

ORDINANCE 3353-25

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY LOCATED AT 711 ORANGE AVENUE TO THE WINTER PARK PLAYHOUSE, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR USE AS A PERFORMING ARTS VENUE; PROVIDING FOR CONDITIONS PRECEDENT TO EFFECTIVENESS OF THE LEASE; PROVIDING FOR CONFLICTS, NON-CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 2.11(b)(7) of the Charter of the City of Winter Park, Florida, requires the City Commission to approve by ordinance the conveyance or lease or authorize by administrative action such conveyance or lease of any lands of the City; and

WHEREAS, the City of Winter Park (the "City") intends to acquire fee simple title to the real property located at 711 Orange Avenue, Winter Park, Florida 32789 (the "Premises"), pursuant to a purchase and sale agreement with Winter Park Mercantile & Investment Properties; and

WHEREAS, the acquisition of the Premises is contingent upon the availability of funding through an interlocal agreement with Orange County, Florida, (the "County") under which the County has agreed to provide Tourist Development Tax (TDT) funding for the acquisition, improvement, and renovation of the Premises as a performing arts venue; and

WHEREAS, Winter Park Playhouse, Inc., a Florida not-for-profit corporation ("Playhouse"), has joined in and consented to the terms of the County funding agreement and desires to lease and operate the Premises as a performing arts venue; and

WHEREAS, the City desires to lease the Premises to the Playhouse upon the terms and conditions set forth in the Lease Agreement attached hereto as **Exhibit 1** (the "Lease"), contingent upon the City closing on the purchase of the Premises; and

WHEREAS, the City Commission deems it advisable and in the best interest of the public to approve the Lease in advance of the City's acquisition of the Premises in order to satisfy the requirements of the County grant agreement and facilitate the closing of the purchase.

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

SECTION 1 RECITALS. The recitals stated hereinabove are incorporated herein by reference and are made fully a part of this Ordinance.

SECTION 2. APPROVAL OF LEASE. The City Commission hereby approves the Lease, attached hereto as **Exhibit 1** and incorporated herein by this reference; provided, however, that the Lease shall not become effective or binding upon the City until the City acquires fee simple title to the "Premises". Approval of the Lease is necessary to satisfy requirements of the County grant agreement and to facilitate acquisition of the Premises; but effectiveness of the Lease is expressly contingent upon the City's closing on the purchase and taking title to the Premises.

SECTION 3. AUTHORIZATION. This Ordinance constitutes the authorization by the City Commission pursuant to Section 2.11(b)(7) of the Charter of the City of Winter Park, Florida, for the lease of the Leased Premises.

SECTION 4. CONFLICTS. To the extent that Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5. CODIFICATION. No part of this Ordinance will be codified as part of the City Code, and an executed copy of the Ordinance will be maintained by the Clerk at City Hall in accordance with Florida's public records laws.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

SECTION 7. SEVERABILITY. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 27th day of August, 2025.

Mayor Sheila DeCiccio

ATTEST:

City Clerk, Rene S. Cranis