

RESOLUTION NO. 1959-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO THE CONSTRUCTION OF A MASONRY WALL AT 791 NORTHWOOD CIRCLE; PROVIDING FOR REPAYMENT TO THE CITY OF THE COST OF CONSTRUCTION OF THE MASONRY WALL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Northwood Circle community has, from at or near its creation approximately fifty (50) years ago, been set off from Pennsylvania Avenue by a masonry wall that distinguishes Northwood Circle as a community; and

WHEREAS, in the wake of the variety of problems caused by storm damage from Hurricane Charlie and the other storms of the Fall of 2004, the northern portion of the Northwood Circle masonry wall was demolished by the property owner of Lots 19 and 20 of Northwood Circle (located at 791 Northwood Circle) more particularly described as follows:

Lots 19 and 20, WINTER PARK OASIS, according to the Plat thereof as recorded in Plat Book "Z", Page 135, of the Public Records of Orange County, Florida; and

WHEREAS, while Lots 19 and 20 are platted or designated as two lots, under the City's zoning body of law only Lot 19 is of sufficient size for construction of a residence, while Lot 20 is not of sufficient size; and

WHEREAS, the current owners of Lots 19 and 20 of Northwood Circle, Seyed H. Jahanmiry and Nahid Jahanmiry, husband and wife, and Raana Ghanadpour, a married woman, have in the past sought permission to move the lot line between Lots 19 and 20 of Northwood Circle so that two residence could be built, or otherwise to obtain City permission for the construction of two residences on the property; and

WHEREAS, the parties appeared to have reached a negotiated agreement regarding the redivision of 791 Northwood Circle into two buildable lots, conditioned upon the owners reconstructing the northern portion of the Northwood Circle masonry wall, and other conditions as expressed at the time; and

WHEREAS, the owners did not proceed with the agreement as negotiated, and the Northwood Circle masonry wall was not reconstructed as the two-year anniversary of Hurricane Charlie approached; and

WHEREAS, the City Commission determined that it was in the interest of the City and its citizens that the Northwood Circle masonry wall be reconstructed, and directed City staff to carry out that project on City-owned right of way, if necessary; and

WHEREAS, the property owners subsequently, on September 14, 2006, granted a Wall Easement to the City, recorded at OR Book 08864, Pages 3458 and following, permitting the northern portion of the Northwood Circle masonry wall to be constructed on Lots 19 and 20; and

WHEREAS, the construction of the northern portion of the Northwood Circle masonry wall has been completed, but the City has borne the expense of that construction;


NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida as follows:

Section 1. That the City Commission's intent and resolve is that 791 Northwood Circle shall not be redivided into two buildable lots, nor shall the lot line between Lots 19 and 20, Northwood Circle, be relocated so that two residences could be built, unless the owner or owners of 791 Northwood Circle reimburse the City for the cost of the construction of the northern portion of the Northwood Circle masonry wall.

Section 2. That City staff place this Resolution in the public records in an appropriate manner to provide notice to the owners of 791 Northwoods Circle and to any future owners of that property of the terms and conditions set forth herein.

Section 3. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park, Florida on this 23rd day of October, 2006.



David C. Strong, Mayor

Attest:



Cynthia S. Bonham, City Clerk