



**CITY COMMISSION AGENDA  
REGULAR MEETING OF AUGUST 25, 2011  
CITY HALL COMMISSION CHAMBERS  
300 W. Plant Street**

**THIS MEETING WILL BEGIN IMMEDIATELY FOLLOWING  
THE BUDGET WORKSHOP AT 6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum  
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of August 11, 2011

2. **PRESENTATION**

Orange County School Board Member Christine Moore to discuss 2011 school grades and teacher performance evaluations

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 11-16:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.27 ± ACRES LOCATED AT 70 EAST PALMETTO STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Planning Director Wilson
- B. **Ordinance 11-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.27 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 70 EAST PALMETTO STREET FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Planning Director Wilson
- C. **Ordinance 11-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; AMENDING SECTION 54-203, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 54-204, DOMESTIC RELATIONS ORDERS, RETIREE DIRECTED PAYMENTS, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE – City Manager Bollhoefer
- D. **Ordinance 11-19:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ABANDONING AND VACATING A PORTION OF AN EXISTING TWENTY-FIVE FOOT DRAINAGE EASEMENT GENERALLY LOCATED

NORTH OF DIVISION STREET, SOUTH OF CREST AVENUE AND EAST OF LULU CREEK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Planning Director Wilson

4. **PUBLIC HEARING MATTER**

- A. Appeal of denied annexation application for 1089 Walker Street and 176 Water Street for development of an AutoZone business at 13822 W. Colonial Drive (parcels 23-22-27-8104-00-331 and 23-22-27-8104-00-341) **REQUESTING 30-DAY EXTENSION** (Continued from July 28, 2011) – George and Maria Bori

5. **REGULAR BUSINESS**

- A. Recommendation to approve and authorize the City Manager to sign an agreement to acquire right-of-way on Plant Street for road widening from Bethlehem Missionary Baptist Church, Inc. – Community Development Director Williams
- B. Recommendation to approve bids and award contract for South Main Street (Smith to Tremaine) Roadway and Utility Reconstruction Project to T. D. Thomson Construction Company to include a ten percent contingency for a total of \$337,858.13 – Public Services Director Cochran

*Dispense as the City Commission and convene as the Community Redevelopment Agency*

- C. Recommendation to award and authorize the City Manager to execute the agreement for a Facade Matching Grant to JoJo Smoothies and Frozen Yogurt LLC/Garden City Realty located at 141 W. Plant Street owned by Garden City Realty, LLC, in the amount of \$5,000 - Economic Development Director Gerhartz
- D. Recommendation to award and authorize the City Manager to execute the agreement for a Facade Matching Grant to Winter Garden Restaurant/China Panda located at 7 S. Dillard Street owned by Antonio and Alda Goncalves, in the amount of \$10,000 - Economic Development Director Gerhartz

*Adjourn as the Community Redevelopment Agency and reconvene as the City Commission*

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

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

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

- A. Discussion on proposed ordinance regarding shoreline alterations; boat docks, sea walls, and boat ramps

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to budget hearing hearings and regular City Commission meeting on **WEDNESDAY**, September 7, 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.

**ORDINANCE 11-16**

**AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.27 ± ACRES LOCATED AT 70 EAST PALMETTO STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on the 13 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 owners of land generally described as approximately 0.27 ± acres located at 70 East Palmetto Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from “CITY LOW DENSITY RESIDENTIAL” to “CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL”, and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

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

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan by changing the Future Land Use designation to Residential-Neighborhood Commercial on real property legally described on Exhibit “A”.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: 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: August 11, 2011.

READ SECOND TIME AND PUBLIC HEARING: August 25, 2011.

APPROVED:

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

ATTEST:

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

## Exhibit "A"

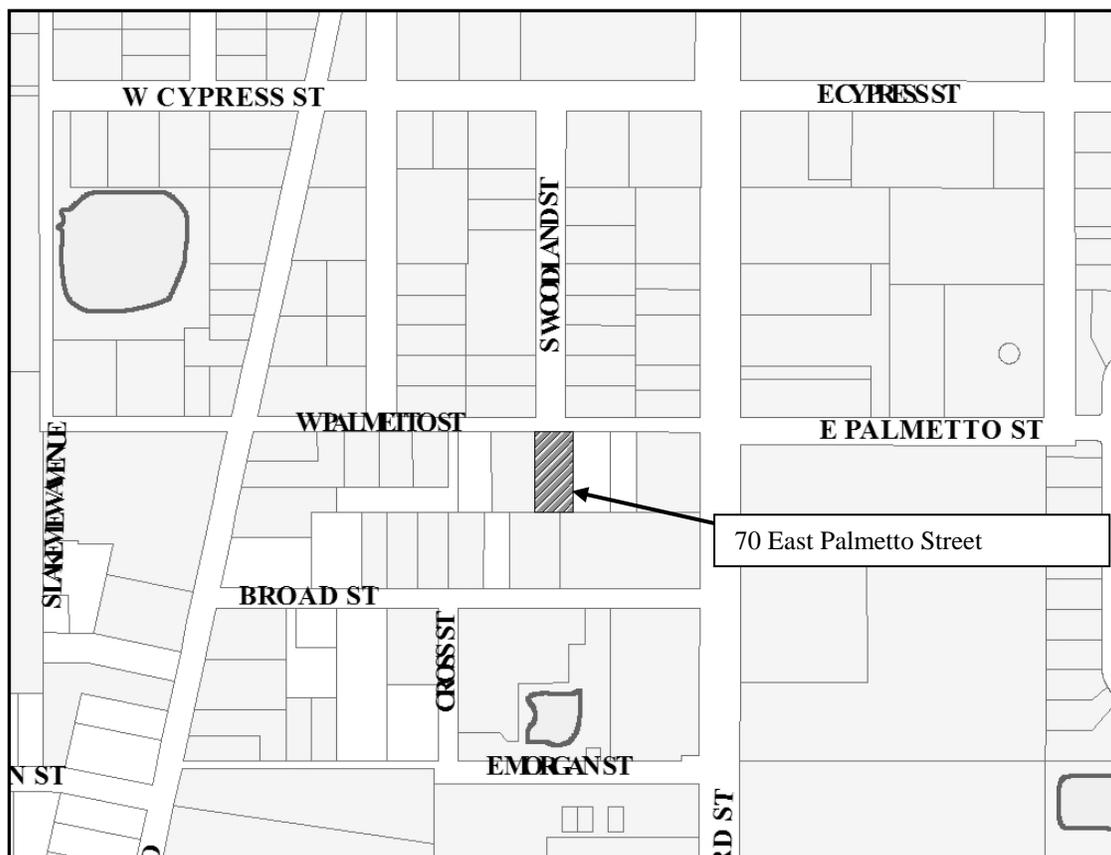
ALL THAT CERTAIN LAND SITUATE IN ORANGE COUNTY, FLORIDA VIZ:

BEGIN AT THE NORTHWEST CORNER OF LOT 14 OF FIRST ADDITION TO SCHENLEY PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE NORTH 150 FEET; THENCE EAST 50 FEET; THENCE SOUTH 150 FEET; THENCE WEST 50 FEET PARALLEL WITH NORTH LINE OF LOT 14 TO POINT OF BEGINNING; AND THE WEST 25 FEET OF THE EAST 300 FEET OF LOT 1 FIRST ADDITION TO SCHENLEY PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL ID No.: 23-22-27-7828-00014

PROPERTY COMMONLY KNOWN AS: 70 EAST PALMETTO STREET, WINTER GARDEN, FLORIDA 34787

Location Map



**ORDINANCE 11-17**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA,  
REZONING APPROXIMATELY 0.27 ± ACRES OF CERTAIN REAL  
PROPERTY LOCATED AT 70 EAST PALMETTO STREET FROM CITY R-2  
TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN  
EFFECTIVE DATE.**

WHEREAS, the owner of real property generally described as approximately 0.27 ± acres located at 70 East Palmetto Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to the City R-NC zoning classification, therefore;

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

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from City R-2 to City R-NC in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan through Ordinance 11-16 for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING AND PUBLIC HEARING August 11 2011.

SECOND READING AND PUBLIC HEARING: August 25 2011.

APPROVED:

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

ATTESTED:

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

## Exhibit "A"

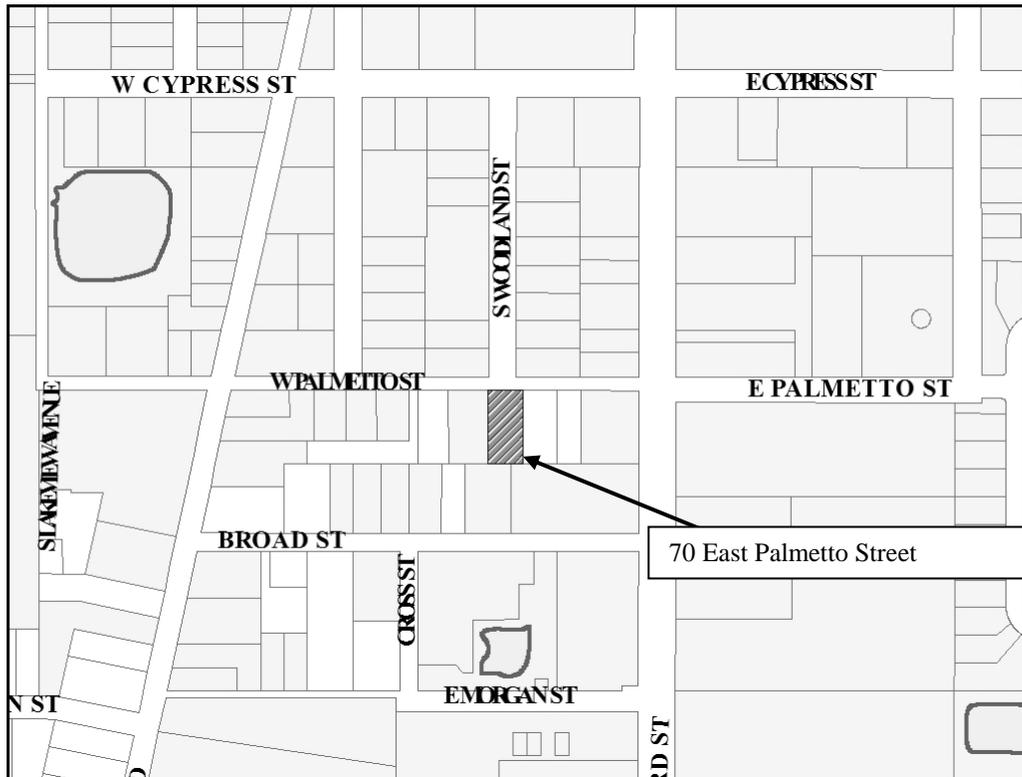
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PARCEL ID No.: 23-22-27-7828-00014

PROPERTY COMMONLY KNOWN AS: 70 EAST PALMETTO STREET, WINTER GARDEN, FLORIDA 34787

Location Map



**ORDINANCE NO. 11-18**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; AMENDING SECTION 54-203, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 54-204, DOMESTIC RELATIONS ORDERS, RETIREE DIRECTED PAYMENTS, EXEMPTION FROM EXECUTION, NON- ASSIGNABILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, Section 54-186, Definitions, the definition of “Firefighter”, is hereby amended to read as follows:

\* \* \* \* \*

*Firefighter* means an actively employed full-time person employed by the city, including his initial probationary employment period, who is certified as a firefighter as a condition of employment in accordance with the provisions of F.S. § 633.35, and whose duty it is to extinguish fires, to protect life and to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

\* \* \* \* \*

**SECTION 2:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, Section 54-203, Repeal or Termination of System, is hereby amended to read as follows:

**Sec. 54-203. Repeal or termination of system.**

(a) This article establishing the system and fund, and subsequent ordinances pertaining to said system and fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent

ordinance shall be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby, ~~except to the extent that the assets of the fund may be determined to be inadequate.~~

(b) If this article shall be repealed, or if contributions to the system are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in F.S. ch. 121, the board shall continue to administer the system in accordance with the provisions of this ordinance, for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said members. In the event of repeal, discontinuance of contributions, or transfer, merger or consolidation of government units, services or functions, there shall be full vesting (100 percent) of benefits accrued to date of repeal and ~~the assets of the system shall be allocated in an equitable manner to provide benefits on a proportionate basis to the persons so entitled in accordance with the provisions thereof~~ such benefits shall be nonforfeitable.

~~(c) The following shall be the order of priority for purposes of allocating the assets of the system as of the date of repeal of this article, or if contributions to the system are discontinued with the date of such discontinuation being determined by the board:~~

~~(1) Apportionment shall first be made in respect of each retiree receiving a retirement or disability benefit hereunder on such date, each person receiving a benefit on such date on account of a retired or disabled (but since deceased) member, and each member who has, by such date, become eligible for normal retirement but has not yet retired, an amount which is the actuarial equivalent of such benefit, provided that, if such asset value be less than the aggregate of such amounts, such amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such asset value.~~

~~(2) If there be any asset value remaining after the apportionment under subsection (1) above, apportionment shall next be made in respect of each member in the service of the city on such date who is vested and who is not entitled to an apportionment under subsection (1) above, in the amount required to provide the actuarial equivalent of the vested portion of the accrued normal~~

~~retirement benefit (but not less than accumulated contributions), based on the credited service and average final compensation as of such date, and each vested former member then entitled to a deferred benefit who has not, by such date, begun receiving benefit payments, in the amount required to provide said actuarial equivalent of the vested portion of the accrued normal retirement benefit (but not less than accumulated contributions), provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.~~

~~(3) If there be any asset value after the apportionments under subsections (1) and (2) above, apportionment shall be made in respect of each member in the service of the city on such date who is not entitled to an apportionment under subsections (1) and (2) above, in the amount equal to member's accumulated contributions, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder such latter amount shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.~~

~~(4) If there be any asset value remaining after the apportionments under subsections (1) through (3) above, apportionment shall lastly be made in respect of each member included in subsection (3) above, to the extent of the actuarial equivalent of the nonvested accrued normal retirement benefit, less the amount apportioned in subsection (3) above, based on the credited service and average final compensation as of such date, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such amounts shall be reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.~~

~~(5) In the event that there be asset value remaining after the full apportionment specified in subsection (1) through (4), such excess shall be returned to the city, less return of the state's contributions to the state, provided that, if the excess is less than the total contributions made by the city and the state to the date of termination such excess shall be divided proportionately to the total contributions made by the city and the state.~~

~~The allocation of the fund provided for in this subsection may, as decided by the board, be carried out through the purchase of insurance company contracts to provide the benefits determined in accordance with this subsection. The fund may be distributed in one sum to the persons entitled to said benefits or the distribution may be carried out in such other equitable manner as the board may direct. The fund may be continued in existence for purposes of subsequent distributions.~~

~~(d) — After all the vested and accrued benefits provided hereunder have been paid and after all other liabilities have been satisfied, then and only then shall any remaining funds revert to the general fund of the city.~~

(c) The fund shall be distributed in accordance with the following procedures:

(1) The board shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the city if additional assets are required, in which event the city shall continue to financially support the plan until all nonforfeitable benefits have been funded.

(2) The board shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each police officer or firefighter entitled to benefits under the plan as specified in subsection (3).

(3) The board shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the police officer's or firefighter's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the police officer or firefighter.

(4) If there is asset value remaining after the full distribution specified in subsection (3), and after the payment of any expenses incurred with such distribution, such excess shall be returned to the city, less return to the State of the State's contributions, provided that, if the excess is less than the total

contributions made by the city and the State to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the city and the State.

- (5) The board shall distribute, in accordance with subsection (2), the amounts determined under subsection (3).

If, after twenty-four (24) months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued, the city or the board of the fund affected has not complied with all the provisions in this section, the Florida Department of Management Services will effect the termination of the fund in accordance with this section.

**SECTION 3:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, Section 54-204, Domestic Relations Orders, Retiree Directed Payments, Exemption from Execution, Non-Assignability, subsection (b), Retiree Directed Payments, is hereby amended to read as follows:

(b) *Retiree directed payments.* The board may, upon written request by a retiree or by a dependent, when authorized by a retiree or the retiree's beneficiary, authorize the system to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, to make payments to insurance companies for insurance premiums—~~if~~ as permitted by F.S. Chs. 175 and 185, and to make any payments for child support or alimony.

\* \* \* \* \*

**SECTION 4:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 6:** That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this 11th day of August, 2011.

PASSED AND ADOPTED ON SECOND READING, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

JOHN REES, MAYOR/COMMISSIONER

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, CITY CLERK

dm/wtg/pf/08-17-11.ord

**ORDINANCE 11-19**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ABANDONING AND VACATING A PORTION OF AN EXISTING TWENTY-FIVE FOOT DRAINAGE EASEMENT GENERALLY LOCATED NORTH OF DIVISION STREET, SOUTH OF CREST AVENUE AND EAST OF LULU CREEK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, JTD Land at Covington Chase, LLC (the "Owner") is the fee simple owner of that certain real property generally located north of Division Street, south of Crest Avenue, and east of Lulu Creek, and being more particularly described on Attachment "A" (the "Owner's Property" as recorded in official records book 10194, page 4268; and

**WHEREAS**, pursuant to that certain Easement as recorded in Official Records Book 2162, page 787 et seq. (Public Records of Orange County, Florida), the City of Winter Garden, Florida (the "City") was granted a twenty-five (25) foot drainage easement, a copy of which is attached here to as ATTACHMENT "B"; and

**WHEREAS**, a portion of certain easement has been previously vacated by the City Commission per Ordinance 04-11 as recorded in official records book 07396, page 4271; and

**WHEREAS**, the Owner represents that Owner will accommodate the stormwater for or otherwise meet the purposes of said twenty-five (25) foot drainage easement which is located within the Owner's Property as part of the platting and development of a residential subdivision; and

**WHEREAS**, the City finds that the portion of said easement which is located within the Owner's Property is no longer needed to serve a public purpose and that it is in the public interest that said easement be vacated and abandoned, provided that adequate easements are dedicated on any plat or subdivision as deemed necessary by the City at the time of subdivision approval.

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

**SECTION 1: Recitals.** The above recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein.

**SECTION 2: Abandonment and Vacation.** That portion of the twenty-five (25) foot drainage easement, recorded in Official Records Book 2162, Page 787 et seq. (Public Records of Orange County, Florida), lying within Tract "H" Covington Park as recorded in plat book 68 pages 112 through 119, and more particularly described on ATTACHMENT "C", be and the same is hereby vacated and abandoned as a drainage easement, and that said property shall revert to the property owner who has a reversionary interest, except and subject to any other easements of record, over, under, and upon said property.

**SECTION 3: Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

SECTION 4: **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

**FIRST READING:** \_\_\_\_\_ August 11 \_\_\_\_\_, 2011.

**SECOND READING AND PUBLIC HEARING:** August 25 \_\_\_\_\_, 2011

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

## **ATTACHMENT "A" LAND DESCRIPTION**

Tracts H and I, and Lots 21, 22, 29, 89, 91, 128, 138 through 144, 146 through 151, inclusive, 153, 154, 155, 157, 160, 165, 167 through 172, inclusive, 175 through 184, inclusive, 186, 187, 196, 198, 199, 203, 204, 207, 208 and 210, COVINGTON PARK, according to the plat thereof as recorded in Plat Book 68, Pages 112 through 119, inclusive, Public Records of Orange County, Florida.

ATTACHMENT "B"  
BOOK 2162 PG 787 AND 788

475195 RECORDED

JAN 5 9 10 AM '72

O.R. 2162 PG 787

EASEMENT

between

A.C. BRAY and EDITH BRAY

and

THE CITY OF WINTER GARDEN

THIS EASEMENT, made and entered into the 17<sup>th</sup> day of December, 1971, by and between A.C. BRAY and EDITH BRAY, his wife, hereinafter called the Grantors, and THE CITY OF WINTER GARDEN, a municipal corporation, hereinafter called Grantee.

W I T N E S S E T H : The parties hereto for the consideration hereinafter mentioned covenant and agree as follows:

1. The Grantors, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid, receipt of which is hereby acknowledged, hereby grants and conveys to the Grantee an easement and right-of-way in, on, under, over and across the following described premises, for the purpose of entering upon said premises and clearing, excavating, constructing, deepening, widening and maintaining an easement and installing, constructing, using and maintaining culverts, pipes and other drainage facilities thereon, viz:

A 25.0 feet strip of land laying 12.5 feet each side of the following described line. From the SE corner of the NE $\frac{1}{4}$  of Section 14, Township 22 South, Range 27 East, run thence N 0° 05' 11" W along the Easterly line of said NE $\frac{1}{4}$  a distance of 874.54 feet for a Point of Beginning, thence S 89° 54' 49" W a distance of 595.20 feet, thence N 79° 05' 11" W to a point on a line 579.0 feet Northeasterly of and parallel to the Easterly line of the Replat of Winter Garden Shores as recorded in Plat Book M, pages 76 & 77, Public Records of Orange County, Florida, thence Northwesterly along said line to the Southerly Right-of-way line of Crown Point Road to the Point of Termination.

2. TO HAVE AND TO HOLD said easement and right-of-way unto the Grantee perpetually.



ROBERT W. OLSEN, J.D.  
ATTORNEY AT LAW  
208 N. ROBALIND AVENUE  
POST OFFICE BOX 1767  
ORLANDO, FLORIDA 32802

O.R. 2162 PG 788

3. The Grantor covenants with the Grantee that they are lawfully seized and possessed of the premises and has good right to convey this easement and right-of-way.

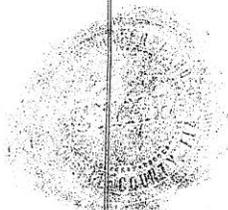
IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

A.C. Bray  
A.C. Bray

Edith Bray  
Edith Bray

CITY OF WINTER GARDEN  
BY [Signature]

ATTEST:  
Loren B. Williams  
City Clerk



STATE OF FLORIDA:  
COUNTY OF ORANGE:

BEFORE ME, the undersigned authority, on this day personally appeared A.C. BRAY and EDITH BRAY, his wife, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Winter Garden, Orange County, Florida, this \_\_\_\_\_ day of December, 1971.

RECORDED & RECORD VERIFIED

[Signature] Clerk of  
Circuit Court, Orange Co., Fla.

Harriet R. Roan  
Notary Public

ROBERT W. OLSEN, J.D.  
ATTORNEY AT LAW  
208 N. ROSALIND AVENUE  
POST OFFICE BOX 1787  
ORLANDO, FLORIDA 32802

MY COMMISSION EXPIRES:  
JANUARY 1, 1974  
777 CENTRAL AVENUE, SUITE 100, ORLANDO, FLORIDA 32801  
PHONE 381-1100

-2-

THIS INSTRUMENT WAS PREPARED BY:  
ROBERT W. OLSEN, Attorney at Law  
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**ATTACHMENT “C”  
DRAINAGE EASEMENT VACATION AND ABANDONMENT**

LEGAL DESCRIPTION

A PORTION OF THE TWENTY-FIVE (25) FOOT DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2162, PAGE 787 LYING WITHIN TRACT “H”, COVINGTON PARK AS RECORDED IN PLAT BOOK 68, PAGES 112 TO 119, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NE ¼ OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 27 EAST; THENCE NORTH 00°18'26" WEST ALONG THE EAST LINE OF THE NE ¼ OF SAID SECTION 14, 867.24 FEET TO THE SOUTHEAST CORNER OF TRACT “H”, COVINGTON PARK AS RECORDED IN PLAT BOOK 68, PAGES 112 TO 119, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE SOUTH 89°41'34" WEST ALONG THE SOUTH LINE OF SAID TRACT “H”, 594.00 FEET; THENCE NORTH 79°18'26" WEST, 299.39 FEET; THENCE LEAVING SAID SOUTH LINE, RUN NORTH 03°41'34" EAST, 19.58 FEET; THENCE SOUTH 79°18'26" EAST, 297.99 FEET; THENCE NORTH 89°41'34" EAST, 594.00 FEET TO THE AFORESAID EAST LINE OF THE NE ¼ OF SAID SECTION 14; THENCE SOUTH 00°18'26" EAST, 19.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 17,566 SQUARE FEET MORE OR LESS