



served, waiving the event fee and Tanner Hall rental fee, and providing city staff at no cost – Parks and Recreation Director Conn

- B. Recommendation to approve bids and award contract to DeWitt Excavating, Inc. for the Sessions School Roadway Project to include a 20% contingency for a total project allowance of \$2,433,564.80 – Public Services Director Cochran
- C. **Resolution 11-05**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM (*Postponed from 3/10/11 due to the run-off election.*) - City Clerk Golden

8. **MATTERS FROM CITIZENS** (*Limited to 3 minutes per speaker*)

9. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

10. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

11. **MATTERS FROM MAYOR AND COMMISSIONERS**

A. Discussion on meeting attire

**ADJOURN** to a regular City Commission meeting on April 28, 2011 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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.

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.

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, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

**RESOLUTION 11-04**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE RUN-OFF ELECTION HELD ON APRIL 12, 2011 FOR COMMISSIONER DISTRICT 1 AND AUTHORIZING ISSUANCE OF A CERTIFICATE**

**WHEREAS**, on April 12, 2011, a Run-off Election was conducted in accordance with the Charter and Ordinances of the City of Winter Garden, and the State of Florida Election Code; and

**WHEREAS**, the Registration Book closing for the election reflected that the total Registered Voters in District 1 for Precinct 1103 was 4,467; and

**WHEREAS**, the City Clerk for Winter Garden has obtained the Certificate of Election Results from the City Canvassing Board, which is hereby made a part of this Resolution, for the purpose of electing the Commissioner District 1.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA**, that we do hereby declare that:

- \_\_\_\_\_ is duly elected to service as Commissioner of District 1 for a three-year term

and hereby authorizes the City Clerk to issue the candidate elected as City Commissioner District 1 a Certificate of Election.

This Resolution is duly adopted at a regular meeting of the City Commission of the City of Winter Garden, Florida, held on the 14<sup>th</sup> day of April 2011.

\_\_\_\_\_  
John Rees, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Golden, CMC, City Clerk

**ORDINANCE NO. 11-04**

**AN ORDINANCE PURSUANT TO SECTION 125.01(1) (Q), FLORIDA STATUTES, CONSENTING TO THE ORANGE COUNTY BLACK LAKE/LAKE TILDEN MUNICIPAL SERVICE BENEFIT UNIT AND THE LEVY OF SPECIAL ASSESSMENTS ON CERTAIN BENEFITTED PROPERTIES LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF WINTER GARDEN, FLORIDA IN ORDER TO PAY A PORTION OF THE COSTS OF LAKE MAINTENANCE AND CLEANING; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 125.01(1) (q), Florida Statutes, provides specific legislative authorization for counties to establish a municipal service benefit unit (“MSBU”) for any part or all of the unincorporated areas within its boundaries, and within the municipal boundaries of an incorporated area, upon consent by ordinance of the governing body of such municipality, within which may be provided certain facilities and services;

**WHEREAS**, on April 20, 2010, Orange County, Florida created the Black Lake/Lake Tilden MSBU as a municipal service benefit unit pursuant to the authority of the Florida Constitution and pursuant to Section 125.01(1)(q), Florida Statutes for the purpose of general lake cleaning, water quality improvement, maintenance, and aquatic plant control in Black Lake/Lake Tilden;

**WHEREAS**, the City of Winter Garden, Florida (the “City”) now desires to consent to inclusion within the Black Lake/Lake Tilden MSBU boundaries certain properties located within the municipal boundaries of the City, which properties will receive a special benefit from the general lake cleaning, water quality improvement, maintenance, and aquatic plant control financed by the Black Lake/Lake Tilden MSBU;

**WHEREAS**, a majority of affected property and home owners voted to approve of the MSBU;

**WHEREAS**, the Winter Garden City Commission has determined that consenting to the MSBU is in the best interests of the City; and

**BE IT ENACTED BY THE CITY OF WINTER GARDEN:**

**SECTION 1. CONSENT.** The City of Winter Garden hereby consents to the inclusion of certain properties described herein within the boundaries of the Black Lake/Lake Tilden MSBU created pursuant to Orange County Resolution on April 20, 2010, attached hereto as Exhibit “A” and incorporated herein by reference (the “MSBU Resolution”). The properties to be located within such MSBU boundaries are more particularly described in Exhibit “B” to the MSBU Resolution and incorporated herein by reference. The properties within the Black Lake/Lake Tilden Landing subdivision, shown on the map attached hereto as Exhibit “B,” are within the City of Winter Garden. The City grants consent for each and every year on a continuing basis until terminated by the City Commission, with respect only to those terms and provisions of the MSBU Resolution and the special assessments levied thereby as are set forth in Exhibit “A” hereto.

**SECTION 2. SEVERABILITY.** If a court of competent jurisdiction holds or determines that any provision of this ordinance or application thereof as to any person or circumstance is void or invalid, such invalidity or void provision shall not affect other provisions or applications of this ordinance, which can be given effect. To such end, the provisions of this ordinance are declared severable.

**SECTION 3. CONFLICTS.** In the event of a conflict or conflicts among this ordinance and other ordinances, this ordinance shall control to the extent that any such conflict exists.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon its passage and as provided by law.

READ FIRST TIME: \_\_\_\_\_, 2011

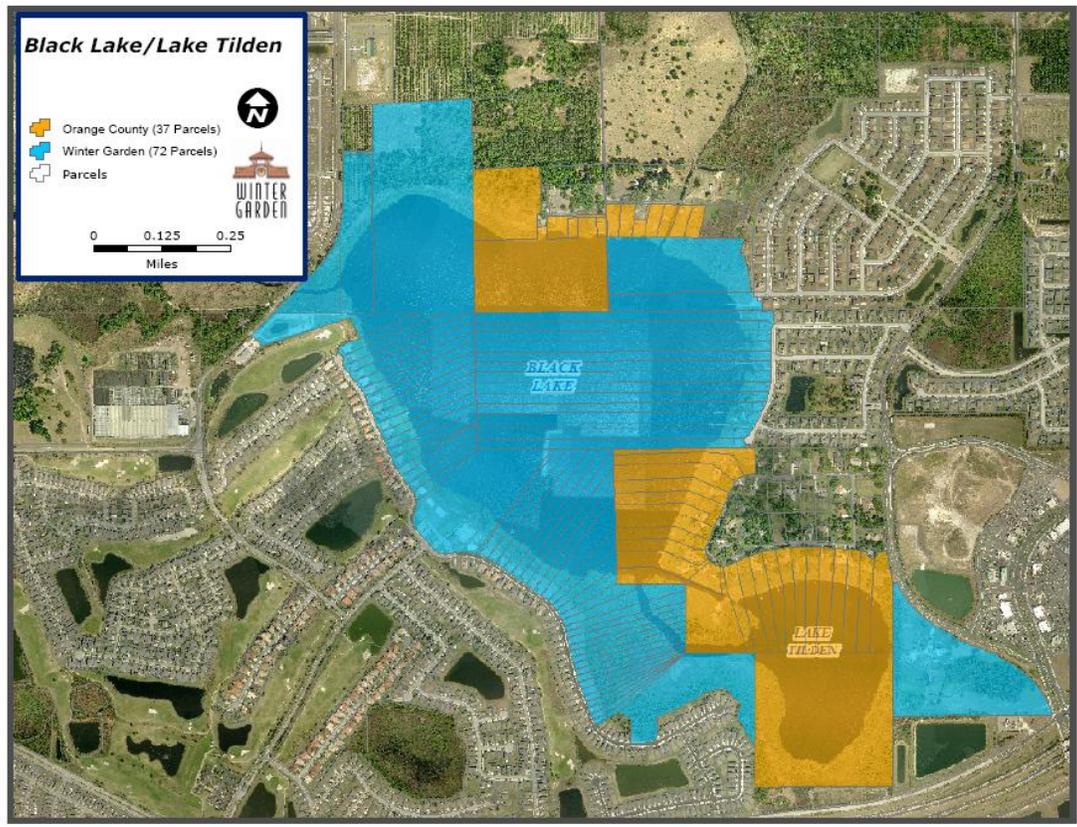
READ SECOND TIME AND  
PUBLIC HEARING HELD: \_\_\_\_\_, 2011

APPROVED:

\_\_\_\_\_  
John Rees, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk



APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
**APR 20 2010 APJ/cas**

**RESOLUTION  
OF THE  
BOARD OF COUNTY COMMISSIONERS  
ESTABLISHING  
A MUNICIPAL SERVICE BENEFIT UNIT  
FOR GENERAL LAKE CLEANING, WATER QUALITY  
IMPROVEMENT, MAINTENANCE  
AND AQUATIC PLANT CONTROL SERVICES FOR**

**Black Lake / Lake Tilden  
11/2010**

WHEREAS, Section 125.01 (01) (q), Florida Statutes, grants Orange County the power to establish Municipal Service Benefit Units (hereinafter known as the "MSBU") for any part of the unincorporated area of Orange County; and

WHEREAS, Section 197.3832, Florida Statutes, authorizes the levy, collection, and enforcement of non-ad valorem special assessments in the same manner as ad valorem taxes; and

WHEREAS, the Board of County Commissioners of Orange County (hereinafter known as the "Board") is the governing board of Orange County, Florida (hereinafter known as the "County") pursuant to its charter; and

WHEREAS, the Board of County Commissioners of Orange County has received a request, in writing, from the Orange County Environmental Protection Division ("EPD") for the establishment of such an MSBU for the purpose of general lake cleaning, water quality improvement, maintenance and aquatic plant control services in that portion of the unincorporated area of Orange County to be known as **Black Lake / Lake Tilden** and depicted on the map attached hereto as **Exhibit "A"** and which metes and bounds parcels are more fully described in Exhibit "B" and Exhibit "D" attached hereto and which subdivisions are more fully described in Exhibit "C" and Exhibit "E" attached hereto and incorporated herein by reference; and

WHEREAS, the Board has determined on the basis of the information submitted with such request from EPD that the provision of general lake cleaning, water quality improvement, maintenance and aquatic plant control services in that portion of Orange County known as **Black Lake / Lake Tilden** and shown on such Exhibit "A" will specially benefit the real property more particularly described and identified by parcel ID numbers and metes and bounds descriptions contained in Exhibit "B" and Exhibit "D" attached hereto and incorporated herein by reference and which properties are located in the subdivisions identified in Exhibit "C" and Exhibit "E" attached hereto and incorporated herein by reference; and

WHEREAS, the Board has determined, that the establishment of an MSBU for the purpose of general lake cleaning, water quality improvement, maintenance and aquatic plant control services is a reasonable and necessary method to finance such services and in the public interest, and the real

RECORDING DEPARTMENT: RETURN TO FINANCE & ACCOUNTING SPECIAL ASSESSMENTS

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STATE OF FLORIDA, COUNTY OF ORANGE  
I HEREBY CERTIFY this is a copy of a document  
approved by the BCC on **APR 20 2010**  
MARTHA G. WAINES, COUNTY COMPTROLLER  
By: *[Signature]* **APR 20 2010**  
Asst. Deputy Clerk Date





hereinafter are to be put into a special revenue fund of the County to the credit of the MSBU, and are to be used only as provided herein.

6. Upon approval of this MSBU, and for each and every year thereafter, a non-ad valorem special assessment roll setting forth a description of each lot or parcel of land subject to the non-ad valorem special assessment in the MSBU as provided herein, including homesteads, shall be prepared by the Property Appraiser and delivered to the Board, which shall levy a non-ad valorem special assessment upon such lots or parcels as may be necessary to pay the estimated expense of the general lake cleaning, water quality improvement, maintenance and aquatic plant control services of such lake and the administration of the MSBU. The Board hereby determines that a fair and reasonable method of assessing the costs of such services among the properties specially benefited by such services is a flat per lot or per parcel basis, and not an ad valorem basis, so that each parcel or lot, shall be assessed an equally amount toward such maintenance. After the adoption of the non-ad valorem special assessment roll by the Board, the Property Appraiser shall extend the non-ad valorem special assessment upon the non-ad valorem special assessment roll, which roll shall be fully completed prior to the time the Board sits as the Board of Tax Adjustment, during which time such non-ad valorem special assessment may be protested, reviewed, equalized and adjusted to conform to the provisions of Sections 197.3632 and 197.3635, Florida Statutes. After adjournment as the Board of Tax Adjustment, the Board shall certify the non-ad valorem special assessment roll in the same manner and at the same time as the County Tax Roll is certified and delivered to the Tax Collector, and the non-ad valorem special assessments shall be collected in the same manner and shall have the same priority rights, discounts for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment, and be subject to the same delinquent interest and penalties, and be treated in all respects the same as County ad valorem taxes. Proceeds from the collection of the non-ad valorem special assessments shall be deposited in such depository as designated by the Board to the credit of the MSBU, and are to be used only as provided herein. From the proceeds of the non-ad valorem special assessments, the Board shall pay the costs of having a non-ad valorem special assessment roll made and extended. The Tax Collector's Office shall receive all fees and costs of sale as provided by law for the collection of ad valorem taxes, advertising, sale of lands, and issuance and sale of certificates. The Uniform Method for the levy, collection, and enforcement of non-ad valorem special assessments, Section 197.3632, Florida Statutes, shall be used.

7. The Board intends that non-ad valorem special assessments authorized by this resolution be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes, for all affected parcels. The non-ad valorem special assessment will be listed on the assessment roll for all affected parcels and will be included in the notice of proposed property taxes and the tax notice for each affected parcel. These non-ad valorem special assessments will be subject to all collection provisions applicable to ad valorem taxes, including discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payments, issuance and sale of tax certificates and tax deeds for non-payment, and commissions of the Property Appraiser and the Tax Collector, as provided by Florida Law.

8. In the event of division or splitting of any of the tax parcels or lots assessed herein, any such newly subdivided or split parcels shall be included in the MSBU and assessed non-ad valorem special assessments, unless any such newly subdivided parcel shall, in the written determination of EPD, no longer continue to receive a special benefit from the services financed and provided through this MSBU. In the event of a determination by EPD that a parcel or parcels will no longer receive a special benefit from general lake cleaning, water quality improvement, maintenance and aquatic plant control services on such lake, the Property Appraiser and the Tax Collector shall be notified that such parcels shall be removed from the assessment rolls for this MSBU. In the event that newly subdivided parcels shall receive a lower benefit from such services than the assessment method for the MSBU

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shall be modified on the assessment rolls for the next ensuing year in order to continue to provide a fair and reasonable apportionment of the cost of the services provided for herein among the properties that receive the benefit of such services.

9. Each property owner affected by this resolution has been provided first class mail notice of the potential for loss of his or her title when the Uniform Method of collection is used and that all affected property owners have a right to appear at the hearing and to file written objections with the Board. Each property owner affected by this resolution has been provided first class mail notice of the time and place of the public hearing at which this resolution was adopted. However, under Section 119.07, Florida Statutes, certain records may be noted as exempt and confidential. This public record exemption may cause certain property owners not to receive the above first class mail notice, however, a public hearing notice conforming to the provisions of Section 197.3632, Florida Statutes, has been published in a newspaper of general circulation within Orange County four times preceding the public hearing.

10. The Board of County Commissioners shall be the governing board of this Municipal Service Benefit Unit.

ADOPTED THIS \_\_\_\_\_ DAY OF APR 20 2010, 2010

ORANGE COUNTY, FLORIDA

BY: *Art Jaramila*  
ORANGE COUNTY MAYOR

DATE: 4.23.10

ATTEST: Martha O. Haynie, County Comptroller  
as Clerk of the Board of County Commissioners

BY: *Veran Hampton*  
Assistant DEPUTY CLERK







Black Lake and Lake Tilden  
 Subdivisions  
 Exhibit "C" – Orange County

Subdivisions	Plat Book / Page	Section Township Range Subcode	Lots / Blocks / Buildings / Tracts / Units
Country Lakes	8/99-100	34-22-27-1807	Tract A – Recreation Lots 8 through 30

Black Lake and Lake Tilden  
 Metes and Bound Parcels  
 Exhibit "D" – Winter Garden

Parcel ID Number	Legal Description
02-23-27-0000-00-025	THAT PT OF NW1/4 OF NW1/4 LYING WLY OF WINTER GARDEN-VINELAND RD
33-22-27-0000-00-017	THAT PT OF E1/2 OF SE1/4 OF NE1/4 OF SEC 33-22-27 LYING SELY OF AVALON RD
34-22-27-0000-00-003	S1/2 OF NW1/4 OF NW1/4 & SW1/4 OF NW1/4 (LESS W 317 FT OF N 482 FT & LESS W 317 FT OF S 1498 FT) OF SEC 34-22-27
34-22-27-0000-00-040	W 317 FT OF S3/4 OF NW1/4 OF SEC 34-22-27 (LESS N 482 FT THEREOF)

Black Lake and Lake Tilden  
 Subdivisions  
 Exhibit "E" – Winter Garden

Subdivisions	Plat Book / Page	Section Township Range Subcode	Lots / Blocks / Buildings / Tracts / Units
Bay Isle	48/16-18	34-22-27-0162	Tract E – Recreation Lots 15 through 27
Black Lake Park Phase 2	64/1-6	34-22-27-0734	Tract H – Conservation Tract J – Recreation
Stoneybrook West Unit 1	44/134-138	04-23-27-8231	Tract KK – Park / Recreation
Stoneybrook West Unit 2	46/55-57	34-22-27-8287	Lots 21 through 38
Stoneybrook West Unit 5	53/150-152	33-22-27-8290	Tract EE – Boat Facility
Stoneybrook West Unit 7	64/68-71	03-23-27-8240	Tract A – Park Tract C – Open Space Lots 1 through 9 Block 3 Lots 1 through 21 Block 15

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# Orlando Sentinel

Published Daily

State of Florida } S.S.  
 COUNTY OF ORANGE }

Before the undersigned authority personally appeared Ann Carpenter, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at Orlando in Orange County, Florida; that the attached copy of advertisement, being a Public Hearing in the matter of Carley Estates; Black Lake / Lake Tilden; Lake Olivia; Rose Hill Drive - Rose Hill; Enclave at Moss Park / Phase 2A; Los Terranos - Nassau Avenue; Pine Hills Subdivision No 4 - Santa Barbara Road; Ponce De Leon - Sunrise Boulevard; Rio Grande Terrace 2nd Addition and 5th Addition - West Grant Street in the Orange County and published in said newspaper in the issue; of 3/25, 4/1, 4/8, 4/15, 2010

Affiant further says that the said Orlando Sentinel is a newspaper published at Orlando, in said Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Orlando in said Orange County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 15 day of April, 2010, by Ann Carpenter, who is personally known to me and who did take an oath.



**JEREMIAH M. TONEY**  
 NOTARY PUBLIC  
 STATE OF FLORIDA  
 Commission #00436825  
 Expires 11/15/2013

Order# 1061141

**PUBLIC HEARING NOTICE**  
**NOTICE BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS IF INTENT TO USE THE UNIFORM METHOD OF COLLECTION OF A NEW AD VALOREM ASSESSMENT**

\*\*\*YOU MUST REGISTER YOURSELF AS A PUBLIC HEARING PARTICIPANT BY VISITING THE WEBSITE: [www.orangecounty.com/assessors](http://www.orangecounty.com/assessors) OR BY CALLING 407-835-3100. E-mail: [SpecialAssessments@ocgov.com](mailto:SpecialAssessments@ocgov.com)

**PLEASE MAIL INFORMATION REGARDING A NEW AD VALOREM ASSESSMENT TO COMMISSIONERS CON LAS ORDENAS AT: 10000 W. BOYD BOULEVARD, SUITE 100, ORLANDO, FL 32837**

The Orange County Board of County Commissioners will hold a public hearing at 2 pm on April 14, 2010, at the Orange County Administration Center, 30 South Ponce de Leon Avenue, Orlando, Florida.

You are invited to attend and be heard regarding a proposal to consider the adoption of a resolution authorizing the Orange County Board of County Commissioners to use the uniform method of collecting annual ad valorem assessments by the Orange County Board of County Commissioners as provided in Section 191.002, Florida Statutes.

Notice is hereby given to all owners of lands located within the boundaries of Orange County, Florida that the Orange County Board of County Commissioners intends to use the uniform method of collecting annual ad valorem assessments by the Orange County Board of County Commissioners as set forth in Section 191.002, Florida Statutes.

These new ad valorem assessments would be levied and would be collected by the Tax Collector on the November 30th next unless the said said said and other year thereafter until notification of discontinuance by the Orange County Board of County Commissioners. Failure to pay the assessment will result in a lien on the real property against the property, which may result in a lien on the property. All collected property taxes shall be used for the general fund of the County. All collected property taxes shall be used for the general fund of the County.

Estimates, sketches, and specifications of the described properties are on file in the office of the Orange County Clerk/Recorder (Public Assessment), Orange County Administration Center, 301 South Ponce de Leon Avenue, Orlando, Florida, which are open to the public for inspection.

Assessments are due and payable the same as property taxes and have the same penalties for delinquency as property taxes, including potential liens on property if the delinquent tax certificate and for deed sale. The Uniform Method for the collection and enforcement of new ad valorem assessments, Section 191.002, Florida Statutes, will be used for collecting the assessments.

The following is the property to be assessed and the type and amount of increase or decrease for the first year; please note that the assessments for these properties are not based on a flat rate but a parcel's value per year value.

**City of Orange**  
 Subdivision Name: Southwest for the first year  
 2009-10 year increase: 2.00%  
 2010-11 year increase: 2.00%

Subdivision Name: Golden Gate, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

**Black Lake / Lake Tilden - 2009**  
 Subdivision Name: Black Lake / Lake Tilden, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Enclave at Moss Park, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Los Terranos, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Ponce De Leon, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Rio Grande Terrace, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: 5th Addition, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: West Grant Street, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Carley Estates, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Black Lake / Lake Tilden, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Enclave at Moss Park, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

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Subdivision Name: West Grant Street, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Carley Estates, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Black Lake / Lake Tilden, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

Subdivision Name: Enclave at Moss Park, Plot Book 16, Pages 18 and 19, Section 16, Township 22, Range 20, Lot 1 through 10, Public Records of Orange County, Florida. This subdivision is located in District 1.

**ORDINANCE 11-08**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.5 ± ACRES OF RIGHT-OF-WAY FOR BURCH AVENUE AND JACKSON STREET, 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 3.5 ± acres of Right-of-Way for Burch Avenue and Jackson Street 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: \_\_\_\_\_, 2011.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2011.

APPROVED:

ATTEST:

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**  
**Part 1 of 2**

DESCRIPTION: (JACKSON STREET)

ALL OF JACKSON STREET AS PLATTED PER WESTCHESTER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 141, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND PLATTED PER BURCHSHIRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 138, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THAT PORTION OF UNPLATTED JACKSON STREET LYING SOUTH AND ADJACENT TO THE AFORESAID PLATTED JACKSON STREET OF WESTCHESTER PLACE AND BURCHSHIRE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

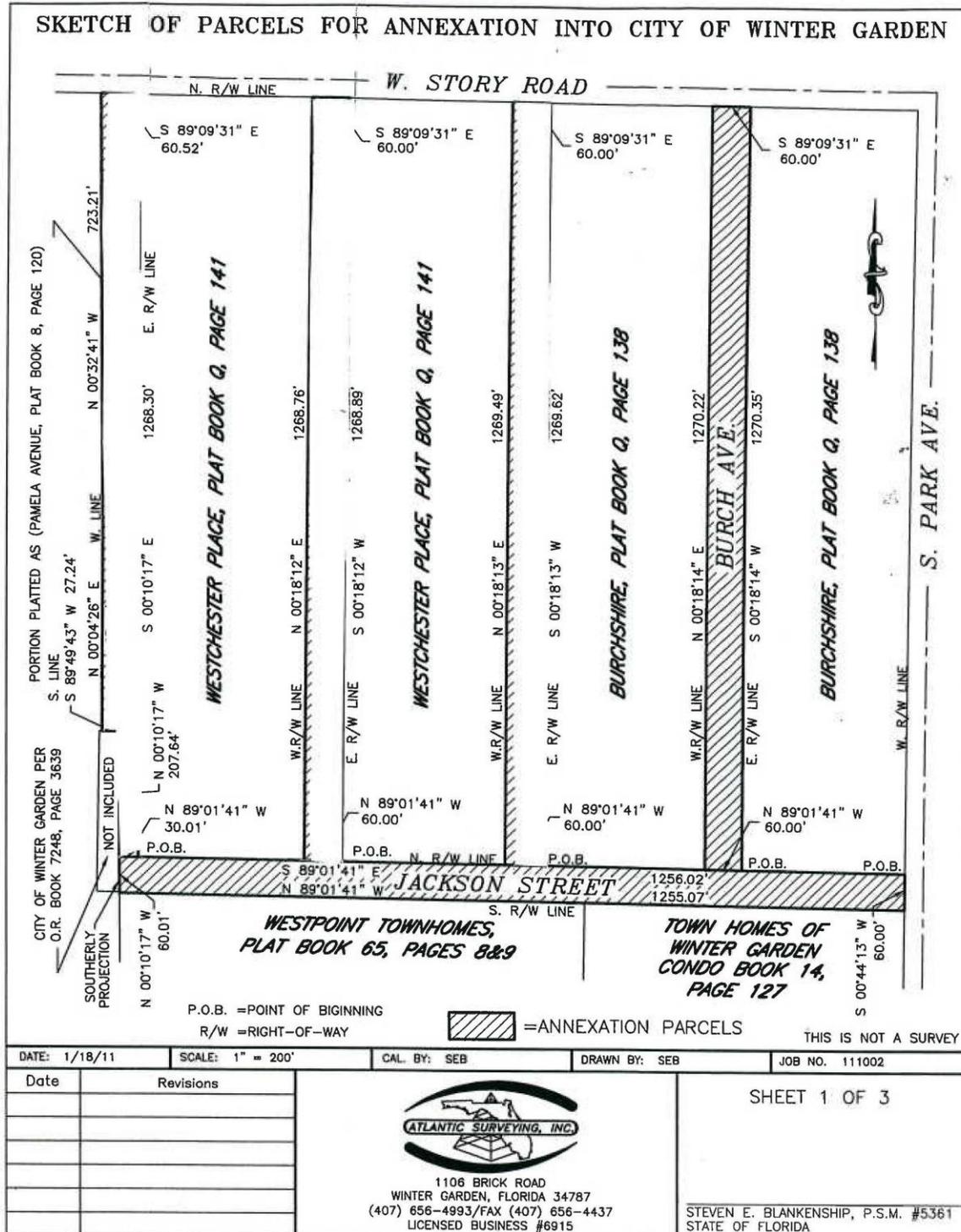
BEGIN AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET AND THE WEST RIGHT-OF-WAY LINE OF S. PARK AVENUE, THENCE RUN  $S00^{\circ}44'13''W$  ALONG SAID WEST RIGHT-OF-WAY LINE, 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF JACKSON STREET; THENCE RUN  $N89^{\circ}01'41''W$  ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1255.07 FEET TO THE SOUTHERLY PROJECTION OF THE WEST LINE OF PAMELA AVENUE PER WESTCHESTER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 141, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN  $N00^{\circ}10'17''W$  ALONG SAID WEST LINE, 60.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET; THENCE RUN  $S89^{\circ}01'41''E$  ALONG SAID NORTH RIGHT-OF-WAY LINE, 1256.02 FEET TO THE POINT OF BEGINNING.

DESCRIPTION: (BURCH AVENUE)

ALL OF BURCH AVENUE AS PLATTED PER BURCHSHIRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 138, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF BURCH AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET, THENCE RUN  $N89^{\circ}01'41''W$  ALONG SAID NORTH RIGHT-OF-WAY LINE, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID BURCH AVENUE; THENCE RUN  $N00^{\circ}18'14''E$  ALONG SAID WEST RIGHT-OF-WAY LINE, 1270.22 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF W. STORY ROAD; THENCE RUN  $S89^{\circ}09'31''E$  ALONG SAID SOUTH RIGHT-OF-WAY LINE, 60.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF BURCH AVENUE; THENCE RUN  $S00^{\circ}18'14''W$  ALONG SAID EAST RIGHT-OF-WAY LINE, 1270.35 FEET TO THE POINT OF BEGINNING.

**ATTACHMENT "A"**  
**Part 2 of 2**



**RESOLUTION 11-05**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM**

**WHEREAS**, Sec. 2 of the City Charter states that the at the first regular commission meeting after an election, including any runoffs and swearing in of commissioner(s); and

**WHEREAS**, Sec. 2 of the City Charter also states the commission shall elect from among its members a Mayor Pro-Tem; and

**WHEREAS**, the Charter also states that the Mayor Pro-Tem shall serve until a successor is elected; and

**WHEREAS**, a new Mayor Pro-Tem must be appointed;

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

**Section 1.** That \_\_\_\_\_ is hereby appointed to serve as Mayor Pro-Tem until the first meeting after the 2012 election has been certified.

**Section 2.** That this resolution shall be in full force and effect immediately upon its passage and adoption.

This Resolution is duly adopted at a regular meeting of the City Commission of the City of Winter Garden, Florida, held on the 14th day of April 2011.

APPROVED:

\_\_\_\_\_  
John Rees, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk