

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
CITY HALL CHAMBERS
251 W. PLANT STREET**

REGULAR MEETING

August 23, 2007

4:00 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular meeting of August 9, 2007 and Budget Workshop of August 9, 2007

2. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 07-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cantero) **(with the second reading and public hearing being scheduled when the amendment is returned from the State)** – City Planner Williams
- B. **Ordinance 07-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cantero) **(with the second reading and public hearing being scheduled when the amendment is returned from the State)** – City Planner Williams
- C. **Ordinance 07-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Assaf) **(with the second reading and public hearing being scheduled when the amendment is returned from the State)** – City Planner Williams
- D. **Ordinance 07-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING

FOR AN EFFECTIVE DATE (Assaf LSCPA(**with the second reading and public hearing being scheduled when the amendment is returned from the State**) – City Planner Williams

- E. **Ordinance 07-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cra-Mar) (**with the second reading and public hearing being scheduled when the amendment is returned from the State**) – City Planner Williams
- F. **Ordinance 07-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cra-Mar LSCPA) (**with the second reading and public hearing being scheduled when the amendment is returned from the State**) – City Planner Williams
- G. **Ordinance 07-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 596 ACRES OF LAND LOCATED NORTH OF LAKE AVALON, EAST OF THE LAKE COUNTY BOUNDARY, AND SOUTH OF JOHN'S LAKE, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (McKinnon) (**with the second reading and public hearing being scheduled when the amendment is returned from the State**) – City Planner Williams
- H. **Ordinance 07-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 149 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND WEST OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Edwards LSCPA) (**with the second reading and public hearing being scheduled when the amendment is returned from the State**) – City Planner Williams
- I. **Ordinance 07-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 447 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND NORTH OF LAKE AVALON FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (McKinnon LSCPA) (**with the second reading and public hearing being scheduled when the amendment is returned from the State**) – City Planner Williams
- J. **Ordinance 07-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 7 ACRES OF LAND LOCATED ON THE

NORTHWEST CORNER OF ROPER ROAD AND DANIELS ROAD FROM CITY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Cra-Mar LSCPA) (**POSTPONEMENT REQUESTED**) – City Planner Williams

- K. **Ordinance 07-38:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 2 ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (**POSTPONEMENT REQUESTED**) - City Planner Williams
 - L. **Ordinance 07-40:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 2 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY R-2 TO CITY C-3; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (**POSTPONEMENT REQUESTED**) – City Planner Williams
 - M. **Ordinance 07-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.389 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 15275 WEST COLONIAL DRIVE, FROM CITY C-2 AND TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for September 27, 2007** – City Planner Williams
3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**
- A. **Ordinance 07-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING THE SOUTHERLY FIVE FEET OF THE TEN FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE NORTHERNMOST PROPERTY LINE, LESS 5 FEET OF THE EASTERN AND WESTERN PROPERTY LINES OF 1200 THORNBURY COURT, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE – City Planner Williams
4. **REGULAR BUSINESS**
- A. Recommendation to approve a Right-of-Way Maintenance Agreement for Oakland Park Phase 1A located on the east side of CR 545 (*Postponed from July 26, 2007 and August 9, 2007*) – City Planner Williams
 - B. Recommendation to approve the final plat with conditions for Oakland Park Phase 1A located on the east side of CR 545 **AND** approval of an Environmental Contamination Hold Harmless and Indemnity Agreement (*Postponed from July 26, 2007 and August 9, 2007*) – City Planner Williams
 - C. Recommendation to approve the site plan for Depot Plaza located at 14315 West Colonial Drive with conditions – City Planner Williams
 - D. Recommendation to approve a site plan for an addition to Golden Pond with conditions – City Planner Williams
 - E. Recommendation to approve a Cost Share Agreement with the St. Johns Water Management District for funding the Phase I Public Access Reuse Water Storage and

Pumping Project (*Postponed from July 12 and July 26, 2007*) – Public Services Director Cochran

- F. Recommendation to approve two Florida Department of Environmental Protection Grants; \$200,000 for a Southside Park and \$180,000 for Boulder Pool - Parks and Recreation Director Conn
- G. **Resolution 07-06**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, EXPRESSING THE DESIRE OF THE CITY COMMISSION TO DEDICATE IN PERPETUITY CERTAIN CITY OWNED PARKLAND AS OUTDOOR RECREATION SITES FOR THE USE AND BENEFIT OF THE RESIDENTS OF THE CITY OF WINTER GARDEN – Parks and Recreation Director Conn

5. MATTERS FROM CITIZENS

6. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

7. MATTERS FROM CITY MANAGER – Mike Bollhoefer

- A. Financial Statement for July 2007

8. MATTERS FROM MAYOR AND COMMISSIONERS

9. ADJOURN to a Budget Hearing for Fiscal Year 2007/08 and regular City Commission meeting on Thursday, September 13, 2007 at 6:30 p.m. at Tanner Hall

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 07-28

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 38 ± acres located south of Avalon Road and North of Davenport Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

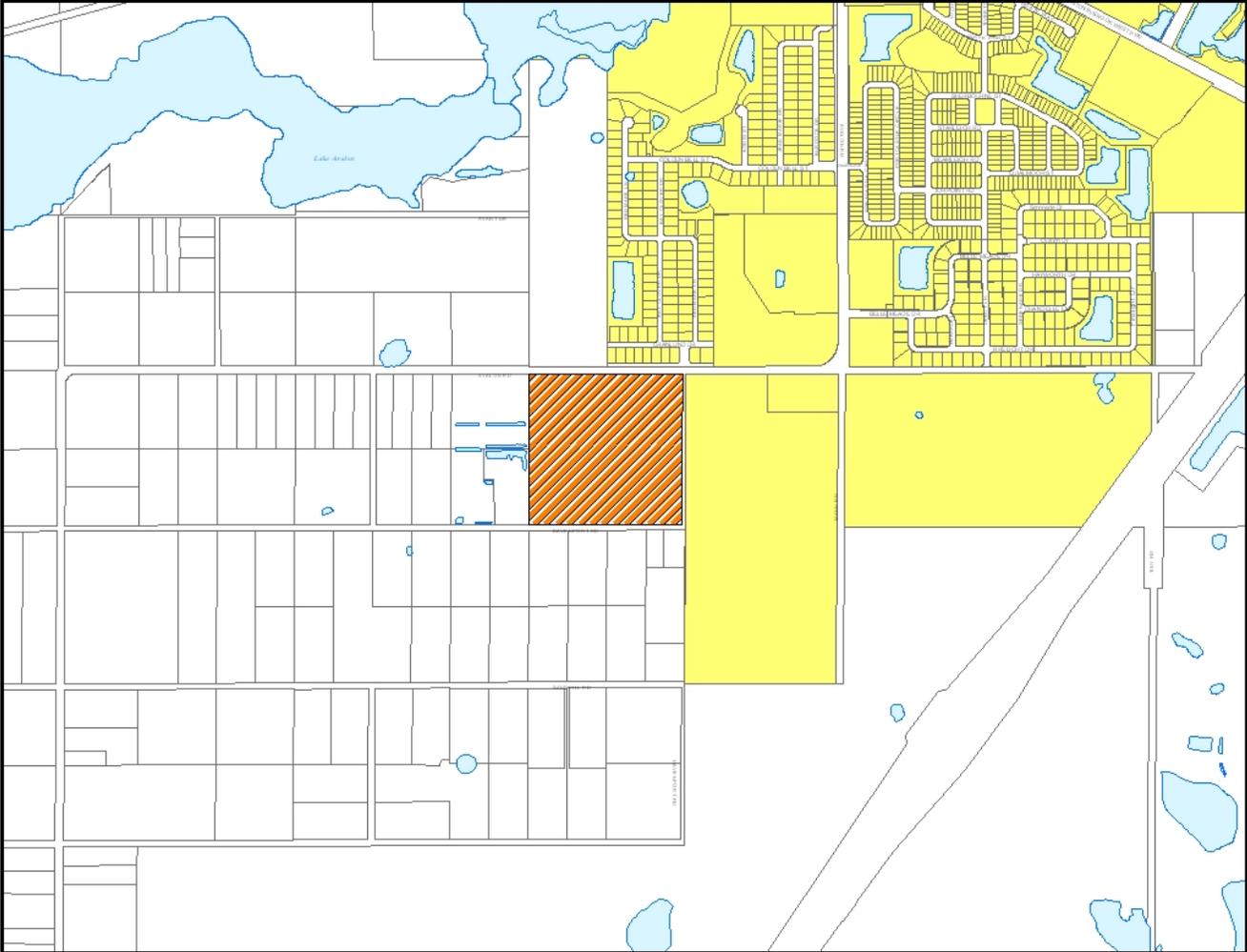
KATHY GOLDEN, City Clerk

Attachment "A"

Legal Description for Carlos & Carmen Cantero Property
2911 Avalon Rd. Winter Garden, Fl.

LAND DESCRIPTION:

Tracts One-D, Two-d, Fifteen-d and Sixteen-D of LAKE AVALON GROVES, according to the plat thereof, recorded in Plat Book "H", Page 24, Public Records of Orange County, Florida.



ORDINANCE 07-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Cantero LSCPA)

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 38 ACRES OF LAND LOCATED SOUTH OF AVALON ROAD AND NORTH OF DAVENPORT ROAD, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Village to CITY SUBURBAN RESIDENTIAL, and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to CITY SUBURBAN RESIDENTIAL as set forth in ATTACHMENT "B".

SECTION II. This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,
or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or
- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

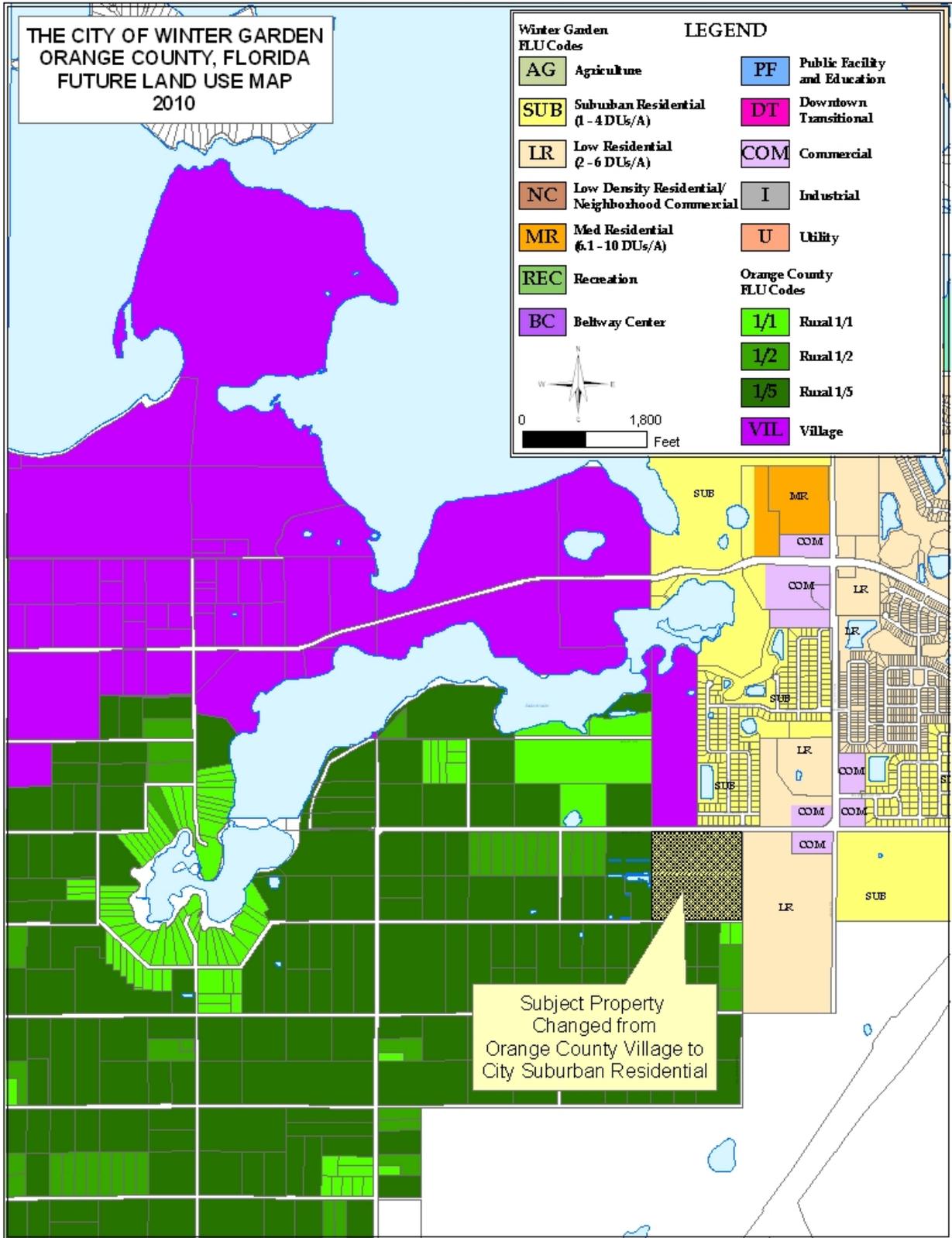
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ATTACHMENT "B"



ORDINANCE 07-30

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 40 ± acres located south of Lake Avalon and North of Avalon Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

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APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

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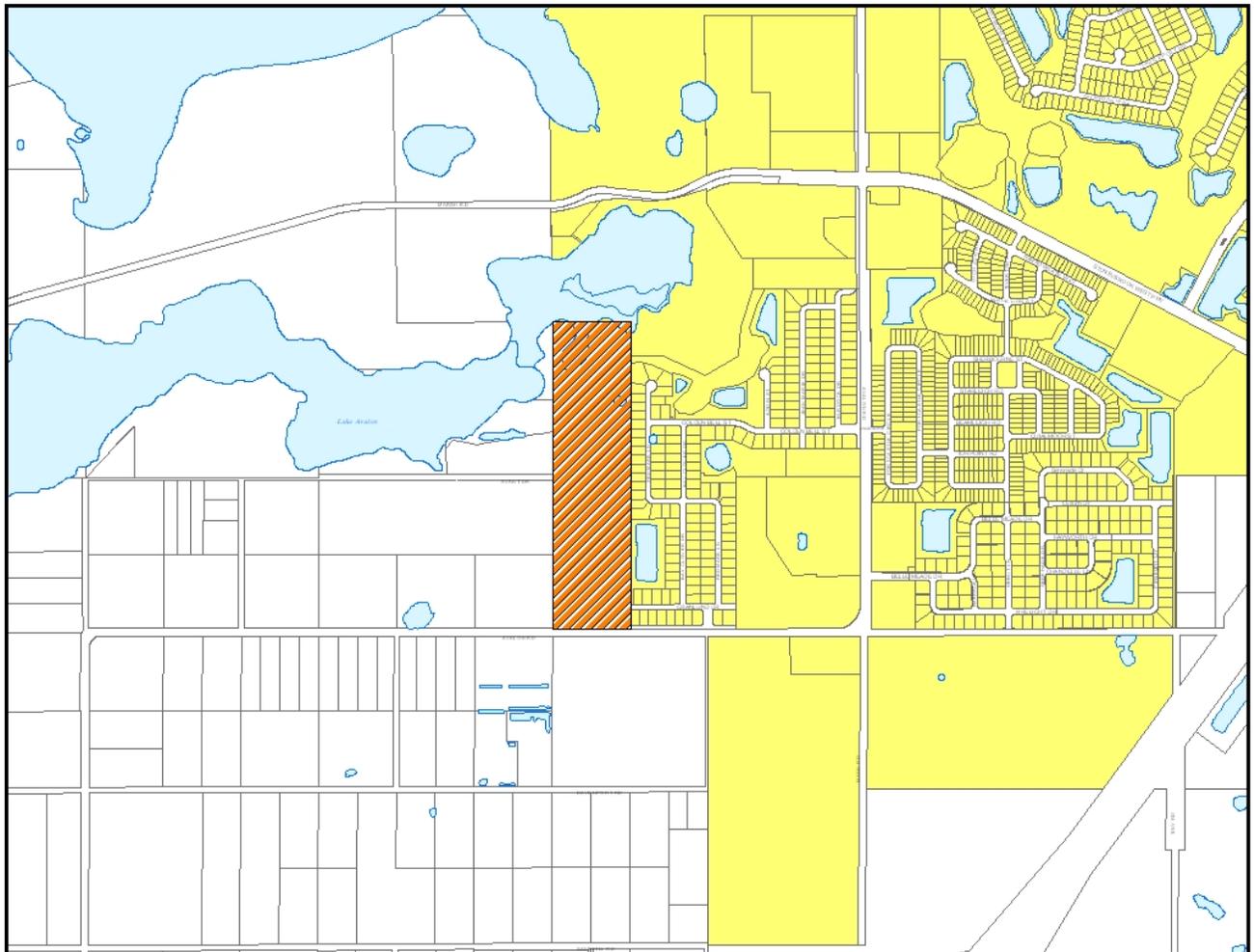
KATHY GOLDEN, City Clerk

Attachment "A"

LEGAL DESCRIPTION—ASSAF PROPERTY

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST ¼ OF SECTION 5,
TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS
AVALON ROAD ON SOUTH.

CONTAINS 39.595 ACRES MORE OR LESS.



ORDINANCE 07-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON AND NORTH OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Assaf LSCPA)

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 40 ACRES OF LAND LOCATED SOUTH OF LAKE AVALON, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Village to CITY SUBURBAN RESIDENTIAL, and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to CITY SUBURBAN RESIDENTIAL as set forth in ATTACHMENT "B".

SECTION II. This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes, or
when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or
the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2007.

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APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

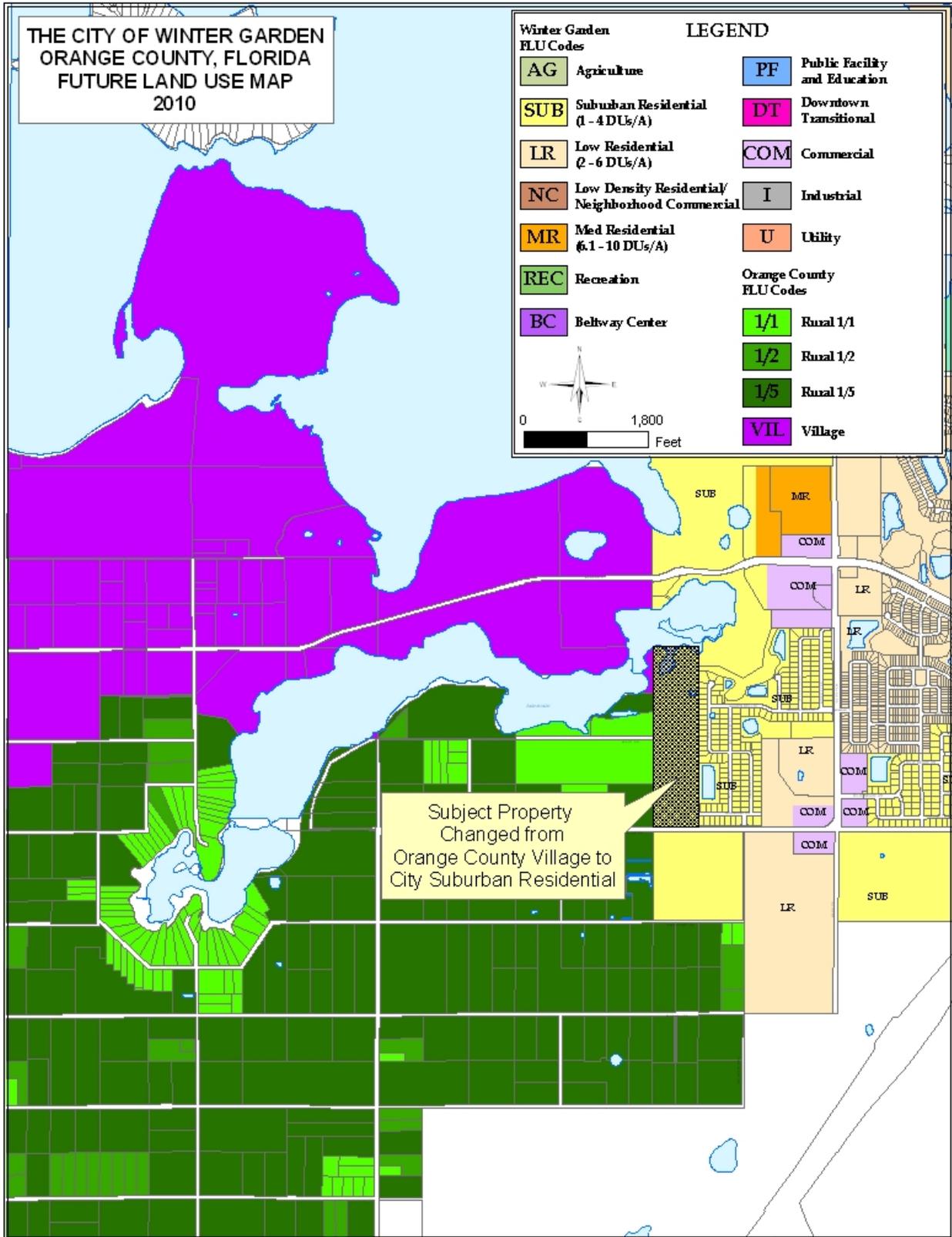
ATTACHMENT "A"

LEGAL DESCRIPTION—ASSAF PROPERTY

THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 5,
TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS
AVALON ROAD ON SOUTH.

CONTAINS 39.595 ACRES MORE OR LESS.

ATTACHMENT "B"



ORDINANCE 07-32

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 63 ± acres located south of John's Lake and North of Marsh Road and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

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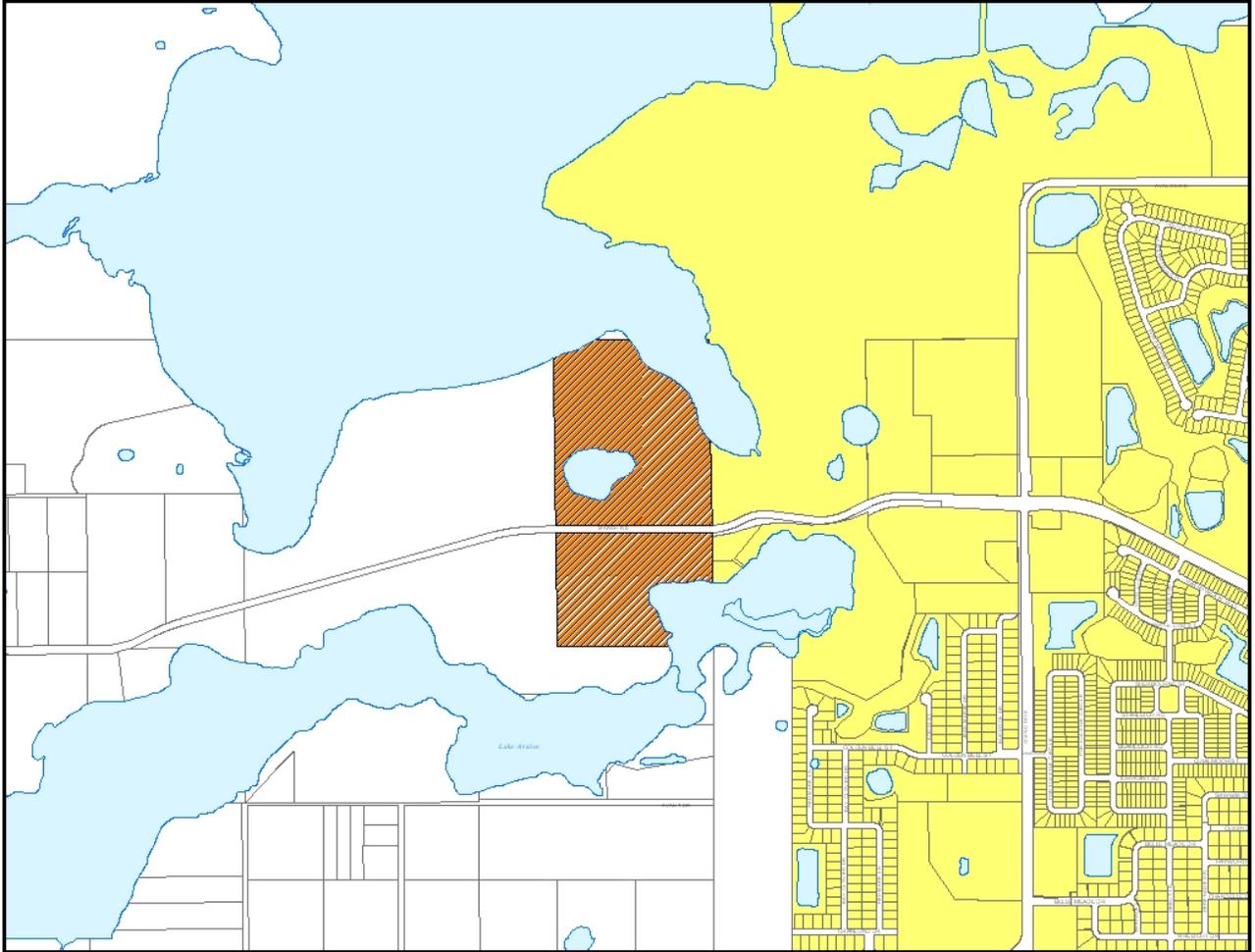
Legal Description

Parcel ID: 05-23-27-0000-00-005

That Part of Fractional West ½ of Northeast ¼ of Section 05-23-27 Lying North of Marsh Road (2495/1118 thru 1121 2733/1008 & 1952 3004/1484)¹

Parcel ID: 05-23-27-0000-00-008

That Part of Fractional West ½ of Northeast ¼ of Section 05-23-27 Lying South of Marsh Road²



ORDINANCE 07-33

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE AND NORTH OF MARSH ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Cra-Mar LSCPA)

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 63 ACRES OF LAND LOCATED SOUTH OF JOHN'S LAKE, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Village to CITY SUBURBAN RESIDENTIAL, and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

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APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

—

Legal Description

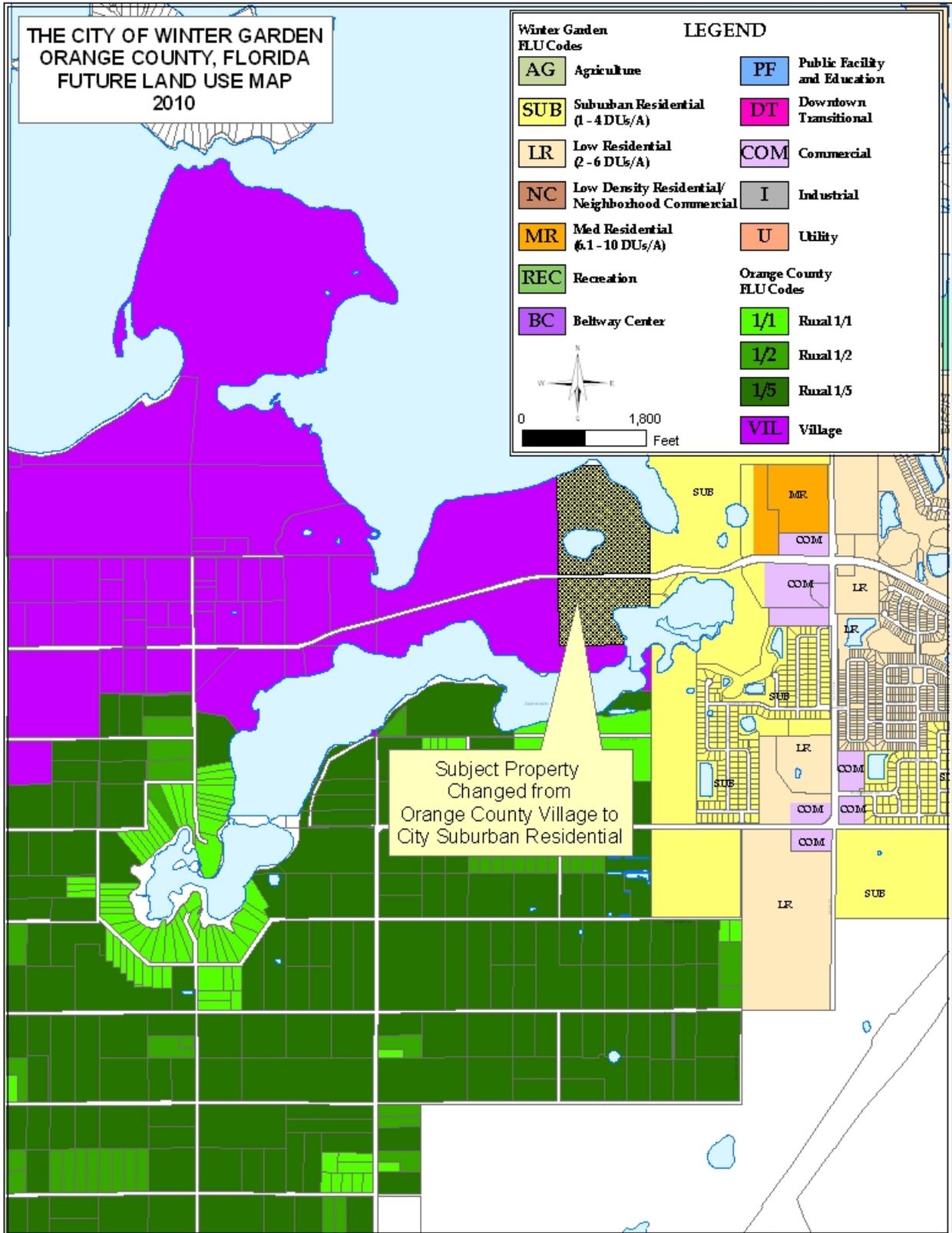
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That Part of Fractional West ½ of Northeast ¼ of Section 05-23-27 Lying North of Marsh Road (2495/1118 thru 1121 2733/1008 & 1952 3004/1484)¹

Parcel ID: 05-23-27-0000-00-008

That Part of Fractional West ½ of Northeast ¼ of Section 05-23-27 Lying South of Marsh Road²

ATTACHMENT "B"



ORDINANCE 07-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 596 ACRES OF LAND LOCATED NORTH OF LAKE AVALON, EAST OF THE LAKE COUNTY BOUNDARY, AND SOUTH OF JOHN'S LAKE, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 596 ± acres located north of Lake Avalon, east of the Lake County Boundary, and south of John's Lake, and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Attachment "A"

PARCEL 1: (Williamson Property)

Government Lots 1, 2 and 3 of Section 31, Township 22 South, Range 27 East, together with all lands in Section 31 adjacent to said Lots 1, 2 and 3 lying East, West and North of said Lots and above the Ordinary high water mark of Johns Lake in Orange County, Florida, together with the East 1/2 of vacated Williams Road.

LESS AND EXCEPT the following described land:

A part of Government Lots 3 and 4 of Section 31, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the South 1/4 corner of said Section 31, Township 22 South, Range 27 East and run North 89°45'59" West, 2650.25 feet to the Southwest corner of said Section 31, thence North 00°18'50" East along the West line of said Section 31, a distance of 204.96 feet to the 97.9 contour on the shore of Johns Lake, thence following said 97.9 contour run the following 17 courses: South 67°42'00" East, 91.68 feet; South 77°38'48" East, 194.17 feet; South 84°04'08" East, 210.44 feet; North 80°50'00" East, 170.46 feet; North 78°52'08" East, 183.77 feet; North 59°09'10" East, 198.53 feet; North 51°43'16" East, 259.41 feet; North 55°17'36" East, 179.11 feet; North 61°40'11" East, 188.07 feet; North 60°04'01" East, 187.35 feet; North 52°18'27" East, 229.06 feet; North 48°53'45" East, 103.36 feet; South 31°44'06" East, 122.52 feet; North 66°16'46" East, 239.45 feet; North 57°28'55" East, 145.83 feet; North 28°00'25" East, 207.95 feet; North 33°05'02" East, 119.74 feet; thence departing from said contour line run South 82°03'11" East, 240.07 feet to the center of a clay road, thence South 4°30'28" West, along said clay road, 1260.69 feet to the POINT OF BEGINNING, together with the West 1/2 of said vacated Williams Road.

ALSO LESS (10.00 ACRE FAMILY PARCEL)

A portion of land lying in Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the South 1/4 corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°00'00" East, for a distance of 2140.18 feet; thence run South 90°00'00" East, for a distance of 1367.30 feet to the POINT OF BEGINNING; thence continue South 90°00'00" East, for a distance of 652.39 feet to a point on the Normal High Water Line, being elevation 98.4 feet, as established by Orange County, Florida; thence run the following courses and distances along said Normal High Water Line: South 09°54'23" West, for a distance of 71.25 feet; thence run South 07°01'22" West, for a distance of 99.41 feet; thence run South 17°11'37" West, for a distance of 63.17 feet; thence run South 18°05'32" West, for a distance of 47.37 feet; thence run South 21°33'58" West, for a distance of 55.98 feet; thence run South 13°53'53" West, for a distance of 75.40 feet; thence run South 07°51'44" West, for a distance of 56.11 feet; thence run South 09°36'03" West, for a distance of 98.64 feet; thence run South 10°20'36" West, for a distance of 60.05 feet; thence run South 18°27'57" West, for a distance of 75.16 feet; thence run South 46°53'39" West, for a distance of 56.50 feet; thence run South 66°33'56" West, for a distance of 74.48 feet; thence run South 76°25'41" West, for a distance of 65.68 feet; thence run South 79°24'42" West, for a distance of 56.05 feet; thence run South 86°31'40" West, for a distance of 68.43 feet; thence run South 88°09'44" West, for a distance of 45.19 feet; thence run North 89°20'58" West, for a distance of 56.41 feet; thence run South 86°33'59" West, for a distance of 76.03 feet; thence run South 85°18'22" West, for a distance of 22.97 feet; thence departing said Normal High Water Line, run North 00°00'00" East, for a distance of 788.02 feet to the POINT OF BEGINNING.

Containing 186.32 acres, more or less.

PARCEL 2: (Wild, Cutler, Knight Property)

PARCEL 06-23-27-0000-00-002

Beginning 30 feet North of the Southwest corner of Fractional East 1/2 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East on the North boundary of County Road; run thence North to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 6; thence East 660 feet; thence South to the North Boundary of County Road; thence Southwesterly and Westerly along said North boundary of County Road to the Point of Beginning, Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-211

The East 1/2 of Lot 21H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-321

The East 1/2 of Lot 32H, LAKE AVALON GROVES REPLAT, as shown by Plat Book H, page 81, Public Records of Orange County, Florida, LESS the South 15 feet for road right of way.

Containing 28.23 acres, more or less.

PARCEL 3: (Shop, Comstock, Avalon Property)

PARCEL 06-23-27-4288-08-302:

The East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, less the North 395 feet thereof and also less the South 15 feet for road right of way, together with the South 24 feet of the North 395 feet of the East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, Page 81, Public Records of Orange County, Florida.

AND

The West 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, less the North 395 feet thereof, AND also less the South 15 feet for road right of way, together with the South 24 feet of the North 395 feet of the West 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

Containing 3.87 acres, more or less.

AND

PARCEL 06-23-27-4288-08-310

The West 4.37 acres of Lot 31H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, Public Records of Orange County, Florida, LESS: Begin at the Northwest corner of Lot 31 H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, of the Public Records of Orange County, Florida, then run South along the Western boundary of said Lot 31H, a distance of 148 feet, then run East and parallel to the Northern boundary of said Lot 31H, a distance of 295 feet, then run North and parallel to the Western boundary of said lot a distance of 148 feet to the North line of said lot, then run West along said North line 295 feet, more or less to the point of beginning, and also less the South 15 feet for road right of way.

Containing 3.26 acres, more or less.

AND

PARCEL 06-23-27-4288-08-330

Lot 33H, LAKE AVALON GROVES REPLAT, as shown in Plat Book H, page 81, Public Records of Orange County, Florida, LESS the North 15 feet for road right of way

Containing 9.38 acres, more or less.)

PARCEL 5: (Avalon 123 Property)

PARCEL 06-23-27-4288-08-302:

The North 395 feet of the East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, page 81, Public Records of Orange County, Florida, less the South 24 feet thereof.

Containing 2.65 acres, more or less.

PARCEL 6: (Johns Lake Valencia, Johns Lake Temples and Red Barn Navels)

A part of Government Lots 3 and 4 of Section 31, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the South 1/4 corner of said Section 31, Township 22 South, Range 27 East and run North 89°45'59" West, 2650.25 feet to the Southwest corner of said Section 31, thence North 00°18'50" East along the West line of said Section 31, a distance of 204.96 feet to the 97.9 contour on the shore of Johns Lake, thence following said 97.9 contour run the following 17 courses: South 67°42'00" East, 91.68 feet; South 77°38'48" East, 194.17 feet; South 84°04'08" East, 210.44 feet; North 80°50'00" East, 170.46 feet; North 78°52'08" East, 183.77 feet; North 59°09'10" East, 198.53 feet; North 51°43'16" East, 259.41 feet; North 55°17'36" East, 179.11 feet; North 61°40'11" East, 188.07 feet; North 60°04'01" East, 187.35 feet; North 52°18'27" East, 229.06 feet; North 48°53'45" East, 103.36 feet; South 31°44'06" East, 122.52 feet; North 66°16'46" East, 239.45 feet; North 57°28'55" East, 145.83 feet; North 28°00'25" East, 207.95 feet; North 33°05'02" East, 119.74 feet; thence departing from said contour line run South 82°03'11" East, 240.07 feet to the center of a clay road, thence South 4°30'28" West, along said clay road, 1260.69 feet to the POINT OF BEGINNING, together with the West 1/2 of said vacated Williams Road.

LESS AND EXCEPT the following property described in Warranty Deed recorded in Official Records Book 6030, Page 356, Public Records of Orange County, Florida:

A portion of land lying in Section 6, Township 23 South, Range 27 East and Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida at a point on the East line of PROMINENT POINTE, according to the plat thereof as recorded in Plat Book 41, pages 74 and 75, of the Public Records of Lake County, Florida; thence North 00°14'32" East, 204.96 feet along East line of said PROMINENT POINTE to the shoreline of Johns Lake; thence South 66°45'28" East, 91.68 feet along said shoreline; thence South 76°45'28" East, 121.85 feet; thence leaving said shoreline South 00°17'27" West, 258.61 feet; thence North 89°42'33" West, 203.00 feet to a point on the West line of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence North 00°17'27" East, 116.71 feet along the West line of said Section 6 and the East line of aforesaid PROMINENT POINTE to the Point of Beginning, LESS the South 70.00 feet thereof.

AND

PARCEL 06-23-27-0000-00-001

The North 1/2 of the Northwest 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida.

LESS AND EXCEPT the following property described in Warranty Deed recorded in Official Records Book 6030, page 356, Public Records of Orange County, Florida:

A portion of land lying in Section 6, Township 23 South, Range 27 East and Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida at a point on the East line of PROMINENT POINTE, according to the plat thereof as recorded in Plat Book 41, pages 74 and 75, of the Public Records of Lake County, Florida; thence North 00°14'32" East, 204.96 feet along East line of said PROMINENT POINTE to the shoreline of Johns Lake; thence South 66°45'28" East, 91.68 feet along said shoreline; thence South 76°45'28" East, 121.85 feet; thence leaving said shoreline South 00°17'27" West, 258.61 feet; thence North 89°42'33" West, 203.00 feet to a point on the West line of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence North 00°17'27" East, 116.71 feet along the West line of said Section 6 and the East line of aforesaid PROMINENT POINTE to the Point of Beginning, LESS the South 70.00 feet thereof.

AND ALSO LESS

BUFFER PARCEL (1.10 ACRES):

A portion of Section 6, Township 23 South, Range 27 East, and a portion of Section 31, Township 22 South, Range 27 East, all in Orange County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°17'17" West, along the West line of Section 6, Township 23 South, Range 27 East, for a distance of 46.66 feet to a point on the South line of that property described in Official Records Book 6030, page 356 of the Public Records of Orange County, Florida, also being the POINT OF BEGINNING; thence departing said West line, run South 89°43'32" East, along said South line, for a distance of 202.96 feet; thence departing said South line run North 00°14'00" East, along the East line of said property described in Official Records Book 6030, page 356, for a distance of 187.86 feet to a point on the Normal High Water line of Johns Lake, being elevation 98.4 feet, according to Orange County, Florida; thence run the following 2 courses and distances along said Normal High Water Level: South 75°15'11" East, for a distance of 61.45 feet; thence run South 85°22'10" East, for a distance of 40.63 feet to a point on a line 100 feet East of, and parallel with the aforesaid East line of the property described in Official Records Book 6030, page 356; thence departing said Normal High Water Level, run South 00°14'00" West, along said parallel line, for a distance of 269.41 feet to a point on a line 100 feet South of, and parallel with the aforesaid South line of the property described in Official Records Book 6030, page 356; thence run North 89°43'32" West, along said parallel line, for a distance of 303.05 feet to a point on the aforesaid West line of Section 6; thence run North 00°17'17" East, along said West line, for a distance of 100.00 feet to the POINT OF BEGINNING.

PARCEL 06-23-27-0000-00-004

The North 1/2 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida

LESS AND EXCEPT the following:

Begin at a point 56.75 feet West of the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, said point being the point of curvature of a curve to the left, running Northeasterly with a radius of 167.36 feet, then along said curve 281.09 feet to the point of reverse curvature of a curve to right with a radius of 162 feet, thence along said curve a length of 114.76 feet to point of reverse curvature of a curve to left with a radius of 285 feet, thence along said curve a length of 310.60 feet to a point, thence North 77°11" East 1188.82 feet to East line of said Section, thence South 00°38' East along said East line 852.40 feet to Southeast corner of the Northeast 1/4 of the Northeast 1/4, thence West 1382.95 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING:

Beginning at a point 60 feet North of the Southwest corner of the Northwest 1/4 of the Northeast 1/4 Section 6, Township 23 South, Range 27 East, Orange County, Florida, go East 473 feet, thence North 196.5 feet, thence West 473 feet thence South 196.5 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING:

Beginning at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 Section 6, Township 23 South, Range 27 East, Orange County, Florida, go East 816 feet thence North 256.5 feet thence West 343 feet thence South 196.5 feet thence West 473 feet thence South 60 feet to the Point of Beginning.

AND ALSO LESS (NELSON 5.00 ACRE OUTPARCEL):

COMMENCE at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence run South 89°50'03" West, along the South line of the Northwest 1/4 of the Northeast 1/4 of said Section 6 to a point on a curve, concave Easterly, having a radius of 167.36 feet, a chord bearing of North 21°43'23" West, and a chord distance of 123.89 feet; thence departing said South line, run Northwesterly along the arc of said curve through a central angle of 43°26'46" for an arc distance of 126.91 feet to the POINT OF BEGINNING; thence continue along the arc of said curve through a central angle of 52°47'07" for an arc distance of 154.18 feet to the point of reverse curvature of a curve, concave Northwesterly, having a radius of 162.00 feet, a chord bearing of North 32°29'28" East, and a chord distance of 114.76 feet; thence run Northeasterly along the arc of said curve through a central angle of 40°35'17" for an arc distance of 114.76 feet to the point of reverse curvature of a curve, concave Southeasterly, having a radius of 285.00 feet, a chord bearing of North 43°25'06" East, and a chord distance of 295.46 feet; thence run Northeasterly along the arc of said curve through a central angle of 62°26'32" for an arc distance of 310.60 feet to the point of tangency; thence run North 74°38'22" East, for a distance of 581.02 feet to a point on the Normal High Water Elevation of John's Lake, said Normal High Water Elevation being 98.4', according to Orange County, Florida; thence run along said Normal High Water Elevation the following courses and distances: North 45°27'06" West, for a distance of 21.35 feet; thence run North 25°21'31" West, for a distance of 23.03 feet; thence run North 02°28'39" East, for a distance of 36.04 feet; thence run North 86°58'09" East, for a distance of 34.53 feet; thence run South 37°22'10" East, for a distance of 26.73 feet; thence run North 45°40'37" East, for a distance of 14.05 feet; thence run North 22°17'46" West, for a distance of 32.96 feet; thence run North 45°51'33" West, for a distance of 62.91 feet; thence run North 42°42'45" West, for a distance of 70.27 feet; thence departing said Normal High Water Elevation, run South 74°38'22" West, for a distance of 840.65 feet; thence run South 00°00'00" West, for a distance of 557.76 feet to the POINT OF BEGINNING.

together containing 154.43 acres, more or less.

PARCEL 7: (Avalon Groves)

The North 1/2 of the Southeast 1/4 of Section 1, Township 23 South, Range 26 East, Lake County, Florida. Less the North 25 feet for right of way by virtue of the Quit-Claim Deed recorded in Deed Book 345, page 45, Public Records of Lake County, Florida.

AND

The South 1/2 of the Southeast 1/4 of Section 1, Township 23 South, Range 26 East, Lake County, Florida.

Containing 159.76 acres, more or less.

PARCEL 7: (Avalon Groves)

A parcel of land being a portion of the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 23 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of the Northeast 1/4 of said Section 12; thence run South 89°35'26" East, along the North line of said Northeast 1/4 for a distance of 1317.76 feet; thence South 00°33'16" West along the East line of

said Northwest 1/4 of the Northeast 1/4 for a distance of 1247.62 feet; thence North 89°31'05" West along a line 75.00 feet North of and parallel to the South line of said Northwest 1/4 of the Northeast 1/4 for a distance of 686.27 feet; thence North 00°34'59" East for a distance of 1221.76 feet; thence North 89°35'26" West along a line 25.00 feet South of and parallel to the North line of said Northeast 1/4 for a distance of 632.12 feet; thence North 00°36'42" East along the West line of said Northeast 1/4 for a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 20.00 acres, more or less.

PARCEL 8: (Joyce C Hibdon Property)

PARCEL 06-23-27-4288-08-242:

The North 1/2 of the West 1/2 of Lot 24H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, Page 81, Public Records of Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-243

The South 1/2 of the West 1/2 of Lot 24H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

Containing 4.91 acres, more or less.

10.00 ACRE FAMILY PARCEL:

A portion of land lying in Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the South 1/4 corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°00'00" East, for a distance of 2140.18 feet; thence run South 90°00'00" East, for a distance of 1367.30 feet to the POINT OF BEGINNING; thence, continue South 90°00'00" East, for a distance of 652.39 feet to a point on the Normal High Water Line, being elevation 98.4 feet, as established by Orange County, Florida; thence run the following courses and distances along said Normal High Water Line: South 09°54'23" West, for a distance of 71.25 feet; thence run South 07°01'22" West, for a distance of 99.41 feet; thence run South 17°11'37" West, for a distance of 63.17 feet; thence run South 18°05'32" West, for a distance of 47.37 feet; thence run South 21°33'58" West, for a distance of 55.98 feet; thence run South 13°53'53" West, for a distance of 75.40 feet; thence run South 07°51'44" West, for a distance of 56.11 feet; thence run South 09°36'03" West, for a distance of 98.64 feet; thence run South 10°20'36" West, for a distance of 60.05 feet; thence run South 18°27'57" West, for a distance of 75.16 feet; thence run South 46°53'39" West, for a distance of 56.50 feet; thence run South 66°33'56" West, for a distance of 74.48 feet; thence run South 76°25'41" West, for a distance of 65.68 feet; thence run South 79°24'42" West, for a distance of 56.05 feet; thence run South 86°31'40" West, for a distance of 68.43 feet; thence run South 88°09'44" West, for a distance of 45.19 feet; thence run North 89°20'58" West, for a distance of 56.41 feet; thence run South 86°33'59" West, for a distance of 76.03 feet; thence run South 85°18'22" West, for a distance of 22.97 feet; thence departing said Normal High Water Line, run North 00°00'00" East, for a distance of 788.02 feet to the POINT OF BEGINNING.

05-23-27-0000-00-001

Legal Description:

THAT PORTION OF FRACTIONAL NW1/4 LYING N OF MARSH RD IN SEC 05-23-27

06-23-27-0000-00-003

Legal Description:

S1/2 OF FRACTIONAL E1/4 OF NE1/4 LYING N OF MARSH RD IN SEC 06-23-27 3577/2340 & 4144/3088 OR B&P 5548/2833, ON 06-03-98, INST TM

06-23-27-4272-00-030

Legal Description:

LAKE AVALON ESTATES R/52 LOT 3 (LESS N 15 FT FOR RD) & THAT PT OF NW1/4 OF SE1/4 6 23 27 NOT PLATTED

06-23-27-0000-00-008

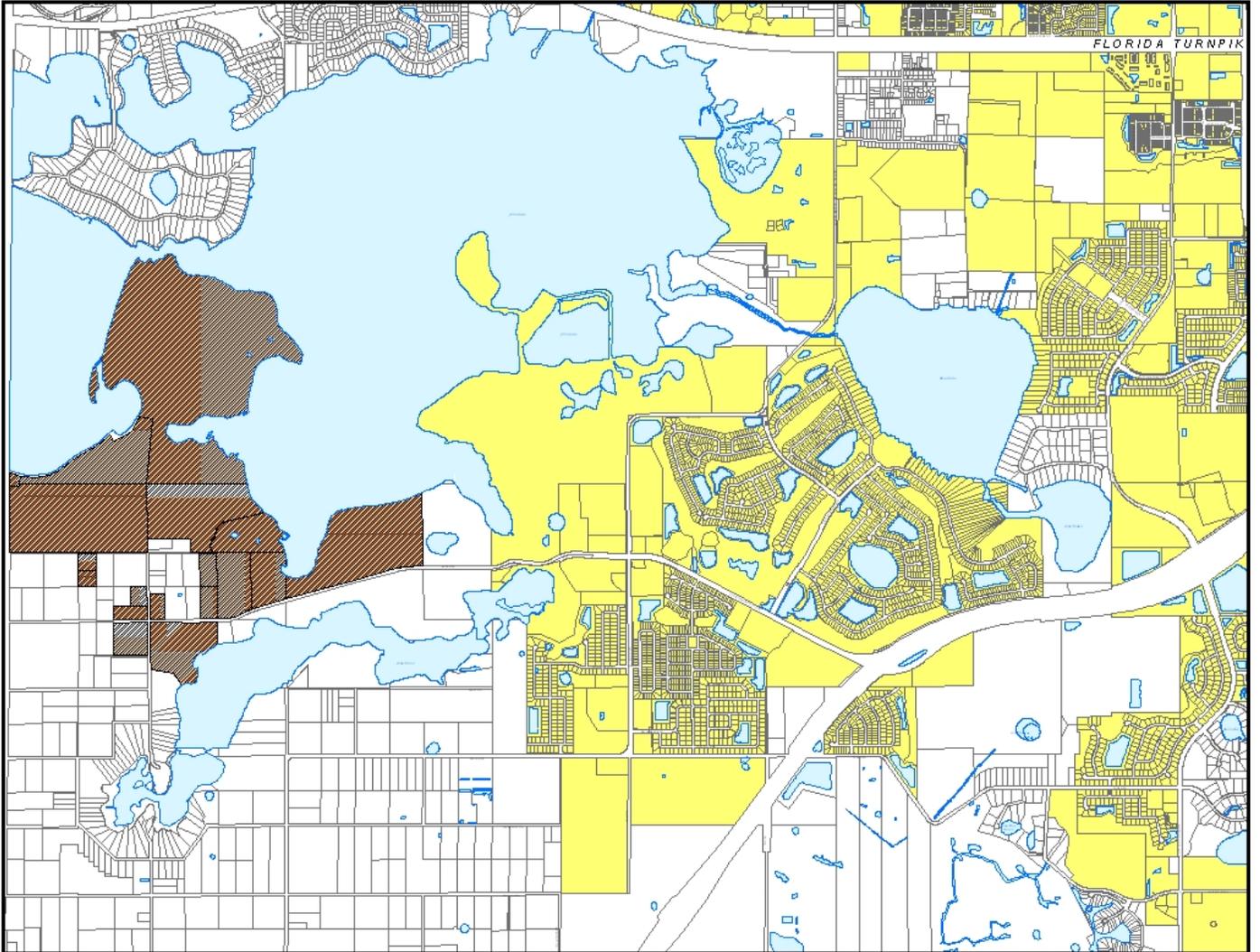
Legal Description:

BEG SW COR SEC 31-22-27 TH RUN N 204.96 FT TO JOHN'S LAKE SHORELINE TH S 66 DEG E 91.68 FT S 76 DEG E 121.85 FT S 258.61 FT W 203 FT TO W LINE OF SEC 06-23-27 TH N 116.71 FT TO POB (LESS S 70 FT THEREOF) OR B&P 6044/3477, ON 07-14-00, INST WD

Nelson Property:

Begin at a point 56.75 feet West of the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, Township 23 South, Range 27 East, said point being the P.C. of a curve to the left, running Northeasterly with a radius of 167.36 feet, run thence along said curve a length of 281.09 feet to the P.R.C. of a curve to the right with a radius of 162 feet, thence along said curve a length of 114.76 feet to the P.R.C. of a curve to the left with a radius of 285 feet, thence along said curve a length of 310.60 feet to a point, thence North 77° 11' East 1188.82 feet to the East line of said Section, thence South 0° 38' East along said East line 852.40 feet to the SE corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, thence West 1382.95 feet to the point of beginning. Containing 19.7 acres.

3.6
3.82



ORDINANCE 07-35

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 149 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND WEST OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Edwards LSCPA)

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 149 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND WEST OF AVALON ROAD, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Village to CITY SUBURBAN RESIDENTIAL, and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to CITY SUBURBAN RESIDENTIAL as set forth in ATTACHMENT "B".

SECTION II. This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes, or

when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

05-23-27-0000-00-001

Legal Description:

THAT PORTION OF FRACTIONAL NW1/4 LYING N OF MARSH RD IN SEC 05-23-27

06-23-27-0000-00-003

Legal Description:

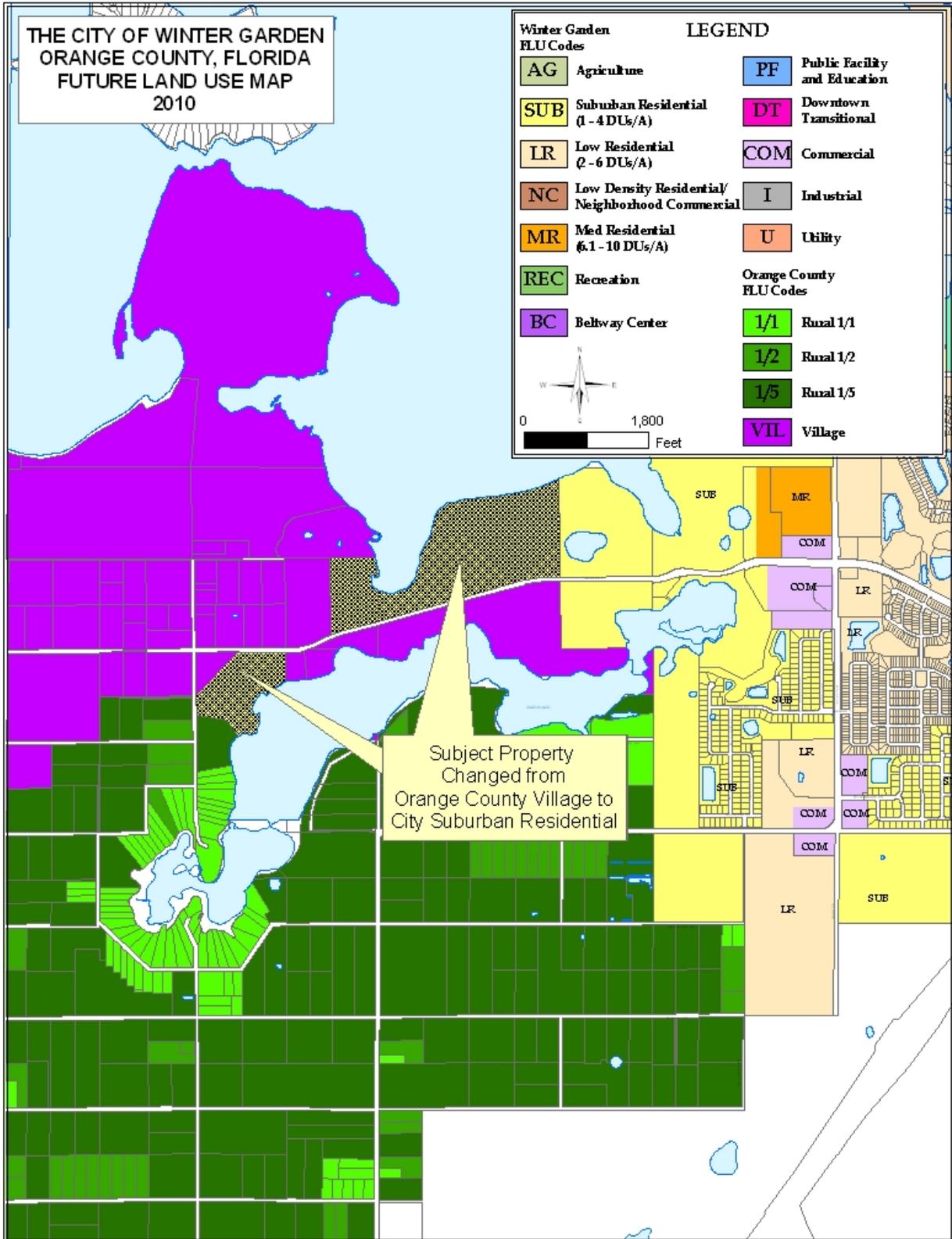
S1/2 OF FRACTIONAL E1/4 OF NE1/4 LYING N OF MARSH RD IN SEC 06-23-27 3577/2340 & 4144/3088 OR B&P 5548/2833, ON 06-03-98, INST TM

06-23-27-4272-00-030

Legal Description:

LAKE AVALON ESTATES R/52 LOT 3 (LESS N 15 FT FOR RD) & THAT PT OF NW1/4 OF SE1/4 6 23 27 NOT PLATTED

ATTACHMENT "B"



ORDINANCE 07-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 447 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND NORTH OF LAKE AVALON FROM ORANGE COUNTY VILLAGE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (McKinnon LSCPA)

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 447 ACRES OF LAND LOCATED NORTH AND SOUTH OF MARSH ROAD, EAST OF THE LAKE COUNTY BOUNDARY AND NORTH OF LAKE AVALON, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Village to CITY SUBURBAN RESIDENTIAL, and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to CITY SUBURBAN RESIDENTIAL as set forth in ATTACHMENT "B".

SECTION II. This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes, or

when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

PARCEL 1: (Williamson Property)

Government Lots 1, 2 and 3 of Section 31, Township 22 South, Range 27 East, together with all lands in Section 31 adjacent to said Lots 1, 2 and 3 lying East, West and North of said Lots and above the Ordinary high water mark of Johns Lake in Orange County, Florida, together with the East 1/2 of vacated Williams Road.

LESS AND EXCEPT the following described land:

A part of Government Lots 3 and 4 of Section 31, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the South 1/4 corner of said Section 31, Township 22 South, Range 27 East and run North 89°45'59" West, 2650.25 feet to the Southwest corner of said Section 31, thence North 00°18'50" East along the West line of said Section 31, a distance of 204.96 feet to the 97.9 contour on the shore of Johns Lake, thence following said 97.9 contour run the following 17 courses: South 67°42'00" East, 91.68 feet; South 77°38'48" East, 194.17 feet; South 84°04'08" East, 210.44 feet; North 80°50'00" East, 170.46 feet; North 78°52'08" East, 183.77 feet; North 59°09'10" East, 198.53 feet; North 51°43'16" East, 259.41 feet; North 55°17'36" East, 179.11 feet; North 61°40'11" East, 188.07 feet; North 60°04'01" East, 187.35 feet; North 52°18'27" East, 229.06 feet; North 48°53'45" East, 103.36 feet; South 31°44'06" East, 122.52 feet; North 66°16'46" East, 239.45 feet; North 57°28'55" East, 145.83 feet; North 28°00'25" East, 207.95 feet; North 33°05'02" East, 119.74 feet; thence departing from said contour line run South 82°03'11" East, 240.07 feet to the center of a clay road, thence South 4°30'28" West, along said clay road, 1260.69 feet to the POINT OF BEGINNING, together with the West 1/2 of said vacated Williams Road.

ALSO LESS (10.00 ACRE FAMILY PARCEL)

A portion of land lying in Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the South 1/4 corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°00'00" East, for a distance of 2140.18 feet; thence run South 90°00'00" East, for a distance of 1367.30 feet to the POINT OF BEGINNING; thence continue South 90°00'00" East, for a distance of 652.39 feet to a point on the Normal High Water Line, being elevation 98.4 feet, as established by Orange County, Florida; thence run the following courses and distances along said Normal High Water Line: South 09°54'23" West, for a distance of 71.25 feet; thence run South 07°01'22" West, for a distance of 99.41 feet; thence run South 17°11'37" West, for a distance of 63.17 feet; thence run South 18°05'32" West, for a distance of 47.37 feet; thence run South 21°33'58" West, for a distance of 55.98 feet; thence run South 13°53'53" West, for a distance of 75.40 feet; thence run South 07°51'44" West, for a distance of 56.11 feet; thence run South 09°36'03" West, for a distance of 98.64 feet; thence run South 10°20'36" West, for a distance of 60.05 feet; thence run South 18°27'57" West, for a distance of 75.16 feet; thence run South 46°53'39" West, for a distance of 56.50 feet; thence run South 66°33'56" West, for a distance of 74.48 feet; thence run South 76°25'41" West, for a distance of 65.68 feet; thence run South 79°24'42" West, for a distance of 56.05 feet; thence run South 86°31'40" West, for a distance of 68.43 feet; thence run South 88°09'44" West, for a distance of 45.19 feet; thence run North 89°20'58" West, for a distance of 56.41 feet; thence run South 86°33'59" West, for a distance of 76.03 feet; thence run South 85°18'22" West, for a distance of 22.97 feet; thence departing said Normal High Water Line, run North 00°00'00" East, for a distance of 788.02 feet to the POINT OF BEGINNING.

Containing 186.32 acres, more or less.

PARCEL 2: (Wild, Cutler, Knight Property)

PARCEL 06-23-27-0000-00-002

Beginning 30 feet North of the Southwest corner of Fractional East 1/2 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East on the North boundary of County, Road; run thence North to the Southeast corner of the

Northwest 1/4 of the Northeast 1/4 of said Section 6; thence East 660 feet; thence South to the North Boundary of County Road; thence Southwesterly and Westerly along said North boundary of County Road to the Point of Beginning, Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-211

The East 1/2 of Lot 21H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-321

The East 1/2 of Lot 32H, LAKE AVALON GROVES REPLAT, as shown by Plat Book H, page 81, Public Records of Orange County, Florida, LESS the South 15 feet for road right of way.

Containing 28.23 acres, more or less.

PARCEL 3: (Shop, Comstock, Avalon Property)

PARCEL 06-23-27-4288-08-302:

The East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, less the North 395 feet thereof and also less the South 15 feet for road right of way, together with the South 24 feet of the North 395 feet of the East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, Page 81, Public Records of Orange County, Florida.

AND

The West 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, less the North 395 feet thereof, AND also less the South 15 feet for road right of way, together with the South 24 feet of the North 395 feet of the West 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

Containing 3.87 acres, more or less.

AND

PARCEL 06-23-27-4288-08-310

The West 4.37 acres of Lot 31H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, Public Records of Orange County, Florida, LESS: Begin at the Northwest corner of Lot 31 H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, of the Public Records of Orange County, Florida, then run South along the Western boundary of said Lot 31H, a distance of 148 feet, then run East and parallel to the Northern boundary of said Lot 31H, a distance of 295 feet, then run North and parallel to the Western boundary of said lot a distance of 148 feet to the North line of said lot, then run West along said North line 295 feet, more or less to the point of beginning, and also less the South 15 feet for road right of way.

Containing 3.26 acres, more or less.

AND

PARCEL 06-23-27-4288-08-330

Lot 33H, LAKE AVALON GROVES REPLAT, as shown in Plat Book H, page 81, Public Records of Orange County, Florida, LESS the North 15 feet for road right of way

Containing 9.38 acres, more or less.)

PARCEL 5: (Avalon 123 Property)

PARCEL 06-23-27-4288-08-302:

The North 395 feet of the East 1/2 of Lot 30H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, page 81, Public Records of Orange County, Florida, less the South 24 feet thereof.

Containing 2.65 acres, more or less.

PARCEL 6: (Johns Lake Valencia, Johns Lake Temples and Red Barn Navels)

A part of Government Lots 3 and 4 of Section 31, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the South 1/4 corner of said Section 31, Township 22 South, Range 27 East and run North 89°45'59" West, 2650.25 feet to the Southwest corner of said Section 31, thence North 00°18'50" East along the West line of said Section 31, a distance of 204.96 feet to the 97.9 contour on the shore of Johns Lake, thence following said 97.9 contour run the following 17 courses: South 67°42'00" East, 91.68 feet; South 77°38'48" East, 194.17 feet; South 84°04'08" East, 210.44 feet; North 80°50'00" East, 170.46 feet; North 78°52'08" East, 183.77 feet; North 59°09'10" East, 198.53 feet; North 51°43'16" East, 259.41 feet; North 55°17'36" East, 179.11 feet; North 61°40'11" East, 188.07 feet; North 60°04'01" East, 187.35 feet; North 52°18'27" East, 229.06 feet; North 48°53'45" East, 103.36 feet; South 31°44'06" East, 122.52 feet; North 66°16'46" East, 239.45 feet; North 57°28'55" East, 145.83 feet; North 28°00'25" East, 207.95 feet; North 33°05'02" East, 119.74 feet; thence departing from said contour line run South 82°03'11" East, 240.07 feet to the center of a clay road, thence South 4°30'28" West, along said clay road, 1260.69 feet to the POINT OF BEGINNING, together with the West 1/2 of said vacated Williams Road.

LESS AND EXCEPT the following property described in Warranty Deed recorded in Official Records Book 6030, Page 356, Public Records of Orange County, Florida:

A portion of land lying in Section 6, Township 23 South, Range 27 East and Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida at a point on the East line of PROMINENT POINTE, according to the plat thereof as recorded in Plat Book 41, pages 74 and 75, of the Public Records of Lake County, Florida; thence North 00°14'32" East, 204.96 feet along East line of said PROMINENT POINTE to the shoreline of Johns Lake; thence South 66°45'28" East, 91.68 feet along said shoreline; thence South 76°45'28" East, 121.85 feet; thence leaving said shoreline South 00°17'27" West, 258.61 feet; thence North 89°42'33" West, 203.00 feet to a point on the West line of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence North 00°17'27" East, 116.71 feet along the West line of said Section 6 and the East line of aforesaid PROMINENT POINTE to the Point of Beginning, LESS the South 70.00 feet thereof.

AND

PARCEL 06-23-27-0000-00-001

The North 1/2 of the Northwest 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida.

LESS AND EXCEPT the following property described in Warranty Deed recorded in Official Records Book 6030, page 356, Public Records of Orange County, Florida:

A portion of land lying in Section 6, Township 23 South, Range 27 East and Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida at a point on the East line of PROMINENT POINTE, according to the plat thereof as recorded in Plat Book 41, pages 74 and 75, of the Public Records of Lake County, Florida; thence North 00°14'32" East, 204.96 feet along East line of said PROMINENT POINTE to the shoreline of Johns Lake; thence South 66°45'28" East, 91.68 feet along said shoreline; thence South 76°45'28" East, 121.85 feet; thence leaving said shoreline South 00°17'27" West, 258.61 feet; thence North 89°42'33" West, 203.00 feet to a point on the West line of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence North 00°17'27" East, 116.71 feet along the West line of said Section 6 and the East line of aforesaid PROMINENT POINTE to the Point of Beginning, LESS the South 70.00 feet thereof.

AND ALSO LESS

BUFFER PARCEL (1.10 ACRES):

A portion of Section 6, Township 23 South, Range 27 East, and a portion of Section 31, Township 22 South, Range 27 East, all in Orange County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°17'17" West, along the West line of Section 6, Township 23 South, Range 27 East, for a distance of 46.66 feet to a point on the South line of that property described in Official Records Book 6030, page 356 of the Public Records of Orange County, Florida, also being the POINT OF BEGINNING; thence departing said West line, run South 89°43'32" East, along said South line, for a distance of 202.96 feet; thence departing said South line run North 00°14'00" East, along the East line of said property described in Official Records Book 6030, page 356, for a distance of 187.86 feet to a point on the Normal High Water line of Johns Lake, being elevation 98.4 feet, according to Orange County, Florida; thence run the following 2 courses and distances along said Normal High Water Level: South 75°15'11" East, for a distance of 61.45 feet; thence run South 85°22'10" East, for a distance of 40.63 feet to a point on a line 100 feet East of, and parallel with the aforesaid East line of the property described in Official Records Book 6030, page 356; thence departing said Normal High Water Level, run South 00°14'00" West, along said parallel line, for a distance of 269.41 feet to a point on a line 100 feet South of, and parallel with the aforesaid South line of the property described in Official Records Book 6030, page 356; thence run North 89°43'32" West, along said parallel line, for a distance of 303.05 feet to a point on the aforesaid West line of Section 6; thence run North 00°17'17" East, along said West line, for a distance of 100.00 feet to the POINT OF BEGINNING.

PARCEL 06-23-27-0000-00-004

The North 1/2 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida

LESS AND EXCEPT the following:

Begin at a point 56.75 feet West of the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, said point being the point of curvature of a curve to the left, running Northeasterly with a radius of 167.36 feet, then along said curve 281.09 feet to the point of reverse curvature of a curve to right with a radius of 162 feet, thence along said curve a length of 114.76 feet to point of reverse curvature of a curve to left with a radius of 285 feet, thence along said curve a length of 310.60 feet to a point, thence North 77°11" East 1188.82 feet to East line of said Section, thence South 00°38' East along said East line 852.40 feet to Southeast corner of the Northeast 1/4 of the Northeast 1/4, thence West 1382.95 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING:

Beginning at a point 60 feet North of the Southwest corner of the Northwest 1/4 of the Northeast 1/4 Section 6, Township 23 South, Range 27 East, Orange County, Florida, go East 473 feet, thence North 196.5 feet, thence West 473 feet thence South 196.5 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING:

Beginning at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 Section 6, Township 23 South, Range 27 East, Orange County, Florida, go East 816 feet thence North 256.5 feet thence West 343 feet thence South 196.5 feet thence West 473 feet thence South 60 feet to the Point of Beginning.

AND ALSO LESS (NELSON 5.00 ACRE OUTPARCEL):

COMMENCE at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of Section 6, Township 23 South, Range 27 East, Orange County, Florida; thence run South 89°50'03" West, along the South line of the Northwest 1/4 of the Northeast 1/4 of said Section 6 to a point on a curve, concave Easterly, having a radius of 167.36 feet, a chord bearing of North 21°43'23" West, and a chord distance of 123.89 feet; thence departing said South line, run Northwesterly along the arc of said curve through a central angle of 43°26'46" for an arc distance of 126.91 feet to the POINT OF BEGINNING; thence continue along the arc of said curve through a central angle of 52°47'07" for an arc distance of 154.18 feet to the point of reverse curvature of a curve, concave Northwesterly, having a radius of 162.00 feet, a chord bearing of North 32°29'28" East, and a chord distance of 114.76 feet; thence run Northeasterly along the arc of said curve through a central angle of 40°35'17" for an arc distance of 114.76 feet to the point of reverse curvature of a curve, concave Southeasterly, having a radius of 285.00 feet, a chord bearing of North 43°25'06" East, and a chord distance of 295.46 feet; thence run Northeasterly along the arc of said curve through a central angle of 62°26'32" for an arc distance of 310.60 feet to the point of tangency; thence run North 74°38'22" East, for a distance of 581.02 feet to a point on the Normal High Water Elevation of John's Lake, said Normal High Water Elevation being 98.4', according to Orange County, Florida; thence run along said Normal High Water Elevation the following courses and distances: North 45°27'06" West, for a distance of 21.35 feet; thence run North 25°21'31" West, for a distance of 23.03 feet; thence run North 02°28'39" East, for a distance of 36.04 feet; thence run North 86°58'09" East, for a distance of 34.53 feet; thence run South 37°22'10" East, for a distance of 26.73 feet; thence run North 45°40'37" East, for a distance of 14.05 feet; thence run North 22°17'46" West, for a distance of 32.96 feet; thence run North 45°51'33" West, for a distance of 62.91 feet; thence run North 42°42'45" West, for a distance of 70.27 feet; thence departing said Normal High Water Elevation, run South 74°38'22" West, for a distance of 840.65 feet; thence run South 00°00'00" West, for a distance of 557.76 feet to the POINT OF BEGINNING.

together containing 154.43 acres, more or less.

PARCEL 7: (Avalon Groves)

The North 1/2 of the Southeast 1/4 of Section 1, Township 23 South, Range 26 East, Lake County, Florida. Less the North 25 feet for right of way by virtue of the Quit-Claim Deed recorded in Deed Book 345, page 45, Public Records of Lake County, Florida.

AND

The South 1/2 of the Southeast 1/4 of Section 1, Township 23 South, Range 26 East, Lake County, Florida.

Containing 159.76 acres, more or less.

PARCEL 7: (Avalon Groves)

A parcel of land being a portion of the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 23 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of the Northeast 1/4 of said Section 12; thence run South 89°35'26" East, along the North line of said Northeast 1/4 for a distance of 1317.76 feet; thence South 00°33'16" West along the East line of said Northwest 1/4 of the Northeast 1/4 for a distance of 1247.62 feet; thence North 89°31'05" West along a line 75.00 feet North of and parallel to the South line of said Northwest 1/4 of the Northeast 1/4 for a distance of 686.27 feet; thence North 00°34'59" East for a distance of 1221.76 feet; thence North 89°35'26" West along a line 25.00

feet South of and parallel to the North line of said Northeast 1/4 for a distance of 632.12 feet; thence North 00°36'42" East along the West line of said Northeast 1/4 for a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 20.00 acres, more or less.

PARCEL 8: (Joyce C Hibdon Property)

PARCEL 06-23-27-4288-08-242:

The North 1/2 of the West 1/2 of Lot 24H, LAKE AVALON GROVES REPLAT, according to the plat thereof as recorded in Plat Book H, Page 81, Public Records of Orange County, Florida.

AND

PARCEL 06-23-27-4288-08-243

The South 1/2 of the West 1/2 of Lot 24H, LAKE AVALON GROVES REPLAT, as recorded in Plat Book H, page 81, Public Records of Orange County, Florida.

Containing 4.91 acres, more or less.

10.00 ACRE FAMILY PARCEL:

A portion of land lying in Section 31, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

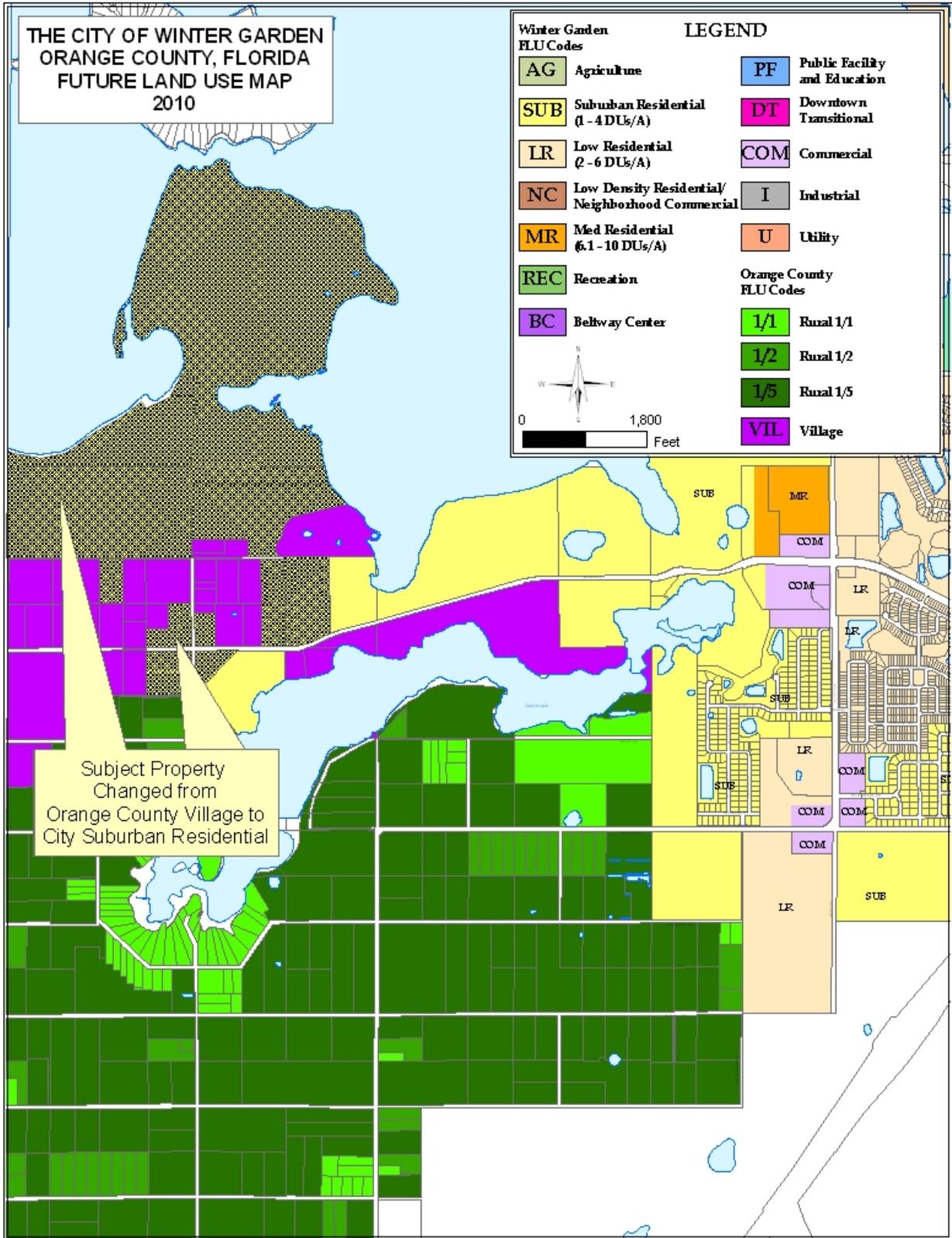
COMMENCE at the South 1/4 corner of Section 31, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°00'00" East, for a distance of 2140.18 feet; thence run South 90°00'00" East, for a distance of 1367.30 feet to the POINT OF BEGINNING; thence, continue South 90°00'00" East, for a distance of 652.39 feet to a point on the Normal High Water Line, being elevation 98.4 feet, as established by Orange County, Florida; thence run the following courses and distances along said Normal High Water Line: South 09°54'23" West, for a distance of 71.25 feet; thence run South 07°01'22" West, for a distance of 99.41 feet; thence run South 17°11'37" West, for a distance of 63.17 feet; thence run South 18°05'32" West, for a distance of 47.37 feet; thence run South 21°33'58" West, for a distance of 55.98 feet; thence run South 13°53'53" West, for a distance of 75.40 feet; thence run South 07°51'44" West, for a distance of 56.11 feet; thence run South 09°36'03" West, for a distance of 98.64 feet; thence run South 10°20'36" West, for a distance of 60.05 feet; thence run South 18°27'57" West, for a distance of 75.16 feet; thence run South 46°53'39" West, for a distance of 56.50 feet; thence run South 66°33'56" West, for a distance of 74.48 feet; thence run South 76°25'41" West, for a distance of 65.68 feet; thence run South 79°24'42" West, for a distance of 56.05 feet; thence run South 86°31'40" West, for a distance of 68.43 feet; thence run South 88°09'44" West, for a distance of 45.19 feet; thence run North 89°20'58" West, for a distance of 56.41 feet; thence run South 86°33'59" West, for a distance of 76.03 feet; thence run South 85°18'22" West, for a distance of 22.97 feet; thence departing said Normal High Water Line, run North 00°00'00" East, for a distance of 788.02 feet to the POINT OF BEGINNING.

06-23-27-0000-00-008

Legal Description:

BEG SW COR SEC 31-22-27 TH RUN N 204.96 FT TO JOHN'S LAKE SHORELINE TH S 66 DEG E 91.68 FT S 76 DEG E 121.85 FT S 258.61 FT W 203 FT TO W LINE OF SEC 06-23-27 TH N 116.71 FT TO POB (LESS S 70 FT THEREOF) OR B&P 6044/3477, ON 07-14-00, INST WD

ATTACHMENT "B"



ORDINANCE 07-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.389 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 15275 WEST COLONIAL DRIVE, FROM CITY C-2 AND TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the owners of real property generally described as APPROXIMATELY 16.389 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 15275 WEST COLONIAL DRIVE, (hereinafter known as the Owners) desire to rezone their property from City C-2 to City PCD, and

WHEREAS, said property is identified in the Future Land Use Map of the Comprehensive Plan as Commercial, and

WHEREAS, the City desires to rezone said property to PCD with certain restrictions, then

WHEREAS, the City and the property owner have agreed to the specific PCD requirements identified herein, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

Section I – PCD Rezoning

After due notice and public hearing, the zoning classification of real property legally described in Exhibit “A” is hereby rezoned from City C-2 to City PCD in the City of Winter Garden, Florida with the following provisions and restrictions:

Section II – General Requirements

- (1) **Concept Plan** – All development on the subject property must substantially conform to ATTACHMENT “A” (the conceptual site plan) and the architectural rendering depicted on the conceptual site plan.
- (2) **Setbacks & Height Restrictions** - The setbacks for the subject property will be:
 - 50 feet in the front yard
 - 20 feet on each side yard (20 feet when adjacent to a public street)
 - 20 feet in the rear yardThe maximum height of any building will be 40 feet.
- (3) **Zoning** - Unless specifically noted otherwise within this ordinance, all development must comply with the general zoning requirements of the PCD zoning district. These requirements include any approval procedure of the PCD zoning district.

(4) Permitted Uses - The permitted uses allowed on the subject property are as follows:

- Retail
- Eating and drinking establishments
- Offices
- Studios
- Financial, Banking and Investment institutions
- Hotels
- Personal services.
- Public buildings and Government.
- Churches.
- Recreation and Entertainment
- Doctor/Dentist
- Laboratory/ Clinic
- Veterinary without door runs
- Cat and Dog Grooming
- Furniture Store
- Toy/Sporting Goods
- Courier Service
- Hardware/Paint/Wallpaper Stores
- Pharmacy
- Liquor Store
- Office Supply
- Florist
- Insurance
- Health/Fitness
- Retail Laundry/Dry Cleaning
- Beauty/barber shop
- Dance Studio
- Computer sales/service

(5) Prohibited Uses: - The prohibited uses on the subject property are as follows:

- Service Stations
- Vehicle Sales and Service
- Outdoor Storage
- Industrial
- Warehouse
- Communication towers/antennas
- Day Care Center
- Veterinary Hospital
- Manufacturing
- Junk/salvage yard
- Temporary sales/open air markets
- Truck Stop
- Laundry/dry cleaning plant
- Adult entertainment

- Vehicle Rental/Leasing
- Paint/Body Shop
- Car Wash
- Arcades

- (6) **Vehicular Connections** – Principal access to the property will be from West State Road 50 and a rear connection in the north-east through a dedicated cross access easement to Tildenville School Road.
- (7) **Pedestrian Connections** – Bicycle and pedestrian connections must be provided to adjacent properties including vehicular walkways, and pedestrian access and circulations. Trash receptacles, bike racks and benches must be provided. A 5 foot sidewalk is required to provide internal access from West State Road 50.
- (8) **Utilities and equipment** - All utilities must be underground. All utility equipment (i.e. transformers, etc.) must be properly screened with landscaping or hidden from public view if on top of a roof.
- (9) **Retention Ponds** – All retention ponds must comply with State Road 50 Overlay Commercial Development Standards, ordinance 03-30, City Code Section 118.400.
- (10) **Impervious Surface Ratio**- The maximum impervious surface ratio shall not exceed 80% per PCD approval. .
- (11) **Design Criteria** – **The following design criteria shall be applicable to the entire subject site. The predominant architectural character is to be Mediterranean with allowable exceptions for the Coastal and/or Florida Vernacular Style. No more than (3) of the buildings would be different than Mediterranean. All office buildings will be Mediterranean and create a pedestrian friendly and uniquely designed office environment sensitively placed among large oak trees. All other design criteria must comply with the West State Road 50 Overlay Commercial Development Standards; Ordinance 03-30, City Code Section 118.400 which includes lighting, buffers, fencing, architectural details, curbing, dumpsters, and signage.**

The Planning and Zoning Board shall approve the specific architectural details at the time the site plan is approved.

- (12) **Recording** - The Developer will pay for the recording of this ordinance.
- (13) **Outdoor Storage** – Outdoor storage of materials or equipment is a prohibited use.
- (14) **Amendments** – Minor amendments to this ordinance will be achieved by Resolution of the City Commission. Major amendments will need to be approved by the City Commission by Ordinances.

Section VI The City Clerk and the City Manager are hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

Section VII The restrictions in this ordinance may be amended via a resolution approved by the City Commission.

Section VIII All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section IX This Ordinance shall become effective upon approval by the City Commission.

FIRST READING: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk
{Oakland Commons PCD ord/ 08/20/2007}

ORDINANCE 07-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; VACATING THE SOUTHERLY FIVE FEET OF THE TEN FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ADJACENT TO THE NORTHERNMOST PROPERTY LINE, LESS 5 FEET OF THE EASTERN AND WESTERN PROPERTY LINES OF 1200 THORNBURY COURT, WINTER GARDEN, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of property generally known as 1200 Thornbury Court, Winter Garden, Florida, has petitioned the City of Winter Garden to partially vacate the drainage and utility easement of said property and legally described in Section I below, and

WHEREAS, after due consideration of public comment given at an advertised public hearing, the City has determined that the aforesaid easement is not needed,

THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I - The City of Winter Garden hereby vacates all interest in the aforesaid easement as legally identified as follows:

THE PLATTED SOUTH WEST CORNER OF LOT 23, TUSCANY PHASE 2 ACCORDING TO PLAT BOOK 36 AT PAGE 66 IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S 89°47'30"E ALONG THE SOUTH LINE OF SAID LOT 23 A DISTANCE OF 26.00 FEET; THENCE LEAVING SAID SOUTH LINE, RUN N 00°12'30"E A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°12'30"E A DISTANCE OF 5.00 FEET; THENCE S 89°47'30"E A DISTANCE OF 45.50 FEET; THENCE S 00°12'30"W A DISTANCE OF 5.00 FEET; THENCE N. 89°47'30 W A DISTANCE OF 45.50 FEET TO THE POINT OF BEGINNING.

SECTION II - Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION III: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

RESOLUTION # 07-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, EXPRESSING THE DESIRE OF THE CITY COMMISSION TO DEDICATE IN PERPETUITY CERTAIN CITY OWNED PARKLAND AS OUTDOOR RECREATION SITES FOR THE USE AND BENEFIT OF THE RESIDENTS OF THE CITY OF WINTER GARDEN

WHEREAS, the City Commission of Winter Garden recognizes that parks immeasurably contribute to the quality of life of it's residents through promoting healthy living, creating sustainable development patterns, conserving the city's natural resources, and helping to foster a sense of community, and

WHEREAS, the City of Winter Garden has obtained and developed certain real property throughout its borders for the benefit and use of the public as outdoor recreation sites, and

WHEREAS, the residents of Winter Garden expect a high quality of life which parks help to provide with amenities such as open space, access to water, pastoral settings and active recreational opportunities;

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA that the City of Winter Garden declares the following general park areas are to be dedicated in perpetuity as outdoor recreation sites for the use and benefit of the public:

1. Veteran's Memorial Park located at 420 S. Park Ave., Winter Garden, Fl
2. Newton Park at 31 Garden Ave., Winter Garden, Fl
3. Maple St. Park at 135 Florida Ave., Winter Garden, Fl
4. Zanders Park at 322 11th St., Winter Garden, Fl
5. Walker Field at 238 W. Smith St., Winter Garden, Fl
6. Sam Williams Little League Complex at 415 S. Park Ave., Winter Garden, Fl
7. Chapin Station at 501 W. Crown Point Rd, Winter Garden, Fl
8. Southside Park at 13460 Lake Butler Blvd, Winter Garden, Fl
9. Warrior Rd. Park on the southeast corner of Windermere Rd. and Warrior Rd.

PASSED AND RESOLVED this 23rd day of August, 2007, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk