

RESOLUTION NO. 2174-16

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DISCLAIMING ANY AND ALL INTEREST THAT THE CITY OF WINTER PARK MAY HAVE PURSUANT THAT CERTAIN AGREEMENT RECORDED IN MAP BOOK 26, PAGE 546 OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, INCLUDING IN REGARDS TO THE PRIVATE ALLEYWAY REFERRED TO THEREIN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Park was granted a potential future interest in a private alley pursuant to the terms, conditions and provisions contained in that certain agreement recorded in Map Book 26, Page 546 of the Official Records of Orange County, Florida, and attached hereto as Exhibit "A" (the "Agreement"); and

**WHEREAS**, the City has not and does not now intend nor expect in the future to acquire the necessary land to extend the private alley south through the entire length of Block 59 of Plat Book A, Page 67, making a continuous alley north and south through Block 59, as contemplated in the Agreement; and

**WHEREAS**, the City Commission desires to adopt this Resolution in order to disclaim any property interest the City has in the private alley as described in the Agreement and this Resolution shall constitute such disclaimer of interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA:**

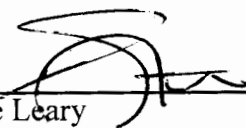
**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Disclaimer.** The City of Winter park hereby disclaims any and all interest the City of Winter Park has or may have pursuant to the Agreement, including without limitation, the private alley described in the Agreement.

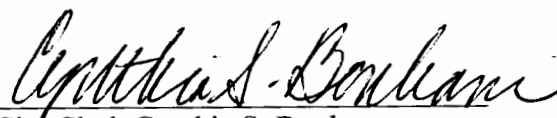
**Section 3. Recording.** This Resolution shall be recorded in the public records of Orange County, Florida.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park held in City Hall, Winter Park on this 9<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

  
\_\_\_\_\_  
City Clerk Cynthia S. Bonham

## ORIGINAL.

THIS AGREEMENT made and entered into this 18th day of December, 1917, by and between the UNION STATE BANK a Corporation, C.H. Galloway and Lena K. Galloway his wife, A. Schultz and Mary Alberta Schultz his wife, all of Winter Park Orange County Florida, for the establishing, laying out, and for the maintenance of a private alley way through a portion of Block 59 in the Town of Winter Park Florida,

Witnesseth: That for and in consideration of the mutual benefits to be obtained by the establishment of this proposed alley way, which benefits are hereby acknowledged by all parties to this contract, to be a valuable consideration, the parties to this contract mutually agree as follows -

FIRST: The width of the proposed alley way is to be sixteen feet, and it is to be one hundred feet in length. And it is to be made up of a tract of land, eight feet wide from off the West side of the North 100 feet of Lot 12 in Block 59 Revised Plat recorded in Plat Book "A" pages 67 to 72 inclusive, Orange County Records. Said portion of the alley being owned by C.H. Galloway, and is to be made up further by a tract of land eight feet wide from off the East side of the North 100 feet of Lot 329 Original Town of Winter Park, as recorded in Misc. Book 3 page 220 Orange County Records. The North 28 feet of the last mentioned tract being owned by the Union State Bank, and the remaining 72 feet by A. Schultz.

SECOND: It is mutually agreed that the tract of land described above is to be kept open as a private alley way for the benefit of the parties to this contract, until such a time as the Town of Winter Park shall acquire the necessary land to extend this private alley way South through the entire length of Block 59, making a continuous alley north and south through Block 59, and at such a time the parties to this contract hereby agree to convey to the Town of Winter Park in the regular manner, the land described as constituting the above mentioned alley way, each party to this contract conveying separately that portion of said private alley way to which he has title.

THIRD: It is further mutually agreed that the portion of the 8 feet from off the West side of the North 100 feet of Lot 12 in Block 59, that is occupied by a Private Garage Building, is hereby exempt from all the provisions of this contract.

In Witness Whereof, we the undersigned parties to this contract hereby bind ourselves, our heirs, administrators and assigns by these presents. Done at Winter Park Fla., this 18th day of December 1917.

(CORPORATE SEAL)

UNION STATE BANK

Witness- B.A. Galloway  
 Witness- Thom. W. Henkel  
 Witness - E.P. Bellows  
 Louise Smith

By- C.E. Christ - President  
 Attest- Ed. P. Keesel - Cashier  
 Lena K. Galloway (Seal)  
 C.H. Galloway (Seal)  
 A. Schultz (Seal)  
 Mary Alberta Schultz (Seal)

Filed in Office and Recorded this 17<sup>th</sup> day of Jan. A.D. 1918

*Wm. Robinson* Clerk  
 By *E. G. Shays* D.C.

Exhibit  
 "A"