores First Addition, as recorded in Plat Book S, Page 68, Public Records of Orange County, Florida, being on the west right-of-way line of Via Tuscany as recorded in said Maitland Shores First Addition; run thence N90°00'00"E along the easterly extension of the north line of said Lot 8, a distance of 15.00 feet; thence S00°34'00"E a distance of 131.00 feet to the easterly extension of the south line of said Lot 8; thence S90°00'00"W a distance of 15.00 feet to the southeast corner of said Lot 8; thence N00°34'00"W along the east line of said Lot 8 a distance of 131.00 feet to the point of beginning.

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 22nd day of March, 2023.

Phillip M. Anderson, Mayor

ATTEST:

Rene Cranis, City Clerk