



**CITY COMMISSION AGENDA
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street**

REGULAR MEETING

FEBRUARY 14, 2013

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of January 10, 2013

2. FIRST READING OF PROPOSED ORDINANCES

A. **Ordinance 13-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.82 ± ACRES LOCATED AT 1751 WILLIAMS ROAD AT THE NORTHEAST CORNER OF WILLIAMS ROAD AND AMBER SWEET LANE 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

B. **Ordinance 13-08:** 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 4.82 ± ACRES LOCATED AT 1751 WILLIAMS ROAD AT THE NORTHEAST CORNER OF WILLIAMS ROAD AND AMBER SWEET LANE FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

With the second readings and public hearings being scheduled for February 28, 2013 – Community Development Director Williams

C. **Ordinance 13-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.6 ± ACRES LOCATED AT 17416 AMBER SWEET LANE ON THE SOUTH SIDE OF AMBER SWEET LANE, EAST OF WILLIAMS ROAD 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

D. **Ordinance 13-10:** 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 4.6 ± ACRES LOCATED AT 17416 AMBER SWEET LANE ON THE SOUTH SIDE OF AMBER SWEET LANE, EAST OF WILLIAMS ROAD FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

With the second readings and public hearings being scheduled for February 28, 2013 – Community Development Director Williams

E. **Ordinance 13-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 12-48, THE CITY OF WINTER GARDEN FISCAL YEAR 2012-2013 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for February 28, 2013 – Finance Director Zielonka**

F. **Ordinance 13-12:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE III, DIVISION 4 AND 5 OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING FINAL PLAT PROCEDURES AND REQUIREMENTS, AND HOA AND COMMUNITY SUBDIVISION INFRASTRUCTURE; RESPONSIBILITY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE **staff requests**

postponing this item until February 28, 2013 - Community Development Director Williams

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

- A. **Ordinance 13-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD 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
- B. **Ordinance 13-02:** 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 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY RURAL AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 13-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
Community Development Director Williams

- D. **Ordinance 13-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SIPLIN ROAD AND SUNRIDGE BOULEVARD 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 -
Community Development Director Williams

4. **REGULAR BUSINESS**

- A. Recommendation to approve Final Plat for Reserve at Carriage Pointe Phase 1 – Community Development Director Williams
- B. Recommendation to approve entering into a School Concurrency Mitigation Agreement WG-12-001 with Orange County School Board and J&WB, Inc. for the Bradford Creek project located at 420 and 421 Winter Garden Vineland Road – Community Development Director Williams
- C. **Resolution 13-01:** A RESOLUTION OF THE CITY OF WINTER GARDEN SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS – City Manager Bollhoefer
- D. **Resolution 13-02:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, OPPOSING UNFUNDED STATE MANDATES ON CITIES – City Manager Bollhoefer
- E. Appointment to the Code Enforcement Board to fill the unexpired term, until July 1, 2015, of resigning member Bradley Lomneck – City Clerk Golden

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

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

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

- A. Distribution and brief discussion on upcoming ordinances

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on February 28, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICE: In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.

	Those needing assistance to participate in any of these proceedings should contact the City Clerk's Office at least 48 hours in advance of the meeting (407) 656-4111 x2254.		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.
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CITY OF WINTER GARDEN

CITY COMMISSION & COMMUNITY REDEVELOPMENT AGENCY REGULAR MEETING MINUTES

January 10, 2013

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager–Administrative Services Frank Gilbert, Assistant City Manager -Public Services Don Cochran, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Parks and Recreation Director Jay Conn, Network Specialist George Strobel, Building Official Skip Lukert, and West Orange Times Reporter Kelsey Tressler

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of December 19, 2012 as submitted. Seconded by Commissioner Sharman and carried 5-0.

2. **PRESENTATIONS**

A. **Lake Apopka improvements by Dennis Renfro, Florida Fish and Wildlife Conservation Commission**

Mr. Dennis Renfro of the Florida Fish and Wildlife Conservation Commission stated that he is the project and resource manager for the Harris Chain of Lakes. He gave some background information and highlighted programs that will draw the sport fishing community to the local area.

Commissioner Buchanan inquired when the programs would start. Mr. Renfro replied that the volunteer portion will start in approximately two to three weeks. He spoke of the locations for some of the fish attracters. He stated that they would begin with placement close to the Winter Garden ramp due to it having the best access. Other parts of the programs will go out on contract and have 90 days for completion.

Commissioner Buchanan asked if the dredging would be a nuisance to these programs. Mr. Renfro responded no, the dredging would come first.

B. Lake Apopka dredging by Commissioner Makin

Commissioner Makin noted he was postponing this item due to an upcoming joint meeting on January 30, 2013 from 9:00 a.m. to 11:00 a.m. at Tanner Hall. He stated that in attendance would be the Florida Fish and Wildlife Conservation Commission (FWC), the Florida Department of Environmental Protection Agency (DEP), University of Florida, and St. Johns Water Management District. He noted that all of these different agencies are working together to be sure that everyone is aware of what everyone else is doing.

C. International City/County Management Association awards for Voice of the People for Transformation and Excellence

City Manager Bollhoefer stated that a few years ago a performance measurement and strategic management plan began within the City. As part of the process the data is submitted to the ICMA and every two years a bi-annual survey is submitted to the citizens. He noted that the City has won service awards, based on this information, in Code Enforcement, Police, Parks and Recreation. Also, the City of Winter Garden was rated as one of the top three communities in the entire United States of America.

Mayor Rees, City Commission and the City Manager recognized staff and a group photo was taken with the award for their contribution in making these awards possible.

D. Winter Garden in Bloom – Mary Zahl (*This item was postponed.*)

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. Ordinance 13-01: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD 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

B. Ordinance 13-02: 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 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY RURAL AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. Ordinance 13-03: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS

ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY A-1
CITRUS/AGRICULTURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 13-01, 13-02, and 13-03 by title only. Community Development Director Williams stated that this parcel is a voluntary annexation. The applicant is trying to put three parcels together and would be proposing a residential development in the future. Staff and the Planning and Zoning Board recommend approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to approve Ordinances 13-01, 13-02, and 13-03 with the second reading and public hearing being scheduled for January 24, 2013 *(Please note that later in this meeting the public hearing date was changed to February 14, 2013 because the January 24, 2013 meeting was cancelled.)* **Seconded by Commissioner Makin and carried unanimously 5-0.**

- D. **Ordinance 13-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SIPLIN ROAD AND SUNRIDGE BOULEVARD 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

City Attorney Ardaman read Ordinance 13-05 by title only. Community Development Director Williams stated that this is a voluntary annexation. He noted that now that the middle school and elementary school have opened, the City is getting a lot of interest in the surrounding properties. This property will be back for approval as a residential property after the annexation is complete. Both the Planning and Zoning Board and staff recommend approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinance 13-05 with the second reading and public hearing being scheduled for January 24, 2013. *(Please note that later in this meeting the public hearing date was changed to February 14, 2013 because the January 24, 2013 meeting was cancelled.)* **Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

Dispensed as the City Commission and convene as the Community Redevelopment agency at 6: 58 p.m.

Members Present: Chairman John Rees, Members Robert Olszewski, Bob Buchanan, Kent Makin, and Colin Sharman

Members Absent: CRAAB Chairman Larry Cappleman

A. **Recommendation to approve, with conditions, an application for a facade matching grant not to exceed \$10,000 for Winter Garden Urban Flats located at 132 W. Plant Street**

Economic Development Director Gerhartz stated that final approval is being sought for a façade matching grant for 132 W. Plant Street. She explained that the owner of the Winter Garden Urban Flats is David Downs who has signed a lease to build out the bottom floor. Staff has worked with Mr. Downs to build a wall to have Tremaine Street look like a street instead of an alley. This wall, which is at the back of the building, will have a faux door, awnings and lighting to give it a business look. The subject improvements have been reviewed by City staff, Architectural Review and Historic Preservation Board, and the CRA Advisory Board. Last month, the CRA Advisory Board decided to recommended approval of this application.

City Manager Bollhoefer noted that the City would like to work with all of the businesses in that area so that when you see the rear of the buildings, they will actually look like the fronts of buildings making them pedestrian friendly. He noted that this is important for the long term success of the downtown area.

Commissioner Makin inquired on the purpose of the addition on the south side of the building. Ms. Gerhartz noted that the owner David Downs was in the audience. She then responded by stating that the back of a restaurant can sometimes be an unpleasant site and the idea is to create an area that shields that unsightliness from view.

Motion by CRA Member Makin to approve, with conditions, the application for a façade matching grant by Winter Garden Urban Flats located at 132 W. Plant Street not to exceed \$10,000. Seconded by CRA Member Buchanan and carried unanimously 5-0.

Adjourned as the Community Redevelopment Agency and reconvene as the City Commission at 7:04 p.m.

B. **Recommendation to approve Covington Chase Subdivision Phase 2B Final Plat**

Community Development Director Williams stated that this is the plat for Phase 2B of Covington Chase Subdivision. Staff and the Planning and Zoning Board recommend approval. He noted that the project is getting a lot of interest from home buyers and this

allows this phase of the lots. Staff anticipates that they will be back with a plat for the next phase very soon because of the great demand that they are experiencing.

Motion by Commissioner Makin to approve Covington Chase Subdivision Phase 2B Final Plat. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. **Recommendation to authorize the Mayor to execute an agreement for dispatching services for the Town of Oakland**

Police Chief Brennan stated that the Town of Oakland has requested that the City of Winter Garden provide them with dispatching services. Chief Brennan stated that additional information was provided regarding the 911 surcharge funds that had originally been going to the Orange County Sheriff's office will now come to the City of Winter Garden. This is a benefit to the Town of Oakland as well as the City of Winter Garden.

Mayor Rees asked if the quarterly base of \$9,000 paid to the City of Winter Garden will cover the City's expenses for this service. Chief Brennan responded that this is with current personnel so this is more or less revenue that the City of Winter Garden will be gaining.

Commissioner Olszewski inquired if the additional call volume from Oakland and no increase to Winter Garden staff would compromise service to the citizens of the City of Winter Garden or Oakland residents. Chief Brennan replied that currently if the Town of Oakland needed back-up services, the City of Winter Garden would still respond but with a delay in the call going to their Orange County Sheriff dispatcher who would then have to call the City of Winter Garden to respond because we are not on the same radio frequency.

Commissioner Makin asked if there are any other cities that have this kind of agreement. Chief Brennan replied yes; there are mutual aid agreements and Oakland has assisted us on occasion.

Commissioner Buchanan inquired as to the total number of officers the City of Winter Garden has. Chief Brennan responded that there are 71 budgeted officers.

Motion by Commissioner Sharman to approve authorizing the Mayor to execute the agreement as submitted for dispatching services for the Town of Oakland. Seconded by Commissioner Makin and carried unanimously 5-0.

D. **Authorization to use confiscation funds to start police canine services**

Police Chief Brennan stated that this request is to use confiscated funds, which are funds that drug money has come in and can only be used for law enforcement purposes. He noted that the funds would be used to start up canine (K-9) services. The costs associated with it are for obtaining the dogs, car equipment, handling equipment, training, and vet

services. He is looking to utilize up to \$35,000 to fund the start-up costs to get the City through the 2013 fiscal year.

Chief Brennan noted that a dog valued at \$9,000 was donated to the City in December 2012, but he feels that a second dog is needed to cover the City's needs.

Mayor Rees asked if the existing officers would be the K-9 handlers. Chief Brennan responded that they will be assigned to night time duties and staffing levels would stay the same. There would be no loss of any services but we will gain capability. He noted that the City has been relying on the Orange County Sheriff's office, City of Apopka, and the City of Ocoee to send in their dogs when we need them and there is a response delay in waiting for them to get here.

There was discussion on the breeds used for K-9 units with the German Shepard being most used due to their temperament and obedience. Commissioner Olszewski inquired if all dogs have to come from a certified vendor. Chief Brennan responded yes.

Motion by Commissioner Olszewski to approve the use of confiscated funds to start police canine services. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **MATTERS FROM CITIZENS** – There were no items.
6. **MATTERS FROM CITY ATTORNEY** – There were no items.
7. **MATTERS FROM CITY MANAGER**

- **Update on Police Officers in Elementary Schools**

City Manager Bollhoefer stated that staff has been having on going meetings with the different agencies. At this time, the municipalities will not be putting police officers full-time in any of the schools. The school system has decided that they do not believe it is necessary for the schools. He noted that the officers will show their presence such as preparing reports or by parking empty cars in the school parking lots. He noted that everyone seems to be addressing this issue in the short term, not the long term.

Commissioner Sharman noted that no one can predict when something random like this will happen. [*Referring to a recent mass shooting in Sandy Hook Elementary School in Newtown, Connecticut.*]

- **Employee Health Insurance Increase**

City Manager Bollhoefer noted in the last City Commission meeting the health insurance increase of 12.5 percent with half being passed on to the employees and the other half passed on to the City. He noted that one of the issues going forward in government is the cost in employee benefits and this is why staff recommended the City split that cost 50/50. Staff will be working on a long-term plan for the costs. He explained that this is

coming at the same time as the 2 percent increase to their Social Security deduction. He noted that for some employees this could be very significant to their paycheck.

Mr. Bollhoefer requested that the City Commission approve of the City picking up the increases for the remaining nine months of this fiscal year, thereby giving the employees the extra time to adjust their budgets.

Motion by Commissioner Sharman to approve of the City paying the employee health insurance premium increase as recommended by the City Manager. Seconded by Commissioner Buchanan and carried unanimously 5-0.

A. **Discussion on application process for historic downtown events**

City Manager Bollhoefer stated that the details on the process are still being worked out but there are a couple of events that need to be discussed tonight because if they are allowed to go forward with the alcohol sales, they would need enough time to get the license. The two events include the Blues and BBQ Festival and the Uncle Don's Chili Cook Off. He noted that last year was the first time for the Blues and BBQ event and was possibly one of the most successful events the City has ever had. He added that this event was not advertised and only expected about 500 people and about 4,000 attended. He stated that we ran out of food and beer, but raised \$10,000 for the American Cancer Society. He also noted that the Uncle Don's Chili Cook Off has been successful raising money for the Relay for Life. He asked for permission from the City Commission to allow them to serve beer at these events.

There was discussion on upgrades to the outlets and sound system.

Mr. Bollhoefer announced that the Blues and BBQ event is on March 9th and the Uncle Don's Chili Cook Off is on February 9th.

Motion by Commissioner Sharman to approve allowing the Blues and BBQ Festival on March 9th and the Uncle Don's Chili Cook Off on February 9th to serve beer and wine only in their designated barricaded area. Seconded by Commission Makin and carried unanimously 5-0.

• **Cancellation of regular meeting on January 24, 2013**

City Manager Bollhoefer stated that two Commission members will be absent for the January 24, 2013 meeting and recommended cancelling the meeting. City Clerk Golden mentioned that earlier the public hearings for the ordinances were scheduled for the January 24, 2013 meeting. City Attorney Ardaman indicated that the change will have to be re-advertised. Mr. Bollhoefer advised it is entirely up to the City Commission whether or not to have a meeting with the Mayor and Mayor Pro Tem being absent.

Motion by Commissioner Makin to cancel the regularly scheduled City Commission meeting of January 24, 2013. Seconded by Commissioner Buchanan and carried unanimously 5-0.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman and **Mayor Rees** acknowledged two boy scouts in the audience earning their merit badge for attending the City Commission meeting.

Commissioner Olszewski thanked City staff on their work at recent events and stated that they are doing a great job.

Commissioner Olszewski announced a community meeting at City Hall Chambers at 6:30 on Wednesday, January 16, 2013, regarding the proposed 7-11 at Windermere and Roberson Road.

Commissioner Buchanan thanked the City staff for a great holiday season.

Commissioner Makin thanked the City staff for all that they do. He reminded everyone of the January 30th meeting at Tanner Hall previously mentioned in the meeting.

The meeting adjourned at 7:29 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: FEBRUARY 7, 2013

Meeting Date: FEBRUARY 14, 2013

Subject: 1751 WILLIAMS ROAD
FOREMOSTCO, INC.
ORDINANCE 13-07, ORDINANCE 13-08
PARCEL ID# 06-23-27-0000-00-007

Issue: The applicant is requesting Annexation and Future Lands Use designation on property located at 1751 Williams Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 4.82 ± acre enclave located at the northeast corner of Williams Road and Amber Sweet Lane. The applicant has requested Annexation into the City and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Urban Village. The property will not have a zoning designation until they redevelop, at which time they will be required to submit for an Urban Village Planned Unit Development. (See attached Staff Report).

Recommended Action:

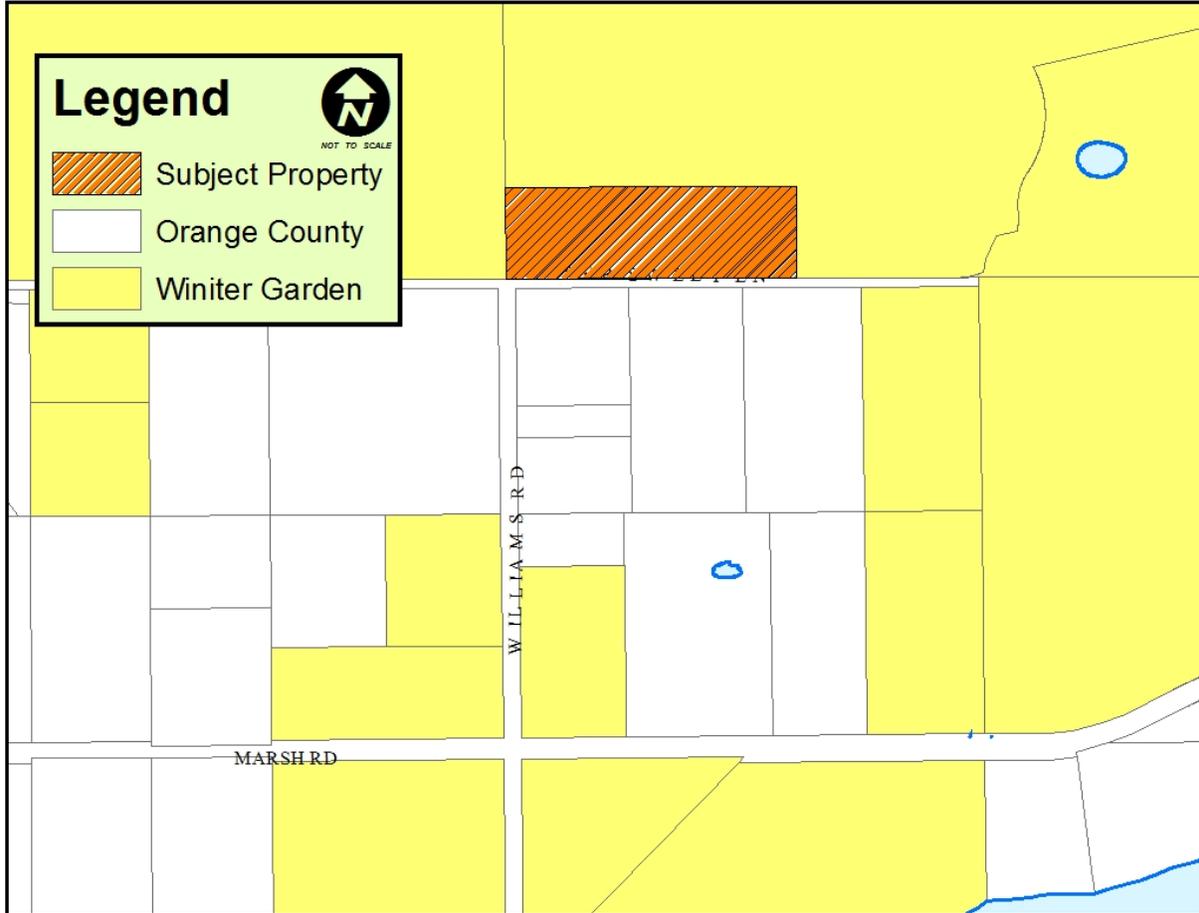
Staff recommends approval of Ordinance 13-07 and Ordinance 13-08 with the second reading scheduled for February 28, 2013.

Attachment(s)/References:

Location Map
Ordinance 13-07
Ordinance 13-08
Staff Report

LOCATION MAP

1751 Williams Road
Ordinance #: 13-07 and 13-08
Parcel ID # 06-23-27-0000-00-007



ORDINANCE 13-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.82 ± ACRES LOCATED AT 1751 WILLIAMS ROAD AT THE NORTHEAST CORNER OF WILLIAMS ROAD AND AMBER SWEET LANE 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 owner of the land, generally described as approximately 4.82 ± acres located at the northeast corner of Williams Road and Amber Sweet Lane and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* 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, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* 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.

SECTION 3: *Effect of Annexation.* 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 the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of 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: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* 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 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 06-23-27-0000-00-007

Begin 60 feet North of Southwest corner of Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ East 473 feet North 196.5 feet West 473 feet South 196.5 feet to Point of Beginning & East $\frac{1}{2}$ of Vacated R/W lying on West PER OR 3295/2046 & Begin Southwest corner of Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ East 816 feet North 256.5 feet West 343 feet South 196.5 feet West 473 feet South 60 feet to Point of Beginning & East $\frac{1}{2}$ Vacated R/W lying on West PER OR 3295/2046.

ORDINANCE 13-08

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 4.82 ± ACRES LOCATED AT 1751 WILLIAMS ROAD AT THE NORTHEAST CORNER OF WILLIAMS ROAD AND AMBER SWEET LANE FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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 on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 4.82 ± acres of land located at 1751 Williams Road at the northeast corner of Williams Road and Amber Sweet Lane, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Village to City Urban Village; 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. *FLUM Amendment.* 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 Urban Village as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-07, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

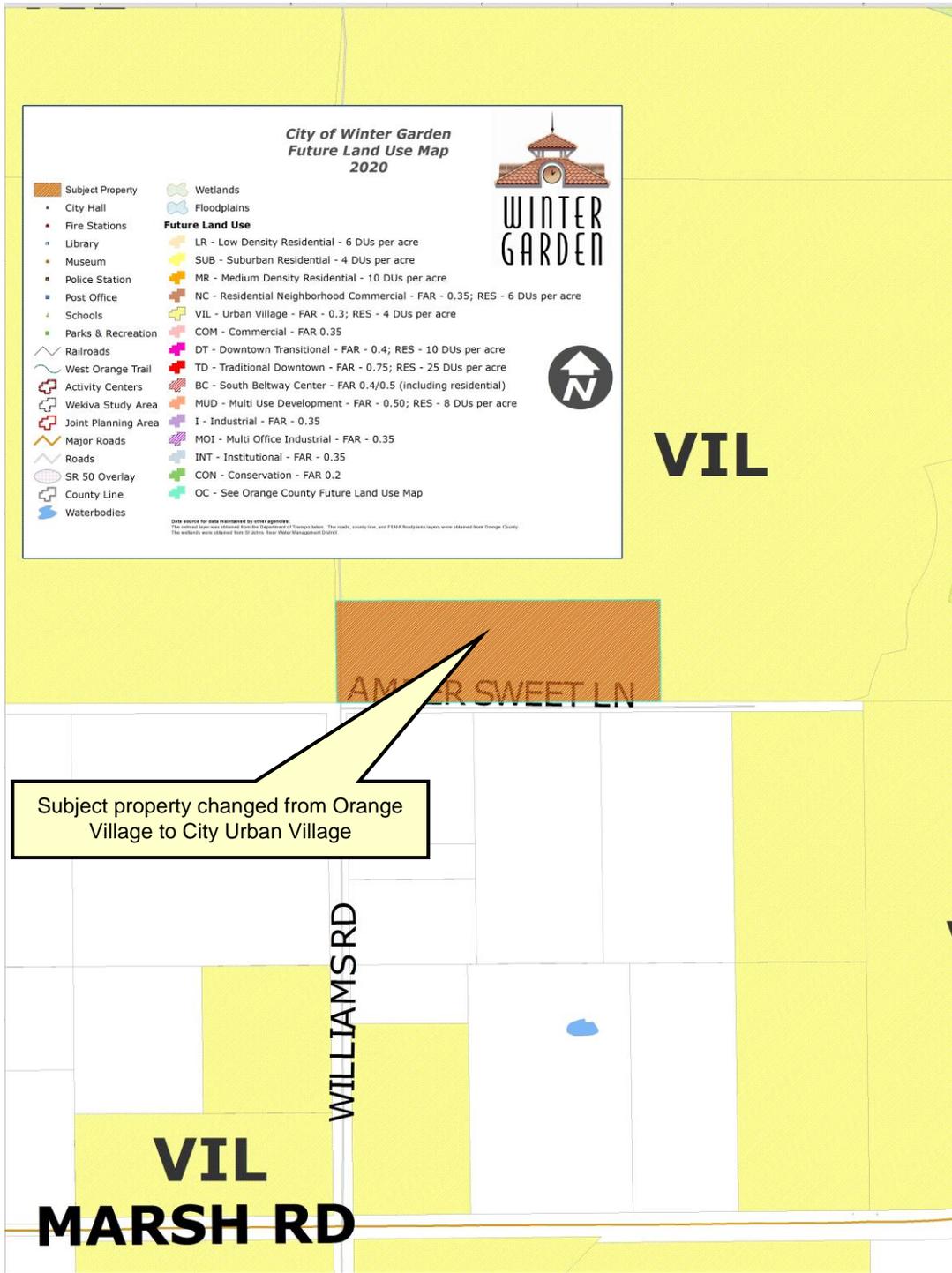
PARCEL ID#: 06-23-27-0000-00-007

Begin 60 feet North of Southwest corner of Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ East 473 feet North 196.5 feet West 473 feet South 196.5 feet to Point of Beginning & East $\frac{1}{2}$ of Vacated R/W lying on West PER OR 3295/2046 & Begin Southwest corner of Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ East 816 feet North 256.5 feet West 343 feet South 196.5 feet West 473 feet South 60 feet to Point of Beginning & East $\frac{1}{2}$ Vacated R/W lying on West PER OR 3295/2046.

ATTACHMENT "B"

FUTURE LAND USE MAP

1751 Williams Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

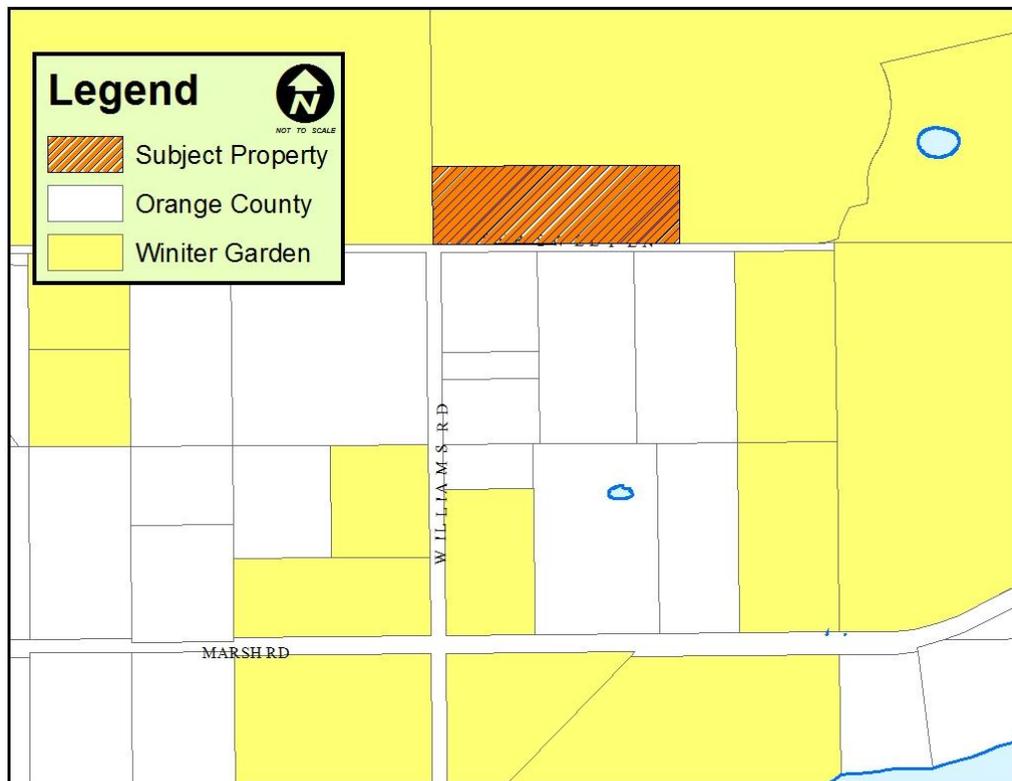
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JANUARY 31, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
1751 WILLIAMS ROAD (4.82 +/- ACRES)
PARCEL ID #: 06-23-27-0000-00-007
APPLICANT: FOREMOSTCO, INC.

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 1751 Williams Road and is approximately 4.82 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Urban Village. At this time, no zoning designation will be applied to the property as they will be required to submit for a Urban Village Planned Unit Development when they redevelop the property.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include residential, commercial, and natural land. The zoning classifications that are consistent with the Urban Village land use designation include UVPUD and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a large green house / fernery and the owner intends to always use it for this purpose.

ADJACENT LAND USE AND ZONING

The properties located to the north, east, and west are a citrus farm, with no zoning and located in the City. The property located to the south is developed with a single-family home, used as part of this fernery, and being annexed with this property.

PROPOSED USE

The applicant intends to annex the property and continue using it for the agricultural business. If they ever decide to develop the property, they will be required to submit for an Urban Village Planned Unit Development.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

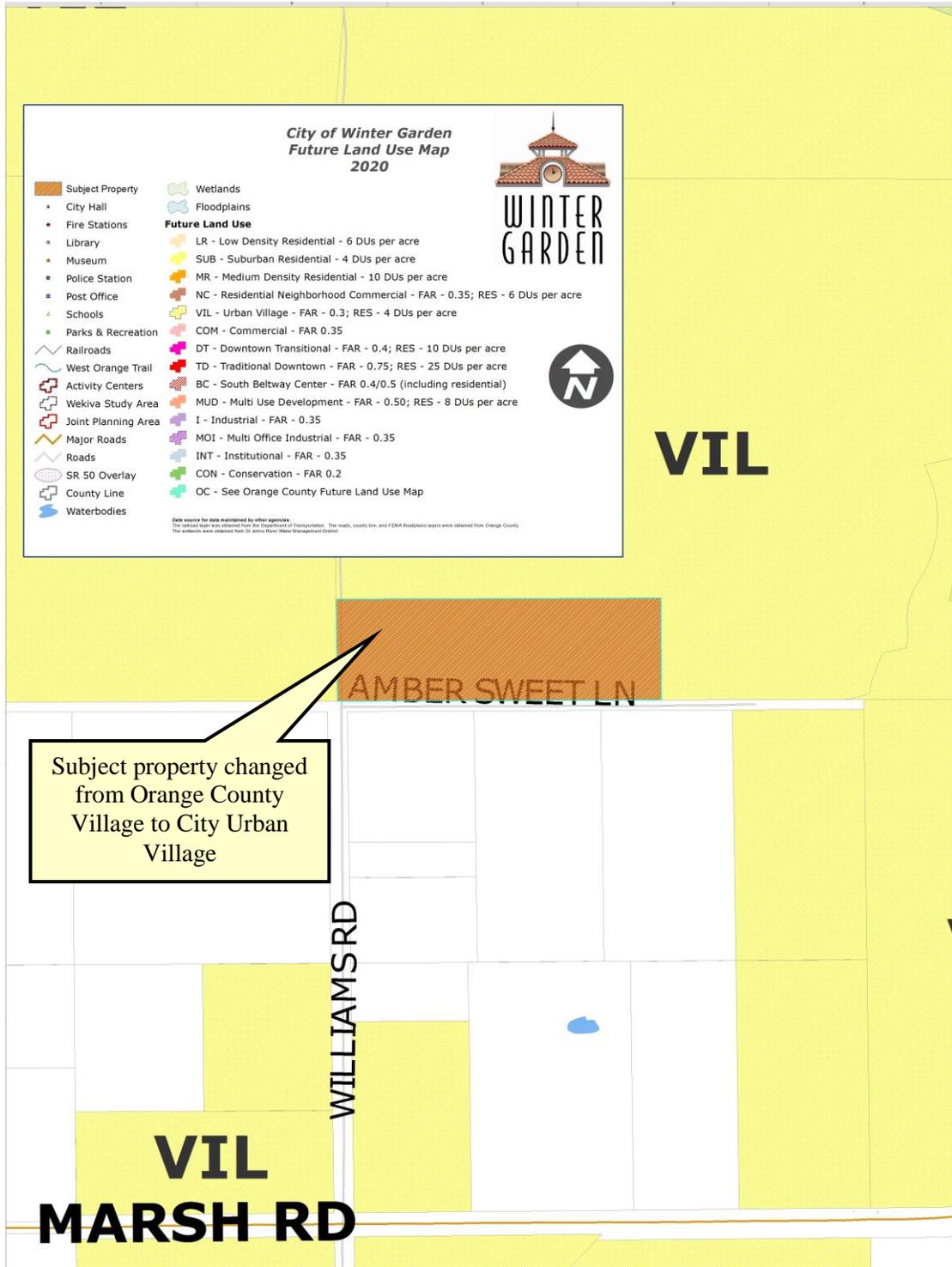
MAPS

AERIAL PHOTO

1751 Williams Road



FUTURE LAND USE MAP
1751 Williams Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: FEBRUARY 7, 2013

Meeting Date: FEBRUARY 14, 2013

Subject: 17416 AMBER SWEET LANE
JPR FAMILY HOLDINGS, LLP
ORDINANCE 13-09, ORDINANCE 13-10
PARCEL ID# 06-23-27-4288-08-221

Issue: The applicant is requesting Annexation and Future Lands Use designation on property located at 17416 Amber Sweet Lane.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 4.62 ± acre enclave located on the south side of Amber Sweet Lane, east of Williams Road. The applicant has requested Annexation into the City and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Urban Village. The property will not have a zoning designation until they redevelop, at which time they will be required to submit for an Urban Village Planned Unit Development. (See attached Staff Report).

Recommended Action:

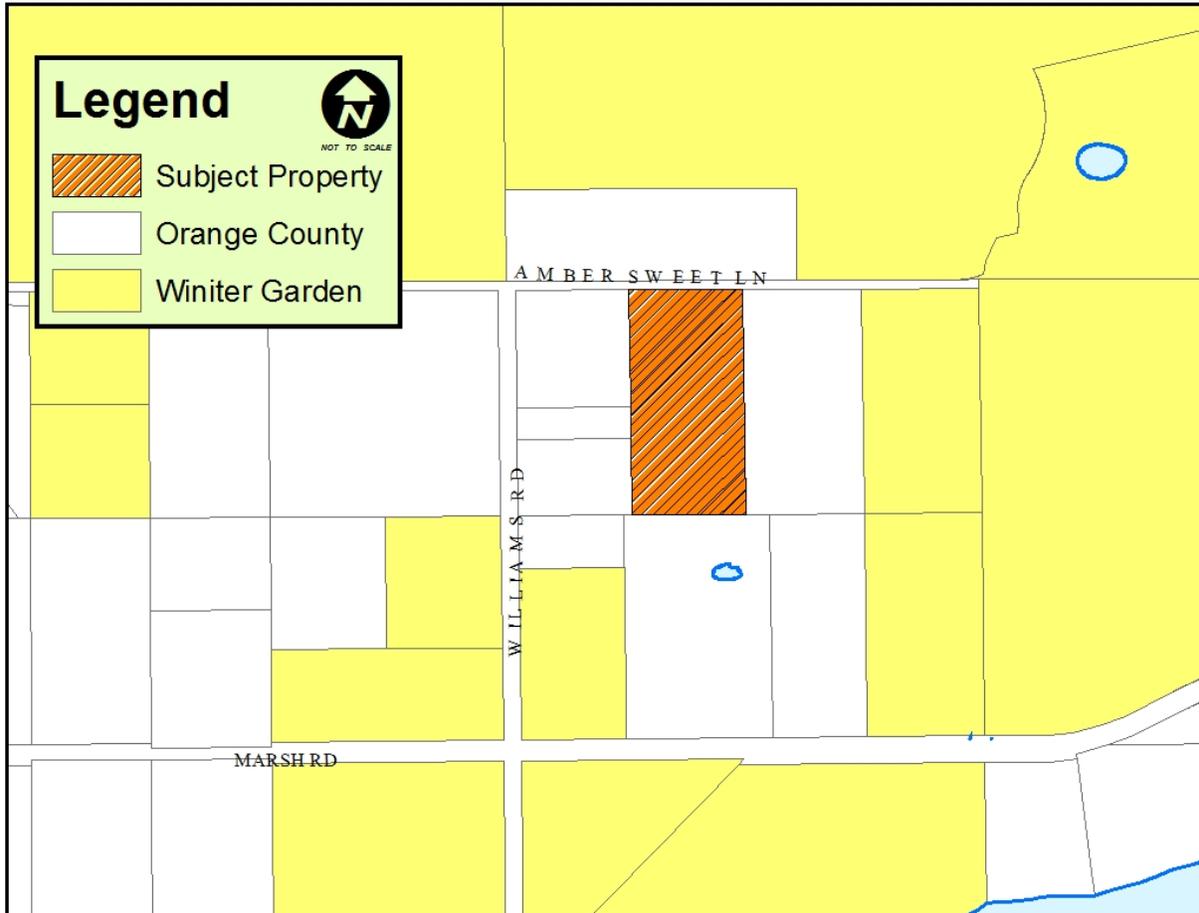
Staff recommends approval of Ordinance 13-09 and Ordinance 13-10 with the second reading scheduled for February 28, 2013.

Attachment(s)/References:

Location Map
Ordinance 13-09
Ordinance 13-10
Staff Report

LOCATION MAP

17416 Amber Sweet Lane
Ordinance #: 13-09 and 13-10
Parcel ID # 06-23-27-4288-08-221



ORDINANCE 13-09

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.6 ± ACRES LOCATED AT 17416 AMBER SWEET LANE ON THE SOUTH SIDE OF AMBER SWEET LANE, EAST OF WILLIAMS ROAD 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 owner of the land, generally described as approximately 4.6 ± acres located on the south side of Amber Sweet Lane, east of Williams Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* 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, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* 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.

SECTION 3: *Effect of Annexation.* 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 the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of 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: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* 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 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 06-23-27-4288-08-221

THE EAST HALF OF TRACT 22-H, LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 81, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST.

ORDINANCE 13-10

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 4.6 ± ACRES LOCATED AT 17416 AMBER SWEET LANE ON THE SOUTH SIDE OF AMBER SWEET LANE, EAST OF WILLIAMS ROAD FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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 on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 6 ± acres of land located at 17416 Amber Sweet Lane on the south side of Amber Sweet Lane, east of Williams Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Village to City Urban Village; 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. *FLUM Amendment.* 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 Urban Village as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-09, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

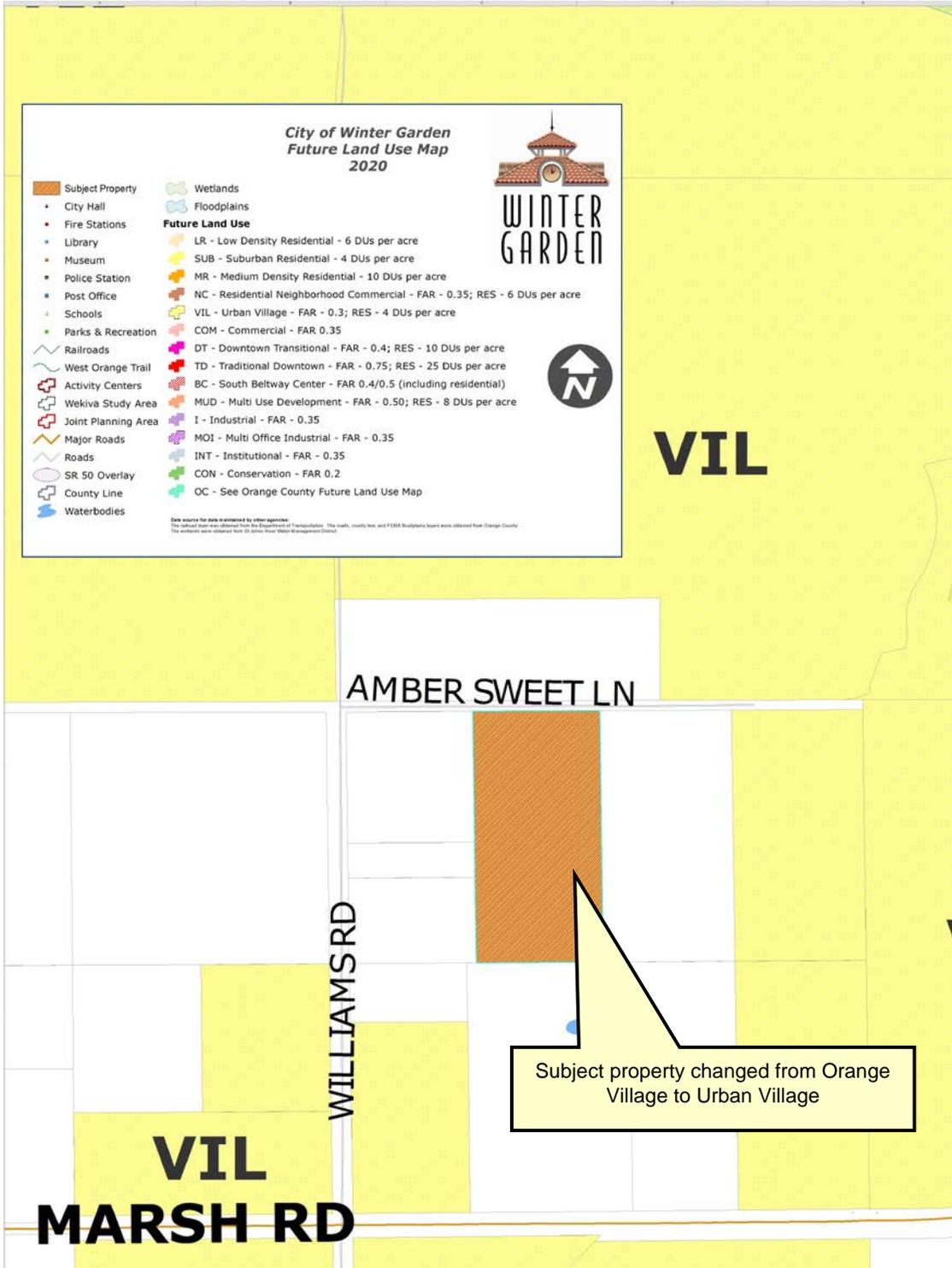
PARCEL ID#: 06-23-27-4288-08-221

THE EAST HALF OF TRACT 22-H, LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 81, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST.

ATTACHMENT "B"

FUTURE LAND USE MAP

17416 Amber Sweet Lane



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

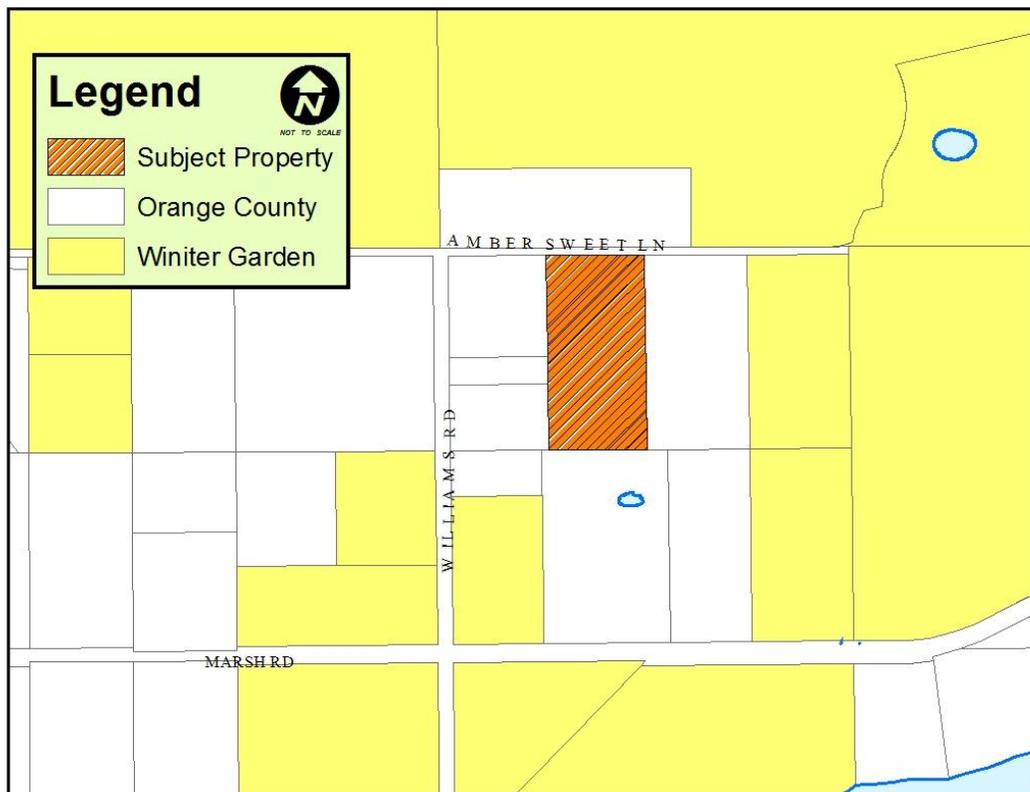
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JANUARY 31, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
17416 AMBER SWEET LANE (4.62 +/- ACRES)
PARCEL ID #: 06-23-27-4288-08-221
APPLICANT: JPR FAMILY HOLDINGS, LLP

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 17416 Amber Sweet Lane and is approximately 4.62 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Urban Village. At this time, no zoning designation will be applied to the property as they will be required to submit for a Urban Village Planned Unit Development when they redevelop the property.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include residential, commercial, and natural land. The zoning classifications that are consistent with the Urban Village land use designation include UVPUD and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a single-family house and an out building. The property has been used as a home and a construction business operation. The new owners are using it for agricultural purposes to operate a fernery along with the property to the north and intend to always use it for this purpose.

ADJACENT LAND USE AND ZONING

The property located to the north is developed as a fernery (agricultural use) with a large green house, and currently annexing into the City. The property located to the east is developed with a single-family house, zoned A-1 and located in Orange County. The property to the south is developed with a single-family house, zoned A-1 and located in Orange County. The property to the west is developed with a single-family house, zoned A-1 and located in Orange County.

PROPOSED USE

The applicant intends to annex the property and continue using it for the agricultural business. If they ever decide to develop the property, they will be required to submit for an Urban Village Planned Unit Development.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

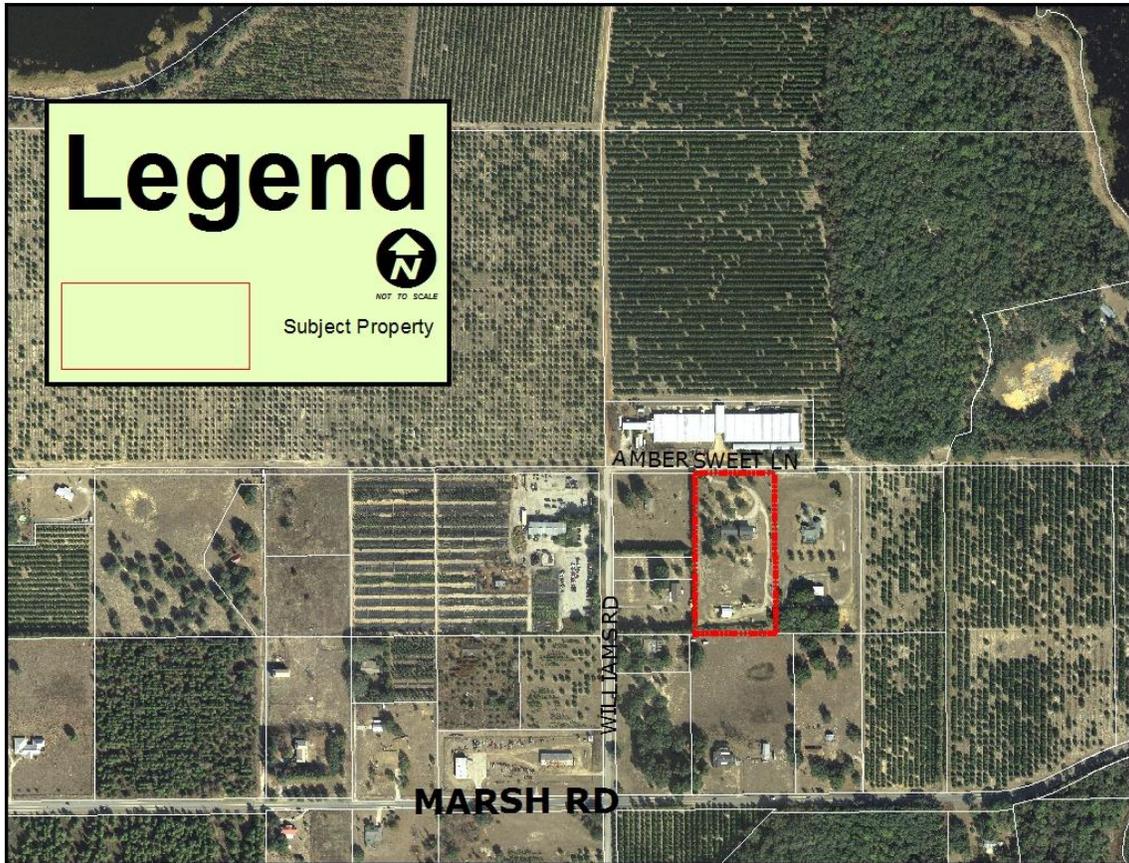
SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

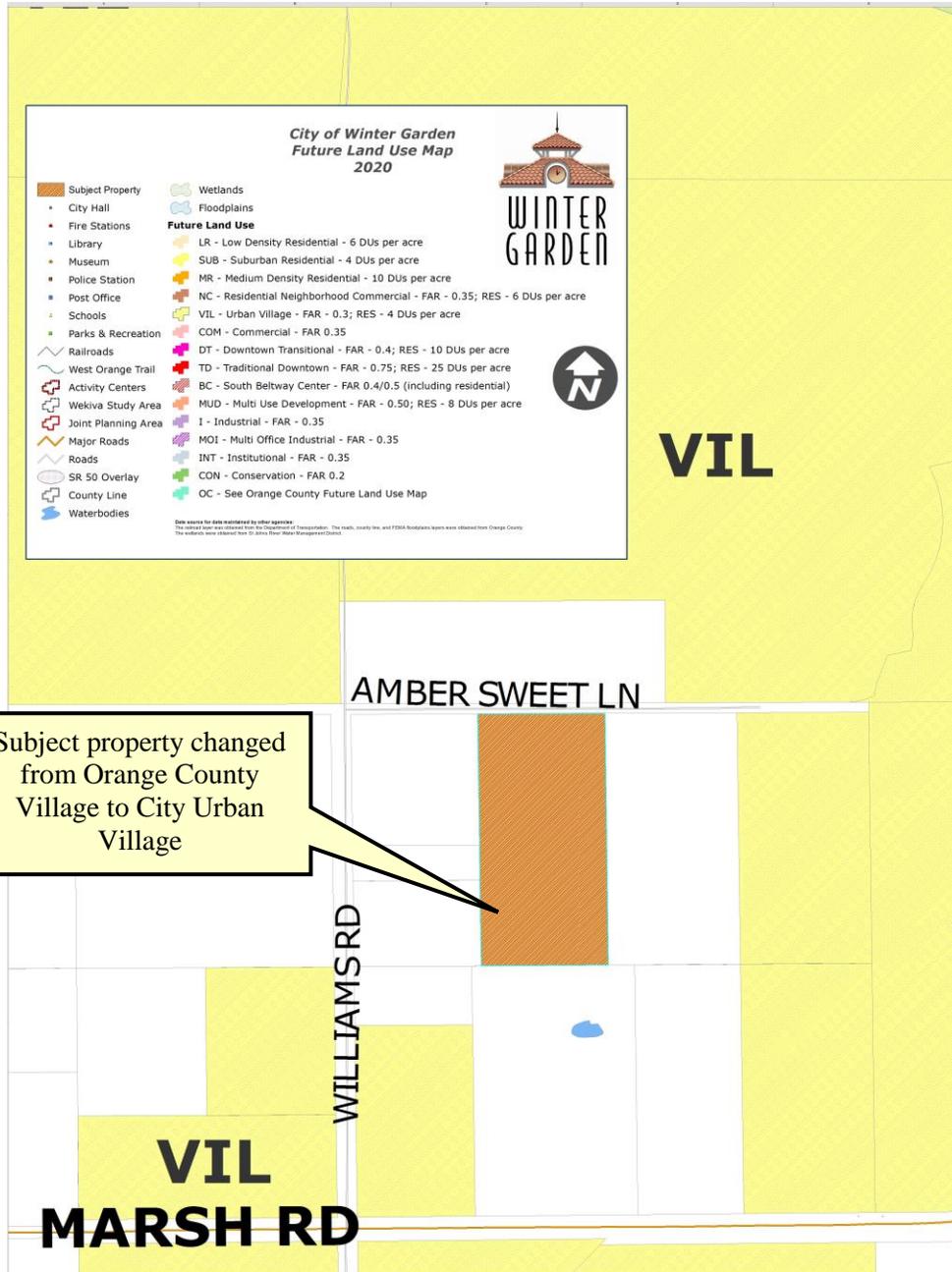
MAPS

AERIAL PHOTO

17416 Amber Sweet Lane



FUTURE LAND USE MAP
17416 Amber Sweet Lane



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: City Manager Mike Bollhoefer

Date: February 8, 2013

Meeting Date: February 14, 2013

Subject: **Ordinance 13-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 12-48, THE CITY OF WINTER GARDEN FISCAL YEAR 2012-2013 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Issue: Ordinance 13-11 amends the current year budget to carry forward prior year appropriations for projects, machinery and equipment and other items budgeted but not purchased and projects budgeted but not completed by fiscal year ending FY 2012. This will ensure that there is adequate funding to purchase those items and complete those projects that were not completed by year-end.

Recommended action: Motion to approve Ordinance 13-11 with second reading and public hearing scheduled for February 28, 2013.

Attachments/References: Ordinance 13-11

ORDINANCE 13-11

**AN ORDINANCE OF THE CITY OF WINTER GARDEN,
FLORIDA, AMENDING ORDINANCE 12-48, THE CITY OF
WINTER GARDEN FISCAL YEAR 2012-2013 BUDGET TO
CARRY FORWARD PRIOR YEAR APPROPRIATIONS;
PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, on September 27, 2012, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 12-48 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2012 and ending September 30, 2013;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2012 and ending September 30, 2013 to provide for budget carryovers from the preceding budget year;

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

SECTION 1: That the sum of \$15,918,181 to be appropriated as follows:

REVENUES

General Fund	\$ 850,978
Local Option Gas Tax Fund	1,582,456
General Impact Fee Fund	840,252
Transportation Impact Fee-South of Turnpike Fund	875,000
Transportation Impact Fee Fund	1,882,509
Utilities Operating Fund	3,143,080
Utilities Impact Fee Fund	3,687,150
Utilities Renewal & Replacement	3,055,700
Stormwater Fund	-
Trailer City Fund	<u>1,056</u>
	\$15,918,181

EXPENDITURES

General Fund	\$ 850,978
Local Option Gas Tax Fund	1,582,456
General Impact Fee Fund	840,252
Transportation Impact Fee-South of Turnpike Fund	875,000
Transportation Impact Fee Fund	1,882,509
Utilities Operating Fund	3,143,080
Utilities Impact Fee Fund	3,687,150
Utilities Renewal & Replacement	3,055,700
Stormwater Fund	-
Trailer City Fund	<u>1,056</u>
	\$15,918,181

SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

READ FIRST TIME: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner John Rees

ATTEST:

Kathy Golden, City Clerk

**City of Winter Garden
Carry Forward Budget
Ordinance 13-11**

Exhibit 1

<u>Account Number</u>	<u>Project</u>	<u>Account Description</u>	<u>Amount</u>	Item Description
<u>General Fund</u>				
001-0213-399.99-99		Use of Fund Balance	525,952	<i>To balance revenues/expenditures</i>
001-0775-334.70-00		State Grants-Culture and Recreation	325,026	<i>FDOT Lulu Creek Grant</i>
		Total Revenues	850,978	
Executive:				
001-0213-512.61-00	01076	Land	120,000	<i>848 E. Plant Street</i>
001-0213-599.99-99		Carryforward Fund Balance	(5,272)	<i>To balance revenues/expenditures</i>
Police:				
001-0530-521.64-00	10030	Machinery and Equipment	300,000	<i>Dispatch Consoles</i>
Streets:				
001-0741-541.63-00	12004	Improvements Other Than Buildings	150,000	<i>CR 545 Sidewalk</i>
Parks and Recreation-Parks:				
001-0775-572.63-00	09001	Improvements Other Than Buildings	259,250	<i>Lulu Creek Trail</i>
001-0775-572.64-00		Machinery and Equipment	27,000	<i>Tractor/Bush Hog for Tucker Ranch Park</i>
		Total Expenditures	850,978	
<u>Local Option Gas Tax Fund</u>				
160-0741-399.99-99		Use of Fund Balance	1,582,456	<i>To balance revenues/expenditures</i>
		Total Revenues	1,582,456	
160-0741-541.63-00	04008	Improvements Other Than Buildings	137,000	<i>Maint St (Story to Vining)</i>
160-0741-541.63-00	05049	Improvements Other Than Buildings	123,000	<i>Highland/Lkvw (Henderson>Newell)</i>
160-0741-541.63-00	05051	Improvements Other Than Buildings	147,650	<i>S Highland (Smith to R/R tracks)</i>
160-0741-541.63-00	06016	Improvements Other Than Buildings	108,250	<i>Tremaine (Highland to Main)</i>
160-0741-541.63-00	10007	Improvements Other Than Buildings	191,500	<i>Dillard St (Tilden to Verna)</i>
160-0741-541.63-00	10009	Improvements Other Than Buildings	361,100	<i>Vineland (SR50 to Palmetto)</i>
160-0741-541.63-00	11002	Improvements Other Than Buildings	248,900	<i>S Woodland (Smith to Tremaine)</i>
160-0741-541.63-00	11019	Improvements Other Than Buildings	297,400	<i>West Side T-homes Resurfacing</i>
160-0741-599.99-99		Carryforward Fund Balance	(32,344)	<i>To balance revenues/expenditures</i>
		Total Expenditures	1,582,456	
<u>General Impact Fee Fund</u>				
170-0872-334.70-00		State Grants-Culture and Recreation	840,252	<i>Florida Forever Program-Tucker Ranch Land Acq</i>
		Total Revenues	840,252	
170-00872-599.99-99		Carryforward Fund Balance	840,252	<i>To balance revenues/expenditures</i>
		Total Expenditures	840,252	

**City of Winter Garden
Carry Forward Budget
Ordinance 13-11**

Exhibit 1

<u>Account Number</u>	<u>Project</u>	<u>Account Description</u>	<u>Amount</u>	Item Description
<u>Transportation Impact Fee-South of Turnpike Fund</u>				
171-0741-399.99-99		Use of Fund Balance	875,000	<i>To balance revenues/expenditures</i>
		Total Revenues	875,000	
171-0741-541.63-00	08005	Improvements Other Than Buildings	875,000	<i>Marsh Road (CR 545 to Hickory Hammock)</i>
		Total Expenditures	875,000	
<u>Transportation Impact Fee Fund</u>				
174-0741-399.99-99		Use of Fund Balance	1,882,509	<i>To balance revenues/expenditures</i>
		Total Revenues	1,882,509	
174-0741-541.63-00	07017	Improvements Other Than Buildings	80,000	<i>Roper East Resurfacing</i>
174-0741-541.63-00	08006	Improvements Other Than Buildings	2,350,000	<i>Plant St - 9th to 429</i>
174-0741-541.63-00	09041	Improvements Other Than Buildings	250,000	<i>SR 50 Median Landscaping</i>
174-0741-541.63-00	10022	Improvements Other Than Buildings	75,000	<i>SBW PyWindermere Rd Instrscrtn</i>
174-0741-541.63-00	12026	Improvements Other Than Buildings	275,000	<i>Plant St/Avalon Intersection</i>
174-0741-599.99-99		Carryforward Fund Balance	(1,147,491)	<i>To balance revenues/expenditures</i>
		Total Expenditures	1,882,509	
<u>Utilities Operating Fund</u>				
410-2116-399.99-99		Use of Fund Balance	3,143,080	<i>To balance revenues/expenditures</i>
		Total Revenues	3,143,080	
410-2113-581.91-00		Inter-Fund Transfers Out	3,055,700	<i>To Fund Renewal and Replacement Projects</i>
410-2126-533.63-00	04008	Improvements Other Than Buildings	26,400	<i>Maint St (Story to Vining)</i>
410-2126-533.63-00	11001	Improvements Other Than Buildings	33,130	<i>Midget Place (Surprise to Palm)</i>
410-2126-533.63-00	12022	Improvements Other Than Buildings	27,850	<i>Flex-Net Installation</i>
		Total Expenditures	3,143,080	

**City of Winter Garden
Carry Forward Budget
Ordinance 13-11**

Exhibit 1

<u>Account Number</u>	<u>Project</u>	<u>Account Description</u>	<u>Amount</u>	Item Description
<u>Utilities Impact Fee Fund</u>				
411-2116-399.99-99		Use of Fund Balance-Water	1,007,150	To balance revenues/expenditures
411-2117-399.99-99		Use of Fund Balance-Sewer	2,680,000	To balance revenues/expenditures
Total Revenues			3,687,150	
411-2117-535.63-00	08006	Improvements Other Than Buildings	185,000	Plant St-9th to 429-Segment 2
411-2117-535.63-00	11006	Improvements Other Than Buildings	45,000	Crest Av WWTP Electric Upgrade
411-2117-535.63-00	11007	Improvements Other Than Buildings	87,500	WWTP Equalization Tank
411-2126-533.63-00	05010	Improvements Other Than Buildings	24,500	S Main St (Smith to Tremaine)
411-2126-533.63-00	05049	Improvements Other Than Buildings	25,900	Highland/Lkww (Henderson>Newell)
411-2126-533.63-00	05051	Improvements Other Than Buildings	25,000	S Highland (Smith to R/R tracks)
411-2126-533.63-00	06016	Improvements Other Than Buildings	36,000	Tremaine (Highland > Main)
411-2126-533.63-00	08006	Improvements Other Than Buildings	440,000	Plant St-9th to 429-Segment 2
411-2126-533.63-00	10007	Improvements Other Than Buildings	30,000	Dillard St (Tilden to Verna)
411-2126-533.63-00	10008	Improvements Other Than Buildings	1,750	Dillard St (Verna to Division)
411-2126-533.63-00	10009	Improvements Other Than Buildings	70,000	Vineland (SR50 to Palmetto)
411-2126-533.63-00	10016	Improvements Other Than Buildings	61,000	Roper Rd East-Water
411-2126-533.63-00	10017	Improvements Other Than Buildings	50,000	Roper Rd East-Reuse
411-2126-533.63-00	11002	Improvements Other Than Buildings	43,000	S Woodland (Smith to Tremaine)
411-2126-533.63-00	11003	Improvements Other Than Buildings	31,000	Crest Av/Lulu Creek Culvert
411-2126-533.63-00	11008	Improvements Other Than Buildings	91,000	Woodlark Well #2
411-2126-533.63-00	11037	Improvements Other Than Buildings	78,000	SR 50 Utilities Reloc W of Avalon
411-2127-535.63-00	12012	Improvements Other Than Buildings	400,000	CR 545 Reuse (SR50>Johns Lk Pt)
411-2127-535.63-00	05020	Improvements Other Than Buildings	1,500,000	Trunkline C Phase 6
411-2127-535.63-00	10009	Improvements Other Than Buildings	149,000	Vineland (SR50 to Palmetto)
411-2127-535.63-00	11015	Improvements Other Than Buildings	245,000	Hennis Rd Gravity Sewer
411-2127-535.63-00	11037	Improvements Other Than Buildings	57,000	SR 50 Utilities Reloc W of Avalon
411-2127-535.63-00	12009	Improvements Other Than Buildings	11,500	Palm Dr (Regal to Division)
Total Expenditures			3,687,150	
<u>Utilities Renewal & Replacement Fund</u>				
412-2116-381.41-00		Inter-Fund Transfer In	3,055,700	To balance revenues/expenditures
Total Revenues			3,055,700	
412-2126-533.63-00	04055	Improvements Other Than Buildings	1,000,000	SR 50 Utilities Relocation
412-2126-533.63-00	12028	Improvements Other Than Buildings	140,000	Water Distrib Upsize-Heller Bros
412-2127-535.63-00	04055	Improvements Other Than Buildings	1,124,500	SR 50 Utilities Relocation
412-2127-535.63-00	05010	Improvements Other Than Buildings	31,500	S Main St (Smith to Tremaine)
412-2127-535.63-00	05049	Improvements Other Than Buildings	29,500	Highland/Lkww (Henderson>Newell)
412-2127-535.63-00	05051	Improvements Other Than Buildings	34,000	S Highland (Smith to R/R tracks)
412-2127-535.63-00	06016	Improvements Other Than Buildings	18,000	Tremaine (Hghlnd>Main)
412-2127-535.63-00	10007	Improvements Other Than Buildings	41,000	Dillard St (Tilden to Verna)
412-2127-535.63-00	11001	Improvements Other Than Buildings	42,700	Midget Place (Surprise to Palm)
412-2127-535.63-00	11002	Improvements Other Than Buildings	50,000	S Woodland (Smith to Tremaine)
412-2127-535.63-00	11003	Improvements Other Than Buildings	90,000	Crest Av/Lulu Creek Culvert
412-2127-535.63-00	11037	Improvements Other Than Buildings	8,500	SR 50 Utilities Reloc W of Avalon
412-2127-535.63-00	12009	Improvements Other Than Buildings	11,000	Palm Dr (Regal to Division)
412-2127-535.63-00	12013	Improvements Other Than Buildings	310,000	9th St Force Main Replacement
412-2127-535.63-00	12014	Improvements Other Than Buildings	125,000	9th St Gravity Sewer Mn Replace
Total Expenditures			3,055,700	

**City of Winter Garden
Carry Forward Budget
Ordinance 13-11**

Exhibit 1

<u>Account Number</u>	<u>Project</u>	<u>Account Description</u>	<u>Amount</u>	Item Description
<u>Stormwater Fund</u>				
Total Revenues			-	
420-2618-538.63-00	04008	Improvements Other Than Buildings	30,600	Maint St (Story to Vining)
420-2618-538.63-00	05010	Improvements Other Than Buildings	24,000	S Main St (Smith to Tremaine)
420-2618-538.63-00	05049	Improvements Other Than Buildings	30,250	Highland/Lkvw (Henderson>Newell)
420-2618-538.63-00	05051	Improvements Other Than Buildings	13,500	S Highland
420-2618-538.63-00	09013	Improvements Other Than Buildings	42,300	Lake Cove Point Underdrain
420-2618-538.63-00	09037	Improvements Other Than Buildings	39,750	Dillard St (Plant to Tilden)
420-2618-538.63-00	10007	Improvements Other Than Buildings	72,000	Dillard St (Tilden to Verna)
420-2618-538.63-00	10008	Improvements Other Than Buildings	3,250	Dillard St (Verna to Division)
420-2618-538.63-00	10009	Improvements Other Than Buildings	50,175	Vineland (SR50 to Palmetto)
420-2618-538.63-00	11001	Improvements Other Than Buildings	40,800	Midget Place (Surprise to Palm)
420-2618-538.63-00	11002	Improvements Other Than Buildings	44,750	S Woodland (Smith to Tremaine)
420-2618-538.63-00	11003	Improvements Other Than Buildings	237,400	Crest Av/Lulu Creek Culvert
420-2618-538.63-00	11044	Improvements Other Than Buildings	15,000	Warrior Rd Drainage
420-2618-538.63-00	11003	Improvements Other Than Buildings	9,375	Palm Dr (Regal to Division)
420-2618-599.99-99		Transfer to Fund Balance	(653,150)	To balance revenues/expenditures
Total Expenditures			-	
<u>Trailer City Fund</u>				
450-3657-399.99-99		Use of Fund Balance	1,056	To balance revenues/expenditures
Total Revenues			1,056	
450-3657-539.63-00	11011	Improvements Other Than Buildings	1,056	Trailer City Electrical Upgrades
Total Expenditures			1,056	
Grand Total			15,918,181	

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: February 6, 2013

Meeting Date: February 14, 2013

Subject: **Ordinance 13-12**

Issue: Amending Article III, Division 4 and 5 of Chapter 110 of the Code of Ordinances of the City of Winter Garden.

Discussion: An Ordinance of the City Commission of the City of Winter Garden, Florida amending Article III, Division 4 and 5 of Chapter 110 of the Code of Ordinance of the City of Winter Garden concerning Final Plat procedures and requirements, and HOA and Community infrastructure; Responsibility.

Recommended Action:

Staff recommends item to be tabled for 1st reading on February 28, 2013.

Attachment(s)/References:

Ordinance 13-12

ORDINANCE 13-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE III, DIVISION 4 AND 5 OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING FINAL PLAT PROCEDURES AND REQUIREMENTS, AND HOA AND COMMUNITY SUBDIVISION INFRASTRUCTURE; RESPONSIBILITY; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the final plat approval procedures and requirements of Chapter 110, City of Winter Garden Code of Ordinances to, among other things, more specifically address a subdivision developer's funding and maintenance responsibilities for community subdivision infrastructure prior to turnover of the subdivision homeowners' association and to provide more specific requirements for performance and maintenance guarantees; and

WHEREAS, the City Commission finds it to be in the best interest of the public health, safety and welfare to revise the final plat approval procedures and requirements of Chapter 110, City of Winter Garden Code of Ordinances in the manner specified in this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section 1: **Authority.** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

Section 2: **Adoption.** Article III, Division 4 and 5 of Chapter 110 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

DIVISION 4. - FINAL PLAT

Sec. 110-151. - Procedure for approval.

(a) The final subdivision plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided that such portion conforms to all requirements of this chapter. Provided, however, that the ~~planning and zoning board~~ or city commission may authorize minor adjustments to street and alley alignments, length, and lot lines where the ~~planning and zoning board~~ or city commission determines such adjustments are consistent with the intent and general layout of the approved preliminary plat. Where the final plat deviates from the approved preliminary plat to the extent that the ~~planning and zoning board~~ or city commission find such deviation to be significant and not consistent with the intent and general layout of the approved preliminary plat, such final plat shall not be approved until it reflects the originally approved preliminary plat, or a new preliminary plat has been approved in accordance with the preliminary plat provisions of this article.

(b) After obtaining conditional approval of the preliminary plat, six copies of the final plat and supplementary material specified in this chapter shall be submitted to the Community Development Director ~~city planner~~, along with an application for final plat approval, for review by the city surveyor, city attorney, and Development Review Committee (DRC).

(c) Following a review by the city surveyor, city attorney and staff DRC of the application, final plat and other materials submitted for conformity to this chapter and such other requirements of the code or law as may be applicable, the negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the completion of all necessary actions by the subdivider as may be required by the code or applicable law and after the subdivider has addressed the ~~city staff's~~ city surveyor's, city attorney's and DRC's comments, and provided any requested additional information or materials, the ~~city planner~~ Community Development Director shall place the subdivider's request for final plat approval, as submitted or as modified, on the next available ~~planning and zoning board~~ city commission agenda. ~~Thereafter, the planning and zoning board shall express its approval and shall state the conditions, if any, of such approval, or, if disapproved, shall express its disapproval and its reasons therefor.~~

(d) ~~After the planning and zoning board has approved the final plat, it shall transmit it to the~~ Thereafter, the city commission shall consider the final plat for final approval by the city, or for such other and take such action as the city commission deems appropriate, which may include approval, approval with conditions, or denial.

(e) Subject to approval of city commission and any conditions imposed thereby, the city attorney shall cause to be recorded in the public records of Orange County, Florida, the final plat and such other documents as may be required, at the expense of the subdivider.

(f) Notwithstanding anything to the contrary, the city commission shall not approve a final plat of any subdivision unless the subdivision improvements required by these regulations have been installed in accordance with the standards and specifications of the code and the appropriate officials and agencies and their approval has been certified to city or a surety bond or irrevocable letter of credit has been furnished in favor of and acceptable to the city in the amount of one hundred twenty percent of the contract cost of the required subdivision improvements to be completed.

(g) At no time prior to the final plat approval by the city commission and recording the final plat in the public records shall an owner of real property convey a portion of any lot, parcel or tract of land, unless such owner has otherwise received proper lot split or subdivision approval from the city creating a separate legal lot, parcel or tract. It is not a violation of this subsection to convey a partial undivided interest in an overall parent lot, parcel, or tract, such that there are multiple owners of the overall parent lot, parcel or tract. In addition to any other rights and remedies under the code, at law and in equity the city may have for a violation of this subsection, the city shall have the right to not process, withhold and revoke any and all certificates of occupancy, building permits and development orders concerning any unauthorized lot split or subdivision, including for the unauthorized lot, parcel or tract created and the parent lot, parcel or tract for which the unauthorized lot, parcel or tract was created.

Sec. 110-152. - Final plats; application, supplementary materials, documentation, contents and data required for final approval.

The final plat, application, and other materials required by subparagraphs (b) and (c) of section 110-151 shall, where applicable, at a minimum, comply with and include the following:

(1) Unless otherwise provided for in this article, the final subdivision plat shall comply with the requirements of F.S. Ch. 177, as may be amended from time to time. The final subdivision plat shall be drawn in ink on tracing cloth on sheets as required for filing for record in the county and shall be at a scale of 100 feet to one inch or larger. Where more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning and zoning board. In addition to the requirements of F.S. Ch. 177, referenced above, the final plat shall show, depict, or otherwise provide for the following:

- a. Primary control points, approved by the city engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- b. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles; and radii, arcs and central angles of all curves.
- c. As applicable, the exact location, dimensions, name, identification, purpose, and description of public streets, private roadways, public and private alleys, rights-of-way, waterways, tracts, common areas, parks, public and private areas, playgrounds or other similar uses, reservations, easements or rights-of-way, blocks, lots and significant sites within the subdivision, with accurate dimensions, bearing or deflecting angles and radii, area and central angles, chord bearing and distance, tangent distance and length of all curves where appropriate. All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled "Not a part of this plat."

d. Location, dimensions and purpose of any proposed easements and existing easements identified in the title opinion or certification required by this article below shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances tied to the principal lot, tract, or right-of-way.

e. Number to identify each lot or site. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

f. Purpose for which sites, other than residential lots, are dedicated or reserved.

g. Reserved.

h. Location and description of monuments.

i. Reserved.

j. All contiguous properties shall be identified by subdivision title, plat book, and page, and date of recording, or, if unplatted, land shall be so designated. If the subdivision platted is a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a replat shall be stated as a subtitle under the name of the plat on each sheet included. The subtitle must state the name of the subdivision being replatted and the appropriate recording reference.

k. Every plat offered for recording must be prepared by a Florida registered professional surveyor and mapper. The plat must be signed and sealed by that professional surveyor and mapper, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all of the survey requirements of F.S. Pt. I of Ch. 177, and Chapter 110 of the Winter Garden Code of Ordinances. Every plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the statement required by this paragraph, along with the printed name, address, and certificate of authorization number of the legal entity, if any. A professional surveyor and mapper practicing independently of a legal entity must include his or her address.

l. Dedication of the plat to the public and the city for the uses and purposes stated thereon including in the plat notes by the owner or owners of record of lands to be subdivided. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey the record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in, consenting to, and ratifying the plat and all dedications and reservations thereon.

m. Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

n. In all cases, the letter size and scale used shall be of sufficient size to show all detail. The scale shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided. The name of the plat shall be shown in bold legible letters, as stated in F.S. § 177.051. The name of the subdivision shall be shown on each sheet included. The name of the professional surveyor and mapper or legal entity, along with the street and mailing address and phone number, must be shown on each sheet included. A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearings or azimuth reference shall be clearly stated on the face of the plat in the notes or legend, and, in all cases, the bearings used shall be referenced to some well established and monumented line. The date of preparation shall be provided on the face of the plat.

o. When a subdivision provides screening walls, landscaping, sidewalks, or other amenities within the public right-of-way and such is acceptable to the city in the city's sole discretion, a license agreement shall be required between the city, the developer and/or the homeowners association and such license agreement shall be referenced on the plat. Such license agreement shall be reviewed by the city as part of the preliminary plat process. Unless otherwise provided for in the license agreement, the developer and the HOA, jointly and severally, shall be responsible for the maintenance and repair of any such amenities constructed in the public right-of-way, and in no event shall the city be prohibited from removing such amenities within the public right-of-way in its sole and absolute discretion (such removal being at the cost of the developer and HOA, jointly and severally).

p. A statement of approval of the plat by the city.

q. The section, township, and range shall appear immediately under the name of the plat on each sheet included, along with the name of the city, county, and state.

r. As applicable, the following statements shall appear on the face of the plat in the "notes" section:

1. "The homeowners association, as owner of the subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, common properties, and amenities, and the individual lot owners to extent of their interest in the foregoing, shall release, defend, indemnify and hold the City of Winter Garden, other governmental entities and public utilities harmless from any and all costs, expenses, suits, demands, liabilities, damages, injuries (including death), or otherwise including attorney's fees and costs of suit, in connection with the reasonable use of said subdivision infrastructure, common areas, or amenities, or said parties' maintenance thereof, or said parties' exercise of rights permitted in the declaration of the homeowners association, this plat, or as otherwise permitted by law."

2. "The lots within this subdivision are governed by a mandatory homeowners association requiring the payment of fees and with the power to assess the lots. The homeowners association is the owner of and/or responsible for the maintenance, repair, and replacement of all private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon. Every lot owner within this subdivision must be a member of the homeowners association. Failure to pay such fees or assessments shall result in the attachment of a lien on the property of the owner which fails to pay such fees or assessments by the homeowners association, which may result in the foreclosure of said property."

3. "The City of Winter Garden shall have the right, but not the obligation, to access, maintain, repair, replace and otherwise care for or cause to be cared for, any and all private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon. In the event any or all of the said areas, systems, improvements, properties or areas are not maintained, repaired, or replaced in accordance with the standards of the City of Winter Garden Code of Ordinances, good engineering practices, or become a nuisance or in the event the City of Winter Garden exercises its aforementioned right, each of the lot owners of the subdivision are hereby ultimately responsible for payment of the cost of maintenance, repair, replacement and care provided by the City of Winter Garden or its contractors and agents, plus administrative costs and attorneys' fees and costs incurred by the City of Winter Garden. If said costs are not paid within 15 days of invoicing, then said costs shall constitute a lien on the property of the owners which fail to pay such costs and may be enforced, without limitation, by foreclosure, special assessments, or as may otherwise be permitted by law. This right, and the City of Winter Garden's exercise of said right, shall not impose any obligation on the City of Winter Garden to maintain, repair, replace, or otherwise care for said private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon."

4. "All platted utility easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the

damages. This paragraph shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Further, such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission."

5. "NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."

6. If applicable: "The homeowners association shall enter into a license agreement with the city, where additional right-of-way has been dedicated or right-of-way will be utilized for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are located in the public right-of-way."

7. For subdivisions with private roads or alleys, then the following, or substantially similar statement: "There is hereby granted and dedicated to the City of Winter Garden and other public service and emergency service providers, a non-exclusive easement over and through Tract _____ (Private Right-of-Way) and any other privately owned internal roads, alleys, paved areas and sidewalks for vehicular and pedestrian ingress and egress access for the purpose of providing public and emergency services to the subdivision, including but not limited to, postal, fire protection, police protection, emergency medical transportation, code enforcement, garbage, utilities and other public and emergency services."

(2) A certificate shall be issued by the city engineer certifying that the subdivider has complied with one of the following alternatives:

a. All improvements have been installed in accord with the requirements of this section and with the action of the planning and zoning board giving conditional approval of the preliminary plat; or

b. A bond, irrevocable letter of credit, cash deposits, or certificate check has been posted, which is available to the city, and in sufficient amount to ensure such completion of all required improvements, said amount being at least equal to 120 percent of the estimated cost of completion.

(3) When the subdivider proposes to regulate land use within the subdivision or when required pursuant to this chapter, an executed original declaration, or amendment thereto, in recordable form, providing for the requirements of this chapter shall be required and subject to review by the city attorney for compliance with the provisions of this article.

(4) An original "Affidavit Certifying an Absence of Reserve Strips," in recordable form, executed by the developer and preparing surveyor.

(5) Unless provided for on the plat, an original joinder and consent to dedication, in recordable form, executed by all mortgage holders and such other parties, having a record interest in the land to be platted. Said joinder and consent must be executed in the same manner in which deeds are required to be executed, joining in, consenting to and ratifying the plat and all dedications, reservations, restrictions and covenants thereon.

(6) An original joinder and consent to the declaration, in recordable form, executed by all mortgage holders and such other parties having a record interest in the land to be platted. Said joinder and consent must be executed in the same manner in which deeds are required to be executed, joining in, consenting to and ratifying the declaration and all dedications, reservations, restrictions and covenants therein.

(7) If applicable, an original performance guarantee in the form of a bond, irrevocable letter of credit or cash deposit in favor of and acceptable to the city. Said guarantee shall, at a minimum, be in the amount of one hundred twenty percent of the ~~contract~~ construction cost of the required subdivision improvements to be completed and guarantee the proper and timely completion of all unfinished public and private infrastructure improvements, including, but not limited to, its materials, workmanship, structural integrity, and functionality to the satisfaction and approval of the city.

(8) An original maintenance guarantee in the form of a bond, irrevocable letter of credit or cash deposit in favor of and acceptable to the city. Subject to approval by the city engineer, said maintenance guarantee may be provided after final plat approval, but before issuance of a certificate of occupancy. Said maintenance guarantee shall, at a minimum, be in the amount of 20 percent of the ~~contract~~ construction cost of (i) the required subdivision improvements to be dedicated or conveyed to the city, (ii) the offsite public infrastructure improvements constructed or installed by the developer, and (iii) the private community subdivision infrastructure improvements. ~~and~~ The maintenance guarantee shall provide for the developer's guarantee of all such improvements, including its of all materials, workmanship, structural integrity, and functionality equipment for any improvement dedicated to the city and require developer's repair, replacement and correction of damage and defects to such improvements for at least a period of one two years from the date of final acceptance by the city. Prior to the city engineer issuing a certificate of completion for such improvements, the developer shall cause the design engineer of record to provide a signed and sealed certification to the city that all subdivision improvements to be dedicated or conveyed to the city, offsite public infrastructure improvements, and private community subdivision infrastructure improvements constructed or installed by the developer have been completed in accordance with approved design and construction plans.

(9) An original "Statement of Lien Settlement - Requirement For Current Year Of Payable Taxes, Tax Sale, and Capital Improvements" from the Orange County Property Appraiser's Office showing that all due taxes have been paid in full and all tax certificates, if any, against the land have been redeemed.

(10) As may be applicable, executed original instruments of conveyance in recordable form as to such property and improvements which are required to be conveyed to the HOA and the City from the developer, along with executed partial release of mortgages ~~the appropriate DR 219 forms.~~ Fee simple ownership of all rights-of-way, lift station tracts and other lands to be used for public purposes, but excluding dedicated easements, should be conveyed to the city by warranty deed, unless otherwise specified by the city. Fee simple ownership of all common area tracts should be conveyed to the applicable homeowners association by quit claim deed, unless otherwise specified by the city. Mortgagees shall execute partial release of mortgages concerning all tracts and lands conveyed in fee simple either to the homeowners' association or the city and such partial releases shall be recorded in the public records concurrently with the recording of the corresponding deeds.

(11) A title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company, along with referenced documents, showing that record title to the land as described and shown on the plat is in the name of the persons, persons, corporation, or entity executing the dedication. The title opinion or certification shall also show all mortgages, easements, or encumbrances not satisfied or released of record nor otherwise terminated by law. An update of said title opinion or certification, certified to the city and the offices of the city attorney and the city surveyor, must be provided within 30 days of final plat recording. All documents referenced in said title opinion or certification, and update thereof, shall also be provided for review by the city.

(12) A construction cost estimate shall be submitted, which provides the estimated cost of installing all improvements. Such estimates shall be based upon recent bid information. As an alternative, bids of two reputable contractors, or a copy of an executed contract, for the installation of the improvements may be submitted.

(13) Payment of required recording costs, fees, deposits and costs as may be applicable or required pursuant to the code, and other applicable laws, ordinances, and regulations.

(14) A phase I environmental site assessment (ESA) must be conducted in accordance with the latest edition of the American Society for Testing and Materials (ASTM) standard E-1527 (Phase I ESA Process). The city will require a specified minimum off-site search distance of one-quarter mile. The minimum search distance may include areas outside the adjoining properties and shall be measured from the nearest property boundary. The ESA must be performed and signed by a Florida registered professional engineer or geologist who is able to demonstrate competence (i.e., education and previous experience) in producing ESA reports.

A previous phase I ESA may be used if it meets or exceeds the requirement of ASTM E-1527 (except as modified herein) and if the conditions of the property and area surrounding the property are not likely to have changed materially since the previous phase I ESA. Should more than one year have passed since the completion of the last phase I ESA, a current site reconnaissance and records review will be required at a minimum. All supplemental phase I ESA documents must also be signed by a Florida licensed engineer or geologist.

The results shall be provided to the city prior to acceptance of any lands to be dedicated to the city. Should environmental conditions requiring any remedial activity, monitoring or regulatory

action be identified as a result of the ESA(s), the city will not accept any dedications of such land until the conditions on the land are fully addressed to the satisfaction of the city and all applicable regulatory agencies.

(15) Such other agreements, certificates, endorsements, affidavits, documentation, engineering drawings, and data as may be deemed necessary to ensure conformity with the requirements of this chapter, the code, and other applicable laws, ordinances, and regulations.

DIVISION 5. HOA AND COMMUNITY SUBDIVISION INFRASTRUCTURE RESPONSIBILITY

Sec. 110-153. Homeowners association.

Prior to final plat approval and, in the case of a gated community, prior to the closure or operation of the gates, a residential subdivision or commercial subdivision which is subject to the provisions of this division shall establish a mandatory homeowners' (or property owners') association in accordance with the requirements of this division, and a declaration (or in the event of an existing recorded declaration, an amendment thereto) must be approved by the city. A certificate of good standing or such other evidence to determine the status of the HOA shall be submitted to the city as part of the final plat approval process. Unless otherwise approved by the city, simultaneous with the recording of the plat the developer shall cause to be conveyed to the HOA such land and improvements for which the HOA shall have the responsibility for maintaining and repairing, including the community subdivision infrastructure. A residential subdivision or commercial subdivision shall be subject to the provisions of this division when:

- (1) The responsibility to maintain certain areas, private amenities, subdivision infrastructure or improvements within the subdivision is to be shared by the lot owners, or where common areas will exist; or
- (2) Any of the subdivision infrastructure, including, but not limited to, roadways, street lights, drainage systems (which includes, without limitation, stormwater detention/retention areas and underdrains), sidewalks, or certain other subdivision infrastructure and improvements are to be owned or maintained privately; or
- (3) A gated community is sought to be established.

Sec. 110-154. Declaration.

A declaration, or an amendment thereto, which, at a minimum, sets forth the responsibilities and obligations for the maintenance, repair and replacement of the community subdivision infrastructure, common areas and private amenities and such other matters as provided in this division shall be required and submitted to the city prior to final plat approval and, in the case of a gated community, prior to the closure or operation of the gates. The declaration, or amendment thereto, shall be recorded simultaneously with the subdivision plat. The terms of the declaration, or amendment thereto, shall be to the city's satisfaction, legally sufficient and enforceable to, at a minimum, accomplish, provide or otherwise ensure or disclose the provisions of this division. Notwithstanding the foregoing, the exclusion of said provisions within the declaration, or amendment thereto, shall not operate as a condition precedent to city's ability to enforce the requirements of this chapter. Further, nothing in this section shall preclude the declaration, or amendment thereto, from addressing other matters so long as the substance of each part of the

declaration, or amendment thereto, is not inconsistent with the requirements of this chapter or any other applicable code reference or state law. The declaration, or amendment thereto, shall, as applicable:

(1) Establish the point at which the developer must turn over control of the HOA consistent with definition of same provided in section 110-56.

(2) Provide for the preparation of an initial community subdivision infrastructure report and compliance with the provisions of section 110-155, including developer's requirements prior to turnover.

(3) Provide for the preparation of a subsequent community subdivision infrastructure report and compliance with the provisions of section 110-156.

(4) Include the following or similar statement: "Property owners within the subdivision shall receive no discount in property taxes or any other tax or fee because of the retention or private ownership of the community subdivision infrastructure."

(5) Include the following or similar statement: "The City of Winter Garden shall have the right, but not the obligation, to access, maintain, repair, replace and otherwise care for or cause to be cared for, any and all private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon. In the event any or all of the said areas, systems, improvements, properties or areas are not maintained, repaired, or replaced in accordance with the standards of the City of Winter Garden Code of Ordinances, good engineering practices, or become a nuisance or in the event the City of Winter Garden exercises its aforementioned right, each of the lot owners of the subdivision are hereby ultimately responsible for payment of the cost of maintenance, repair, replacement and care provided by the City of Winter Garden or its contractors and agents, plus administrative costs and attorneys' fees and costs incurred by the City of Winter Garden. If said costs are not paid within 15 days of invoicing, then said costs shall constitute a lien on the property of the owners which fail to pay such costs and may be enforced, without limitation, by foreclosure, special assessments, or as may otherwise be permitted by law. This right, and the City of Winter Garden's exercise of said right, shall not impose any obligation on the City of Winter Garden to maintain, repair, replace, or otherwise care for said private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon."

(6) Provide for the consequences resulting from a default with the provisions of the declaration, or amendment thereto, or the provisions of this chapter by the HOA or developer as set forth in section 110-159.

(7) Provide that any transfer of any portion or component of the community subdivision infrastructure (including the property on which the said community subdivision infrastructure is located) to the city or other governmental entity is prohibited without the concurrence of the city or governmental entity and the owners of two-thirds (or such higher percentage as the declaration may provide) of the platted lots.

(8) Require the establishment, funding and maintenance of an HOA account for annual routine maintenance and repair of the community subdivision infrastructure (referred to in this division as the "routine-community subdivision infrastructure-maintenance account"), and impose the restrictions and requirements set forth in section 110-157 regarding that account. Provide for the

developer's obligation to ensure adequate funding of HOA routine-community subdivision infrastructure-maintenance account required by section 110-157 until turnover of the HOA. Provide that developer/declarant shall continue to have responsibility to ensure proper maintenance of the community subdivision infrastructure until turnover occurs.

(9) Require the establishment, funding and maintenance of an HOA account for major capital repair and replacement of the subdivision's roads, curbing, sidewalks, stormwater drainage systems, and walls, etc. (referred to in this division as the "capital-community subdivision infrastructure reserve account"), and impose the restrictions and requirements set forth in section 110-157 regarding that account. Provide for the developer's obligation to ensure adequate funding of HOA capital-community subdivision infrastructure reserve account required by section 110-157 until turnover of the HOA.

(10) Include the following or similar statement: "The association and the lot and unit owners are responsible for assessing, collecting and reserving sufficient funds to operate, maintain, repair and replace common properties and subdivision infrastructure improvements. The City of Winter Garden shall not be liable or responsible for the maintenance, repair and replacement of private subdivision property and infrastructure improvements."

(11) Include the following or similar statement: "It is prohibited to alter the grade of or original drainage plan for any parcel, lot or tract, or change in the direction of, obstruct, or retard the flow of surface water drainage, or alter or remove of any berm, pipe, ditch, weir, manhole, swale, and stormwater collection, storage and conveyance system unless expressly authorized by the City of Winter Garden. This provision shall be considered a restrictive covenant in favor of and enforceable by the City of Winter Garden and in the event of a violation of this provision, the City of Winter Garden shall have the right to obtain injunctive relief, seek damages, and assess fines and liens in the amount of the cost to remedy the prohibited action (including administrative costs and attorneys' fees and costs) against the violating person or entity and any property owned by such violating person or entity; provided however, such right shall not limit the City of Winter Garden's other available enforcement actions permitted by law or equity."

(12) For subdivisions with private roads or alleys, include the following or similar statement: "There is hereby created, granted and reserved for the benefit of the City of Winter Garden and other public service and emergency service providers, a non-exclusive easement over, under and through the private subdivision roads and alleys for vehicular and pedestrian ingress and egress access for the purpose of providing public and emergency services to the common property and lots, including but not limited to, postal, fire protection, police protection, emergency medical transportation, code enforcement, garbage, utilities and other public and emergency services."

(13) Provide that the HOA may not be dissolved and that no portion of the declaration, or amendment thereto, pertaining to the requirements of this chapter may be amended without the written consent of the city.

Sec. 110-155. Initial community subdivision infrastructure report/turnover requirements.

- (a) Prior to the point in time in which certificates of occupancy have issued for seventy percent (70%) of the platted lots within the project and No earlier than 180 days before turnover, whichever occurs first, the HOA must retain the services of a Florida registered engineer experienced in subdivision construction to inspect the community subdivision infrastructure and prepare a report evaluating the community subdivision infrastructure's economic life, recommending the amount of scheduled maintenance and unscheduled repair for the subsequent five years that likely will be needed for each component of the community subdivision infrastructure (specifically, at a minimum and as may be

applicable, providing for the roads, street lights, sidewalks and drainage system (which includes, without limitation, the stormwater detention/retention areas and underdrains)) which recommends the amounts of money that should be deposited each year in the routine-community subdivision infrastructure-maintenance account and the capital-community subdivision infrastructure reserve account, determining whether the existing capital-community subdivision infrastructure reserve account balance is adequate to provide for restoration or replacement of the infrastructure by the end of its estimated economic life, and determining what repairs, if any, are needed prior to turnover of the HOA. The HOA shall pay the cost associated with the preparation of the initial community subdivision infrastructure report, and the HOA may pay such cost from the routine-community subdivision infrastructure-maintenance account. The report must be signed and sealed by the engineer, certified to the HOA and provided to the city and to all owners of lots, blocks, and tracts within the subdivision within 15 days after its completion. In the event turnover occurs more than 1 year after the initial community subdivision infrastructure report is prepared, then before the occurrence of the turnover an update of the initial community subdivision infrastructure report shall be obtained and provided in the same manner as the initial community subdivision infrastructure report. Any needed repairs or replacements identified by the report(s) shall be completed by the developer, at the developer's sole expense, prior to turnover.

- (b) Prior to turnover, the developer shall fund or cause the funding of the routine-community subdivision infrastructure-maintenance account and capital-community subdivision infrastructure reserve account to cover any deficiencies in account balances. Not sooner than fifteen (15) days and not more than forty-five (45) days prior to turnover, the developer shall submit a sworn affidavit along with supporting documentation to the HOA and the city evidencing developer's compliance with the requirements of this section.
- (c) Prior to turnover and prior to the issuance of certificates of occupancy for ninety percent (90%) of the platted lots within the project, developer shall execute and deliver to the city a 2 year warranty guarantee agreement with the city along with security in the form of a bond, irrevocable letter of credit or cash deposit covering the private community subdivision infrastructure improvements, in a form approved by the city attorney, and naming the city as primary beneficiary and the applicable homeowners association as a third party beneficiary. The warranty guarantee shall provide for the developer's guarantee of all such improvements, including its materials, workmanship, structural integrity and functionality, and require developer's repair, replacement and correction of damage and defects to such improvements found within the warranty period. The warranty guarantee period shall commence from the estimated date of turnover and end two years thereafter. The maintenance bond or irrevocable letter of credit shall be in an amount equal to twenty (20) percent of the then current estimated costs to construct the community subdivision infrastructure improvements, which amount shall be subject to city engineer review and approval.
- (d) If turnover occurs and the foregoing requirements of subsections (a), (b) & (c) have not been fulfilled, the rights of the city, the HOA, any of its the HOA's members, and any and all owners of land within the subdivision to enforce these requirements against the

developer shall survive the turnover, with the prevailing party to be entitled to attorneys' fees and costs against the non-prevailing party. Notwithstanding the foregoing and without limiting the city's remedies, the city shall be entitled to withhold the issuances of certificates of occupancy ~~and~~ building permits for improvements within the subdivision until such time as the provisions of this section are met.

Sec. 110-156. Subsequent community subdivision infrastructure reports and maintenance.

The HOA shall obtain an inspection and written report of the community subdivision infrastructure, by a Florida registered engineer experienced in subdivision construction at least once every five years after the initial engineer's inspection required by section 110-155. Using good engineering practice or in accordance with such other standards as may be adopted from time to time by the HOA, or in accordance with such standards as the HOA's engineer may determine to be appropriate, the inspection shall determine and the written report shall document the level of maintenance and repair (both scheduled and unscheduled) needed, the amounts of funding needed each year for the next five years in the routine-community subdivision infrastructure-maintenance account to pay for such maintenance and repair, and any repairs then needed and determining whether the existing capital-community subdivision infrastructure reserve account balance is adequate to provide for restoration or replacement of the infrastructure by the end of its estimated economic life. The report must be signed and sealed by the engineer, certified to the HOA, and provided to the city and to all owners of lots, blocks, and tracts within the subdivision within 15 days after its completion. Within 180 days of receipt of each five-year report, the HOA shall complete all remedial work identified and recommended by the engineer. A completion report, signed, sealed and certifying that said remedial work has been completed, shall be submitted to the HOA, to the city, and to all owners of lots, blocks, and tracts within the subdivision 90 days thereafter. The HOA and the lot and unit owners of the subdivision are responsible for assessing, collecting and reserving sufficient funds to operate, maintain, repair and replace common properties and subdivision infrastructure improvements. The city does not have and will not assume any duty, liability or obligation concerning the operation, maintenance, repair and replacement of common properties and subdivision infrastructure improvements arising out of or relating to any provision of this chapter, including but not limited to, the city's collection of, evaluation of and response to the reports submitted pursuant to Section 110-155 and this section.

Sec. 110-157. Homeowners association required accounts for maintenance, repair and reserves.

At a minimum, the requirements, restrictions, terms, conditions, and limitations provided for in this section with respect to the accounts required for the maintenance and repair of the community subdivision infrastructure and the monies on deposit in those accounts shall be established and maintained by each HOA.

(1) *Required HOA asset accounts.* The HOA must create, deposit monies into, retain in perpetuity, and replenish from time to time the following accounts, which are referred to in this article collectively as the "required HOA accounts":

- a. A routine-community subdivision infrastructure-maintenance account; and
- b. A capital-community subdivision infrastructure reserve account;
- c. This division does not require the establishment of accounts for either routine maintenance or the capital repair and replacement of private amenities not related to the community subdivision infrastructure, but such accounts may be required by the declaration or as may be established at the discretion of the HOA. However, except as otherwise provided for in this section, monies

within the required HOA accounts may not be utilized for the maintenance, repair or replacement of the private amenities.

Each of the foregoing accounts must be asset accounts kept separate and apart from all other funds and accounts of the HOA, and for accounting purposes the HOA may not commingle these accounts, either with each other or with other funds and accounts of the HOA. However, notwithstanding the foregoing, the monies in the above accounts may be commingled with monies in other HOA accounts for banking and investment purposes, and may be pooled with other HOA monies in a common investment program, so long as the financial books and records of the HOA account for these monies separately and apart from all other HOA monies and keep such monies earmarked for the purposes set forth below. All earnings from the investment of monies in the required HOA accounts shall remain in their respective accounts and shall follow their respective principal.

(2) *Use of accounts.*

a. *Routine-community subdivision infrastructure-maintenance account.* Monies on deposit in the routine-community subdivision infrastructure-maintenance account, including any investment earnings, shall be used by the HOA, or by the developer with the written consent of the board of directors of the HOA, only for scheduled maintenance and for unscheduled repair of the roads, drainage system, including, but not limited to, the stormwater detention/retention areas and underdrains, sidewalks, street lights, curbing, bike paths, traffic-control signage and other HOA infrastructure appurtenant to the private roads and drainage systems. If allowed by the declaration, the monies on deposit in the account may also be used for scheduled maintenance and unscheduled maintenance and repair of the entrance and exit gates and their related facilities, but the declaration shall require that the roadways and drainage-system maintenance and repair take priority over the maintenance and repair of the gates and related facilities.

b. *Capital-community subdivision infrastructure reserve account.* Monies on deposit in the capital- community subdivision infrastructure reserve account, including any investment earnings, shall be used by the HOA for: (i) resurfacing and related reconstruction of the roadways, including alleys, in the subdivision; (ii) major repair, replacement and reconstruction of drainage systems, including, but not limited to, the stormwater detention/retention areas, control structures, underdrains and conveyance systems; and (iii) major repair, replacement and reconstruction of sidewalks, bike paths, curbing, walls, subdivision signage, gates, and other capital infrastructure improvements of the subdivision. Under no circumstances may the monies in the account be expended before the developer conveys the community subdivision infrastructure to the HOA.

(3) *Required funding; required assessments.*

a. *Routine-community subdivision infrastructure-maintenance account.* The HOA must deposit each year into the routine- community subdivision infrastructure-maintenance account an amount of money sufficient to perform all scheduled maintenance and unscheduled repair of the roads, drainage system, and other community subdivision infrastructure during the subsequent year. The amount deposited, when added to investment earnings, must be no less than the amounts estimated under subsection (5) until the reports required under sections 110-155 and 110-156 are prepared, and thereafter the amount deposited must be no less than the amount recommended by the applicable engineer's report required pursuant to sections 110-155 and 110-156. If the declaration allows maintenance and repair of the entrance and exit gates and their related facilities to be paid from the routine-community subdivision infrastructure-maintenance account, then the deposits each year must be increased by amounts sufficient to cover those costs.

b. *Capital-community subdivision infrastructure reserve account.* The HOA must deposit each year into the capital-community subdivision infrastructure reserve account an amount sufficient for: (i) the private roads and alleys to be resurfaced and, as related to the resurfacing, reconstructed no less frequently than every 12 years; (ii) the restoration and repair or replacement of the drainage systems, including, but not limited to, the stormwater detention/retention areas control structures, underdrains and conveyance systems, no less frequently than once every ten years; and (iii) the restoration and repair or replacement of all other community subdivision infrastructure, no less frequently than once every 50 years. The amount to be deposited each year into the account must be estimated by the developer and approved by the city prior to issuance of a certificate of completion for the subdivision infrastructure. Deposits to the account must begin in the year in which the city issues its certificate of completion. At the end of each five-year community subdivision infrastructure reporting period pursuant to section 110-156, the HOA shall revise and update the estimated cost to restore, repair and replace community infrastructure improvements taking into consideration actual costs incurred and expected increases in costs, and shall adjust the amount of its annual deposits to the account accordingly.

c. *Required assessments.* The obligation to collect and pay assessments shall commence as of the date on which the city issues its certificate of completion for the infrastructure improvements for the subdivision. However, if no plat has been recorded as of that date, the obligation to collect and pay assessments shall commence as of the date the plat is recorded in the public records of Orange County, Florida. In the case of the conversion of an existing subdivision to a gated community, the city shall determine the appropriate commencement dates on a case by case basis. The HOA shall impose and collect assessments against each platted lot in the subdivision, including lots owned or controlled by the developer and by any builder, without exception. The assessments must be uniform and equitable and must be imposed and collected in amounts sufficient, when added to investment earnings and other available revenues of the HOA, if any, to make all required deposits to each of the required HOA accounts.

Notwithstanding the foregoing, if in the opinion of the city engineer the community subdivision infrastructure has substantially deteriorated at the time a plat is approved, the city may require an additional payment of assessments by the developer to address the loss of useful life of the deteriorated community subdivision infrastructure.

(4) *Financial reports and other requirements.* Each year the HOA shall cause a financial report of the required HOA accounts to be performed and prepared, and a copy of the report shall be submitted to each owner of property in the subdivision and the city within the time frame required under the "financial reporting" requirements of F.S. ch. 720. At a minimum, the report shall confirm the existence of each of the required HOA accounts and report the amounts of deposits into and expenditures from the account during the period year, along with an itemization of the expenditures from the required HOA accounts. Finally, the financial report shall disclose whether any of the required HOA accounts has on deposit less than the amount required under the declaration.

(5) *Initial account funding and developer's obligations.* From the recording of the plat and up to the point in time when turnover of control of the HOA occurs, the developer and its successors in interest, shall remain personally obligated to ensure that adequate funding of the HOA accounts required by this section is provided, that the financial reporting requirements of this section are met and that the community subdivision infrastructure is being properly maintained. Prior to the issuance of a certificate of completion for the community subdivision infrastructure, the developer shall be required to fund the capital-community subdivision infrastructure reserve

account in an amount sufficient cover two-year's estimated deposits for such account and fund the routine-community subdivision infrastructure-maintenance account in an amount sufficient to cover one-year's estimated deposits for such account. For purposes of establishing deposits by the developer required under this subsection, deposit amounts shall be supported by a licensed engineer's evaluation of the community subdivision infrastructure's economic life and cost estimate for maintenance and replacement of such infrastructure provided to the city at the developer's expense and such is subject to the review and approval by the city engineer.

Sec. 110-158. Indemnification.

In the event the community subdivision infrastructure, or any component thereof, including, but not limited to, any and all private areas, drainage systems (including without limitation, the retention/detention areas and underdrains), common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the city, are not maintained, repaired, replaced, or cared for in accordance with the standards of the city code, good engineering practices, or such become a nuisance, or HOA accounts relating to the community subdivision infrastructure are not properly funded, the developer (so long as the developer retains control of the board of directors of the HOA and the provisions of section 110-155 are not completely satisfied), the HOA, and the individual lot owners of the subdivision, jointly and severally, shall release, defend, indemnify, and hold the city and its officers, contractors, consultants and employees harmless from any and all costs, expenses, suits, demands, liabilities, damages, injuries (including death), tort liability or award of damages or otherwise, including attorneys' fees and costs, in connection with, related to, or arising out of the maintenance, repair, replacement, reconstruction, or care of the community subdivision infrastructure, or any component thereof, by or on behalf of the city.

Sec. 110-159. Default.

The city shall have the right, but not the obligation, to access, maintain, repair, replace and otherwise care for or cause to be cared for, the community subdivision infrastructure, or any component thereof, including, but not limited to, any and all private areas, drainage systems (including without limitation, the retention/detention areas and underdrains), common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the city. Further, the city shall have the right, but not the obligation, to cause to be prepared any report, study, or inspection required by this division, if the HOA fails to obtain such reports, studies, or inspections required by this division in the time provided. In the event any or all of the components of the community subdivision infrastructure are not maintained, repaired, or replaced in accordance with the standards of the city code, good engineering practices, or become a nuisance, or the required reports, studies, or inspections are not obtained, each of the lot owners of the subdivision are hereby ultimately responsible for payment of the cost of reports, studies, inspections, maintenance, repair, replacement and care provided by or for the city, plus administrative costs and attorneys' fees and costs incurred by the city. If said costs are not paid within 15 days of invoicing to the HOA and the lot owners, then said costs shall constitute a lien on the property of the owner which fails to pay such costs and may be enforced, without limitation, by foreclosure, special assessments, or as may otherwise be permitted by law. This right, and the city's exercise of said right, shall not impose any obligation on the city to maintain, repair, replace, or otherwise care for any or all components of the community subdivision infrastructure or cause to be prepared any reports, studies, or inspections.

Without limiting the foregoing, upon any default by the HOA or the developer in any requirement of either this article or the declaration required under this article, the city, at its option (and without limiting its remedies) and after due notice of its declaration of a default and a reasonable time to cure, may prohibit closure of the gates and utilize all HOA monies on deposit in the routine-community subdivision infrastructure-maintenance account and the capital-reserve accounts or, if no monies exist or if an insufficient amount exists, using such other revenues or financing methods as the city may elect, including, but not limited to, special assessments against the all of the subdivision lots. The City shall have the right to enforce against the HOA and developer the requirements of this division and the provisions of the declaration required in this division. Further, without limiting the foregoing, upon any default by the developer of any requirement of this division, the city shall be entitled to withhold the issuance of certificates of occupancy and building permits for improvements within the project and withhold the issuance of development orders, certificates of occupancy and building permits for any other project the developer is the developer of record until such time as the default is cured.

Sec. 110-160. Insurance.

The HOA shall provide general liability insurance in the amount of not less than \$300,000.00 per occurrence and \$500,000.00 aggregate and name the city as an additional named insured. Such insurance shall protect the HOA and the city from any claim, suit, demand or damages resulting from or related to any activity by the city within the subdivision or the community subdivision infrastructure and private amenities, including, but not limited to, the operation, maintenance or repair of streets, subdivision infrastructure, water, sewer and drainage facilities. The insurance shall not include any exclusion that would deny coverage from the operation of sewer lines and shall provide 30-day written notice to the city prior to cancellation or modification of any insurance referred to therein. A signed certificate of insurance showing compliance with the requirements of this section, satisfactory to the city, shall be furnished to the city prior to final plat approval

Sec. 110-161. HOA and member rights.

The HOA, any member of the HOA, and any and all owners of land in the subdivision shall have the right jointly and severally to enforce against the developer the requirements of this chapter and the provisions of the declaration required in this division, with the prevailing party being entitled to attorneys' fees and costs. Any member of the HOA and any and all owners of land in the subdivision shall have the right to enforce against the HOA the requirements of this division and the provisions of the declaration required herein, with the prevailing party being entitled to attorneys' fees and costs against the non-prevailing party. Venue for any such enforcement action shall be in the Ninth Judicial Circuit of Florida, in Orange County, Florida.

(Ord. No. 04-19, § 2(Exh. A), 6-10-04)

Sec. 110-162. Developer liability.

~~Subject to section 110-155, u~~Until such time as turnover of control of the HOA has occurred and the developer has conveyed to the HOA such land and improvements for which the HOA shall have the responsibility for maintaining and repairing, including the community subdivision infrastructure, the developer shall remain jointly and severally liable, to the city, along with the HOA, for the maintenance and repair of the community subdivision infrastructure, common areas and private amenities within the subdivision, for the adequate funding of the HOA

accounts required by section 110-157 and for otherwise ensuring compliance with the provisions of this division chapter. By way of example and not limitation, all maintenance and repair of roads, sidewalks, street lighting and the drainage system, including the stormwater detention/retention areas and underdrains, are the responsibility of the developer, except as provided in this section. If turnover occurs and the obligations of the developer under this division have not been met, the rights of the city, HOA, any of the HOA's members, and any and all owners of land within the subdivision to enforce the requirements of this division against the developer shall survive the turnover, with the prevailing party to be entitled to attorneys' fees and costs against the non-prevailing party. Venue for any such enforcement action shall be in the Ninth Judicial Circuit of Florida, in Orange County, Florida.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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

FIRST READING: _____, 2013.

SECOND READING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: February 6, 2013

Meeting Date: February 14, 2013

Subject: 12900 Roper Road (ANNEXATION, ZONING, FLU)
PROJECT NAME 12900 Roper Road Annexation
Ordinance 13-01
Ordinance 13-02
Ordinance 13-03
PARCEL ID# 36-22-27-0000-00-011

Issue: The applicant is requesting Annexation, Zoning, and Future Lands Use designation on property located at 12900 Roper Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 6 ± acre enclave located on the south side of Roper Road east of Daniels Road and west of Beulah Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and Rezoning of the property to City R-1B Single Family Residential District. (See attached Staff Report).

Recommended Action:

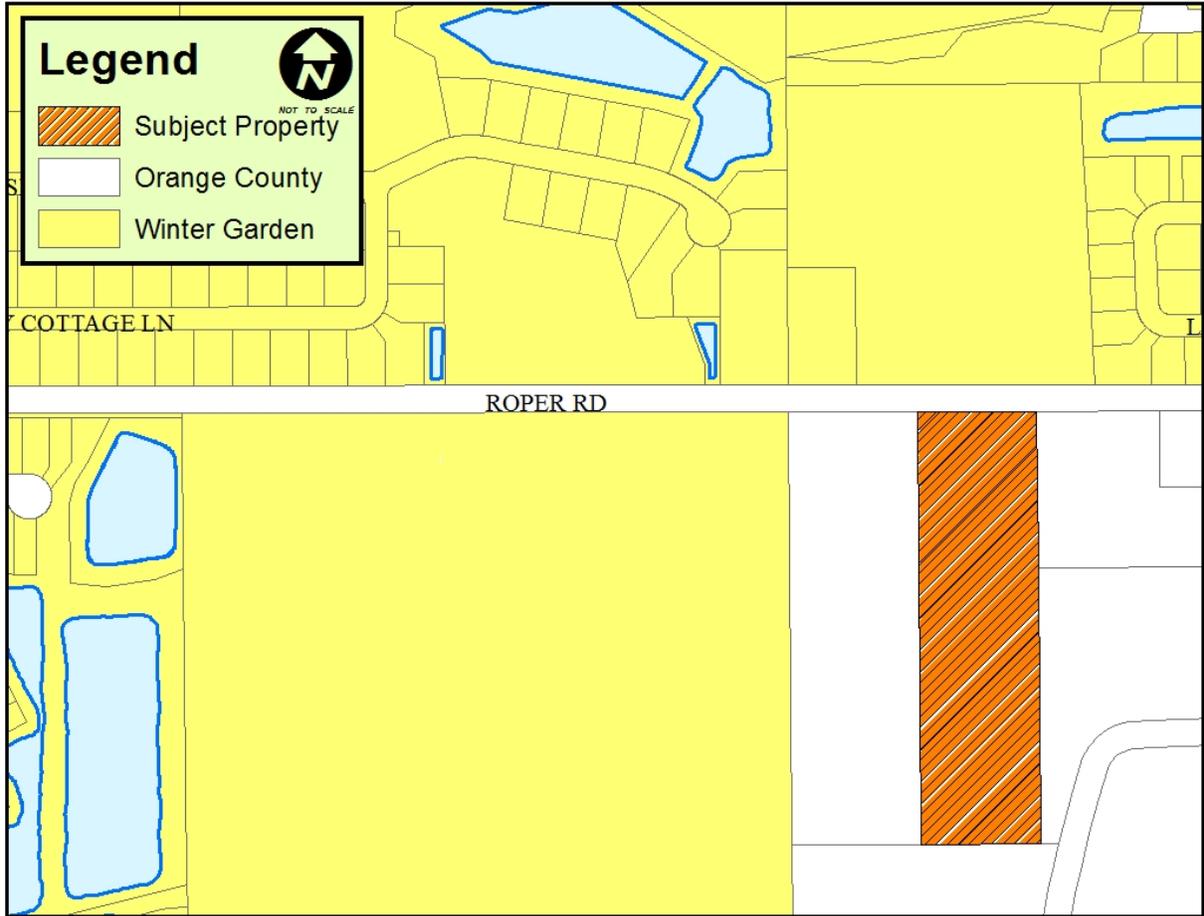
Staff recommends adoption of Ordinance 13-01, Ordinance 13-02 and Ordinance 13-03.

Attachment(s)/References:

Location Map
Ordinance 13-01
Ordinance 13-02
Ordinance 13-03
Staff Report

LOCATION MAP

12900 Roper Road
Parcel ID # 36-22-27-0000-00-011



ORDINANCE 13-01

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD 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 owner of the land, generally described as approximately 6 ± acres located on the south side of Roper Road, east of Daniels Road and west of Beulah Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* 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, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* 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.

SECTION 3: *Effect of Annexation.* 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 the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall

apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of 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: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* 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 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 36-22-27-0000-00-011

Begin 286 feet East of the NW corner of Section 36, Township 22 South, Range 27 East, Orange County Florida; run South 990 feet, East 264 feet, North 990 feet, West 264 feet to the Point of Beginning.

ORDINANCE 13-02

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 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY RURAL AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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 on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 6 ± acres of land located at 12900 Roper Road on the south side of Roper Road, east of Daniels Road and west of Buelah Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Rural Agricultural to City Low Density 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. *FLUM Amendment.* 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 Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-01, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

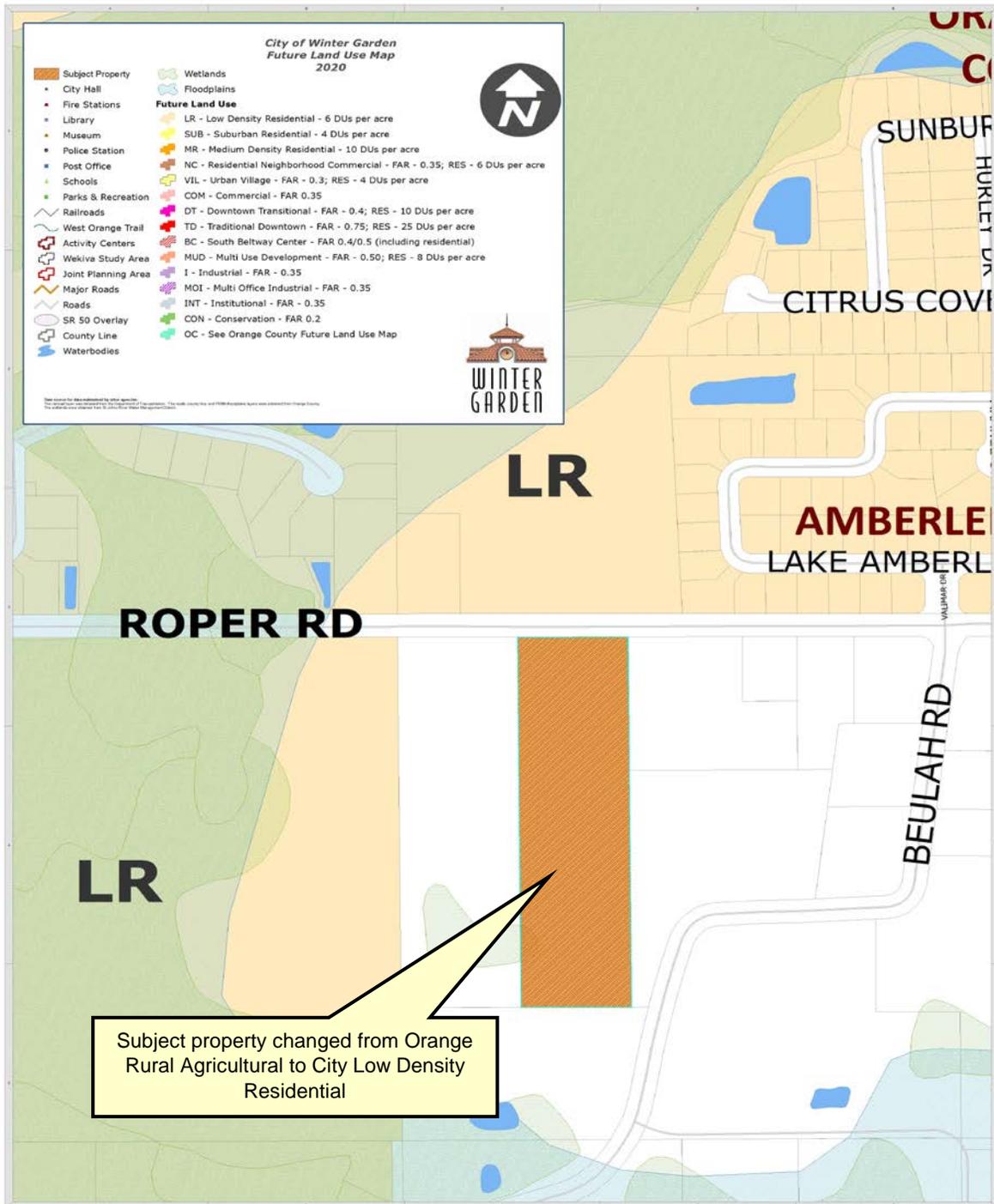
PARCEL ID#: 36-22-27-0000-00-011

Begin 286 feet East of the NW corner of Section 36, Township 22 South, Range 27 East, Orange County Florida; run South 990 feet, East 264 feet, North 990 feet, West 264 feet to the Point of Beginning.

ATTACHMENT "B"

FUTURE LAND USE MAP

12900 Roper Road



ORDINANCE 13-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 6 ± acres of land located on the south side of Roper Road, east of Daniels Road and west of Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Citrus Agricultural to the City’s R-1B Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1B Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: *Rezoning.* The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-1 Citrus Agricultural District to City R-1B Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* 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: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 13-02 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 36-22-27-0000-00-011

Begin 286 feet East of the NW corner of Section 36, Township 22 South, Range 27 East, Orange County Florida; run South 990 feet, East 264 feet, North 990 feet, West 264 feet to the Point of Beginning.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

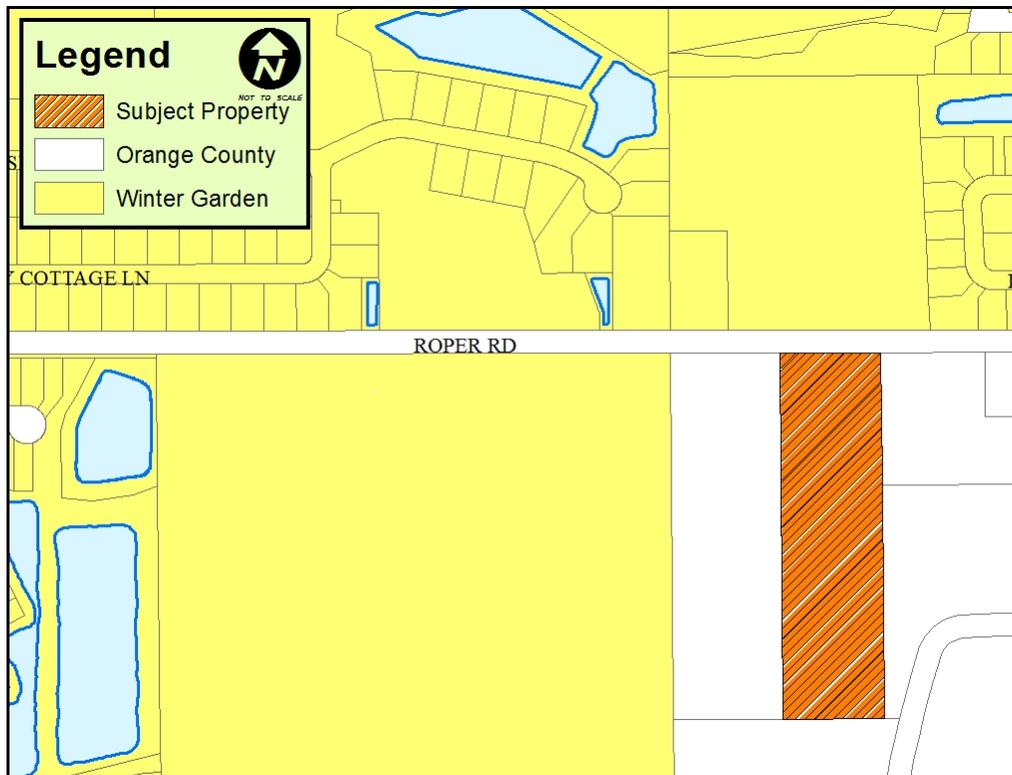
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: DECEMBER 30, 2012
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
12900 ROPER ROAD (6 +/- ACRES)
PARCEL ID #: 36-22-27-0000-00-011
APPLICANT: GLENDA LOEW, ET AL

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 12900 Roper Road and is approximately 6 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1B Single-Family Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes and churches and schools. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant. However, the property does contain approximately a 0.05 acre portion of the 0.78 acre wetland/pond which is located largely on the adjoining property to the west of the subject property.

ADJACENT LAND USE AND ZONING

The properties located to the north are several single-family homes on large tracts and two subdivisions, zoned R-1, R-1B, and PUD, and located in the City. There are two properties located to the east and one is developed with a single-family house, zoned A-1 and located in Orange County; the other is owned by Orange County Public Works. The property to the south is owned by Orange County, used by their Public Works Department for storage, zoned R-1 and located in the County. The property to the west is developed with a one story manufactured home, a trailer, five sheds, a barn, and was just annexed into the City with a proposed zoning of R-1B.

PROPOSED USE

The applicant intends to annex the property and sell it to a developer who will submit plans to build a subdivision once the annexation, FLU, and zoning process is complete.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

In conjunction with application for development of the property, the owner and/or developer will be required to submit a traffic analysis and participate in agreement(s) for any improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

SUMMARY

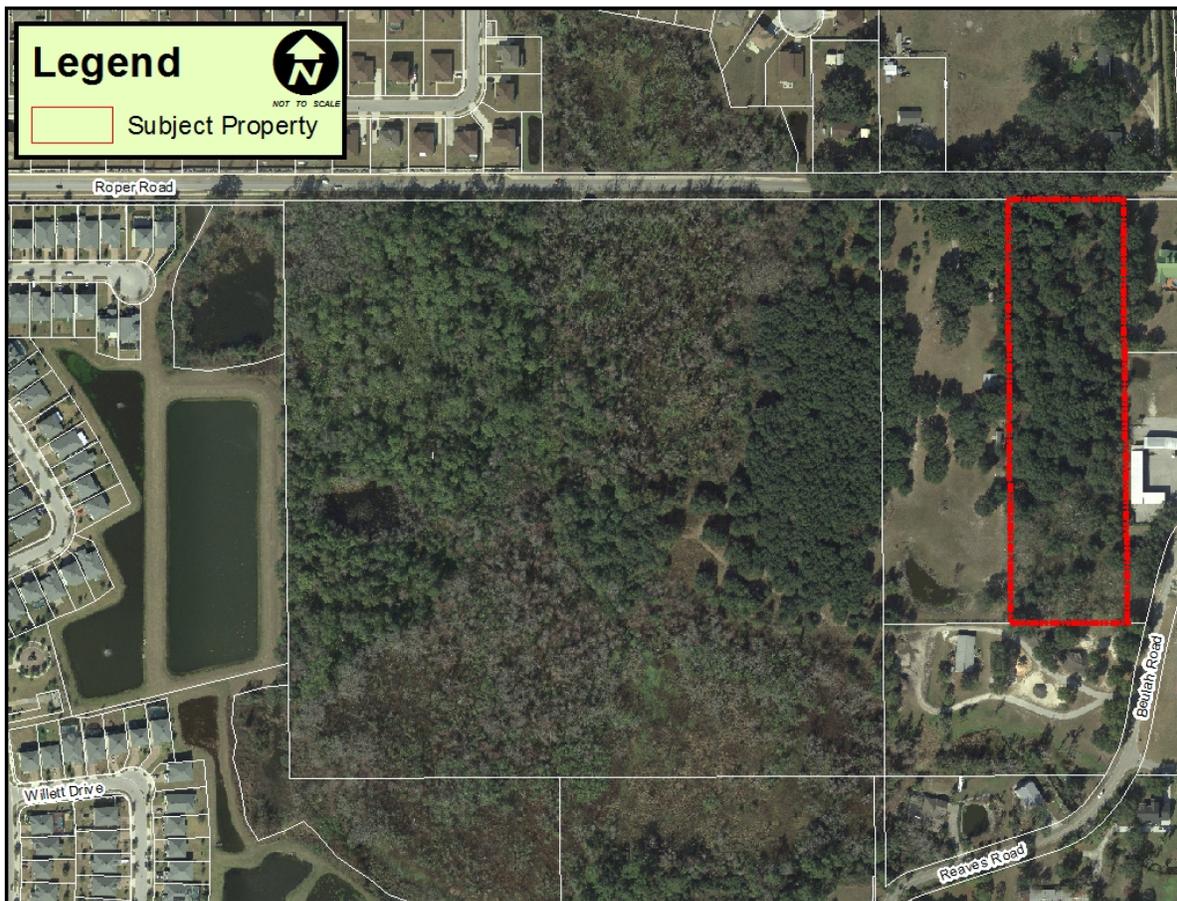
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances subject to the following conditions:

1. Future development plans for the property will be reviewed by staff and the board to ensure consistency with the surrounding area.
2. In conjunction with application for preliminary development of the property, the owner and/or developer shall submit a traffic analysis and participate in agreement(s) for improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

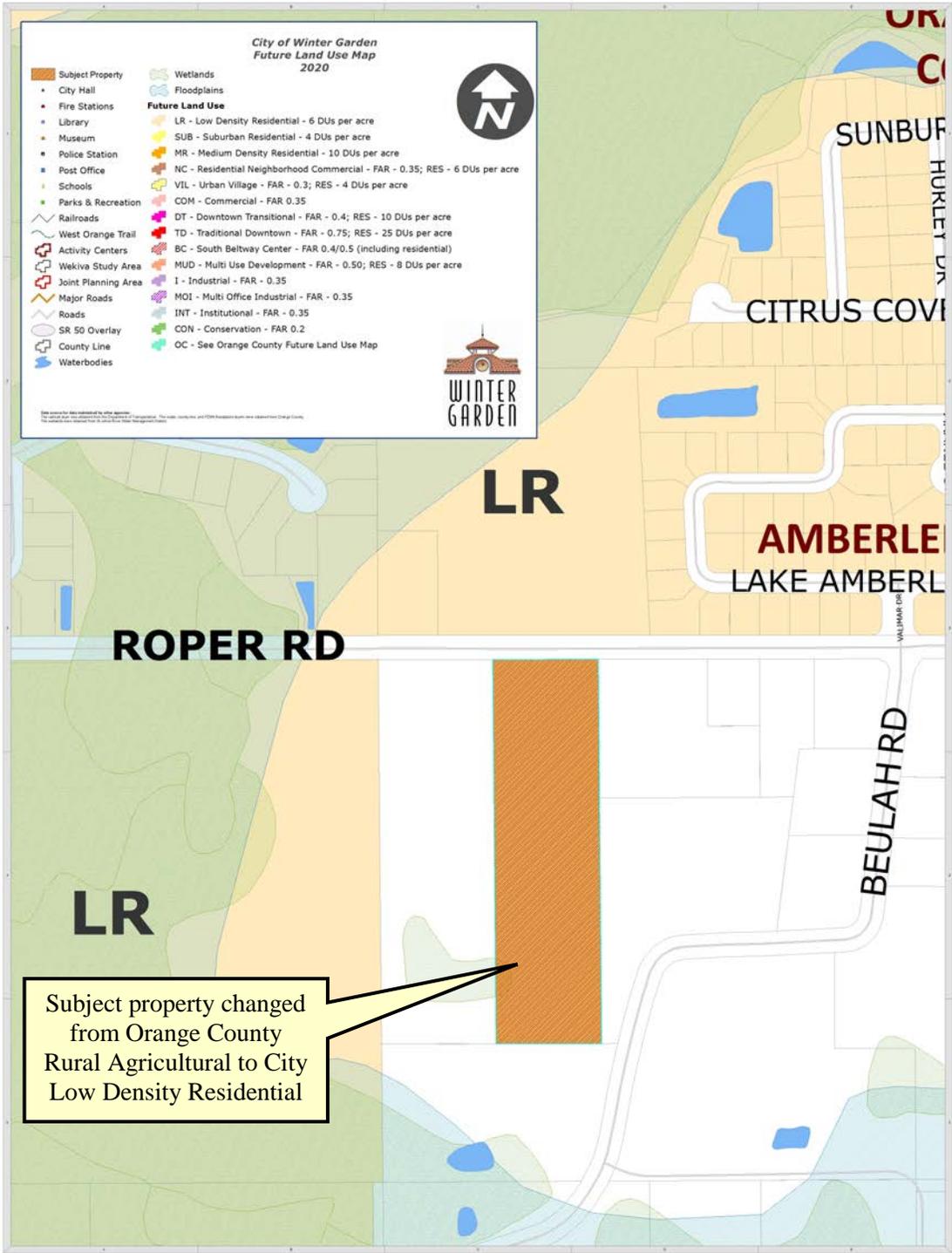
MAPS

AERIAL PHOTO

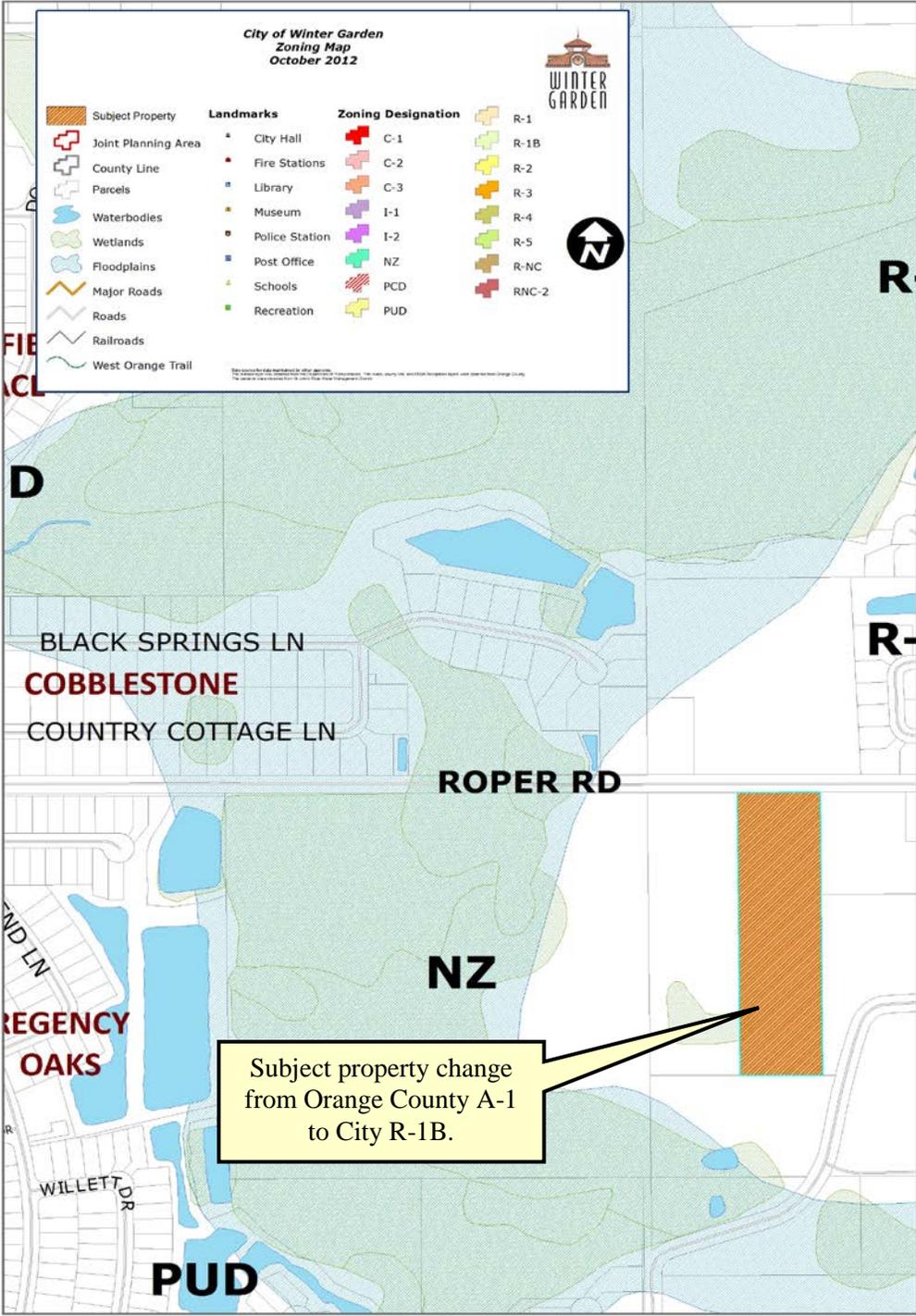
12900 Roper Road



FUTURE LAND USE MAP
12900 Roper Road



ZONING MAP
12900 Roper Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: February 6, 2013

Meeting Date: February 14, 2013

Subject: **14288, 14350 & 14362 Siplin Road**
Poole, Gemeiner, Solomon Annexation
Ordinance 13-05 Annexation
PARCEL ID# 34-22-27-0000-00-007, 34-22-27-0000-00-008
& 34-22-27-0000-00-029

Issue: The applicant is requesting Annexation of 35.176± acres of property located at 14288, 14350 & 14362 Siplin Road.

Discussion: The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property is a 35.176± acre property surrounded by the City of Winter Garden on three sides (north, east and west) and is located at the southwest corner of Siplin Road and SunRidge Boulevard. The applicant has requested Annexation into the City, and expressed their intent to submit application for rezoning and future land use map amendment in the future. (See attached Staff Report).

Recommended Action:

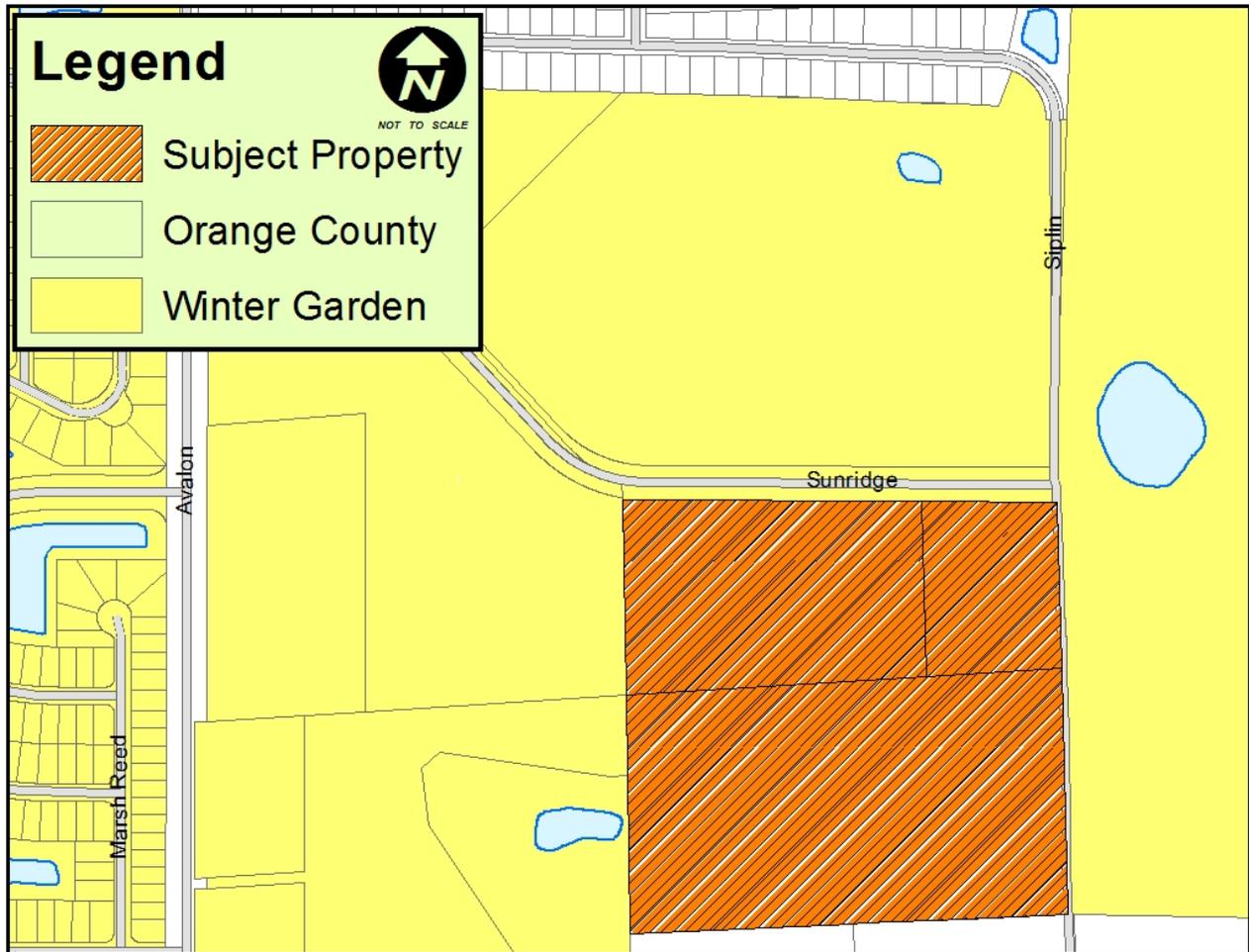
Staff recommends adoption of Ordinance 13-05.

Attachment(s)/References:

Location Map
Ordinance 13-05
Staff Report

LOCATION MAP

14288, 14350 & 14362 SIPLIN ROAD
Poole, Gemeiner, Solomon Annexation



ORDINANCE 13-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SIPLIN ROAD AND SUNRIDGE BOULEVARD 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 owner of the land, generally described as approximately 35.176 ± acres located at the southwest corner of Siplin Road and SunRidge Boulevard and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (i.e., the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* 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, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* 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.

SECTION 3: *Effect of Annexation.* 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 the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the

City upon the effective date of 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: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* 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 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 34-22-27-0000-00-029 & 34-22-27-0000-00-008

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 01°18'35" EAST, ALONG THE EAST LINE OF THE NORTHWEST CORNER OF SAID SECTION 34, A DISTANCE OF 231.90 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°42'54" EAST, 8.00 FEET TO THE WEST LINE OF THAT CERTAIN RIGHT-OF-WAY AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1753, PAGE 564 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN SOUTH 01°18'35" EAST, ALONG SAID WEST LINE, 478.23 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 86°25'20" WEST, ALONG SAID SOUTH LINE, 1256.43 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00°43'13" WEST, ALONG SAID WEST LINE, 562.75 FEET TO A POINT ON SAID WEST LINE, BEING 123.77 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°42'58" EAST, 1250.14 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 14.966 ACRES MORE OR LESS.

PARCEL ID#: 34-22-27-0000-00-007

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 01°18'35" EAST, ALONG THE EAST LINE OF THE NORTHWEST CORNER OF SAID SECTION 34, A DISTANCE OF 709.57 FEET; TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°18'35" EAST, ALONG SAID EAST LINE, 709.57 FEET TO THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 87°28'30" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 1270.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00°43'13" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 686.52 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 86°25'20" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1264.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 20.299 ACRES MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

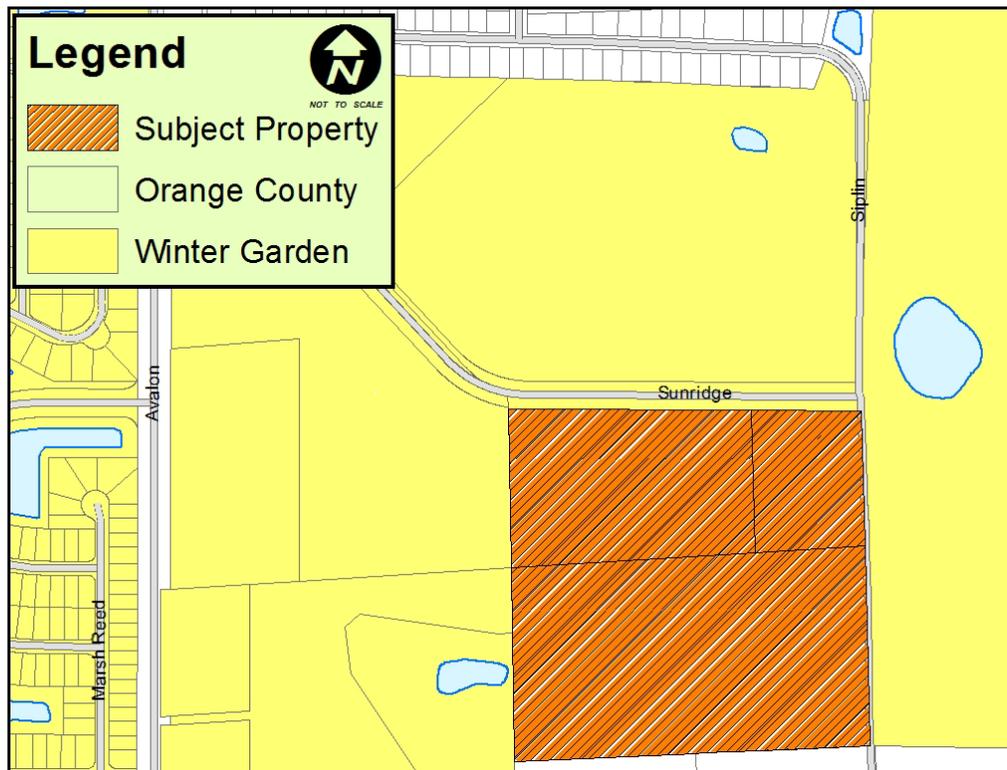
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JANUARY 2, 2013
SUBJECT: ANNEXATION
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)
PARCEL ID #: 34-22-27-0000-00-007, 34-22-27-0000-00-008
& 34-22-27-0000-00-029

APPLICANT: Eric J. Poole, George H. and Muriel Gemeiner Family Trust & Solomon Family Irrevocable Trust.

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 14288, 14350 & 14362 Siplin Road and is approximately 35.176 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation of the subject property located at the southwest corner of Siplin Road and Sunridge Boulevard into the City of Winter Garden. The subject property is bordered on the north, east and west sides by properties which are within the City of Winter Garden and to the south by land located in Unincorporated Orange County.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is primarily vacant unimproved land; however there is one existing single family residential structure located on the portion of the property addressed at 14362 Siplin Road. Additionally, the properties addressed at 14288 & 14362 contain wetlands which total approximately 3.63 acres.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is the new school site of Sunridge Middle School and Sunridge Elementary School which opened last year in the City. The properties located to the west are vacant properties located within the City of Winter Garden, one containing an Orange Grove and the other is owned by the City of Winter Garden. The properties located to the south include vacant unimproved land located in Unincorporated Orange County and a Single Family Residential structure also located in Unincorporated Orange County. The property to the east is primarily vacant land, zoned R-2 and located in the City.

PROPOSED USE

The owner(s) are currently requesting annexation and propose to submit application in the future to rezone and amend the future land use designation of the property for residential development.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

In conjunction with rezoning and/or future land use map amendment for the property, the owner and/or applicant will be required to submit a traffic study and participate in agreements for any improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

SUMMARY

Annexation of the subject property will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan

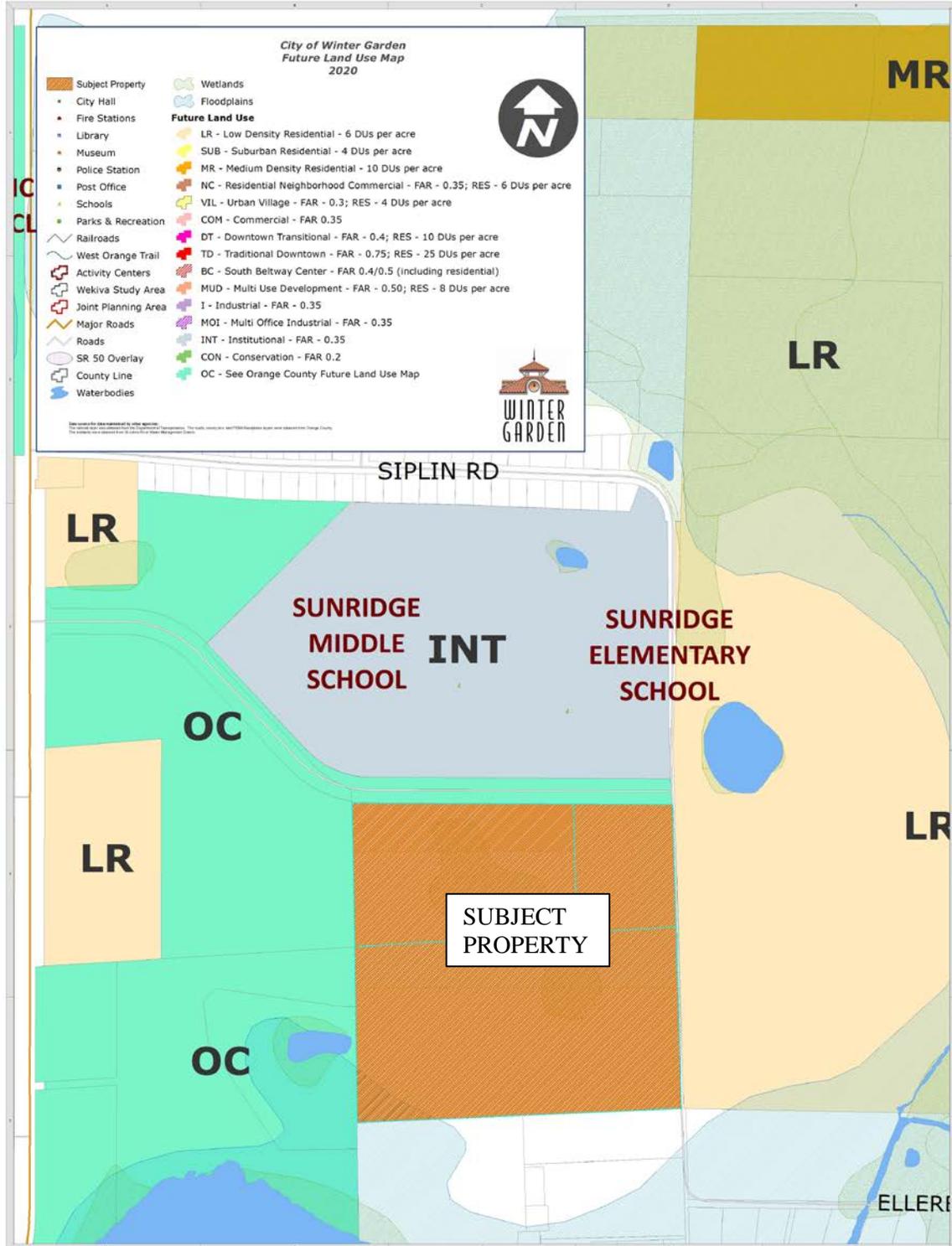
to eliminate enclaves. City Staff recommends approval of the proposed Ordinance subject to the condition that prior to rezoning and/or future land use map amendment for the property, the owner and/or applicant shall participate in agreement(s) for improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

MAPS

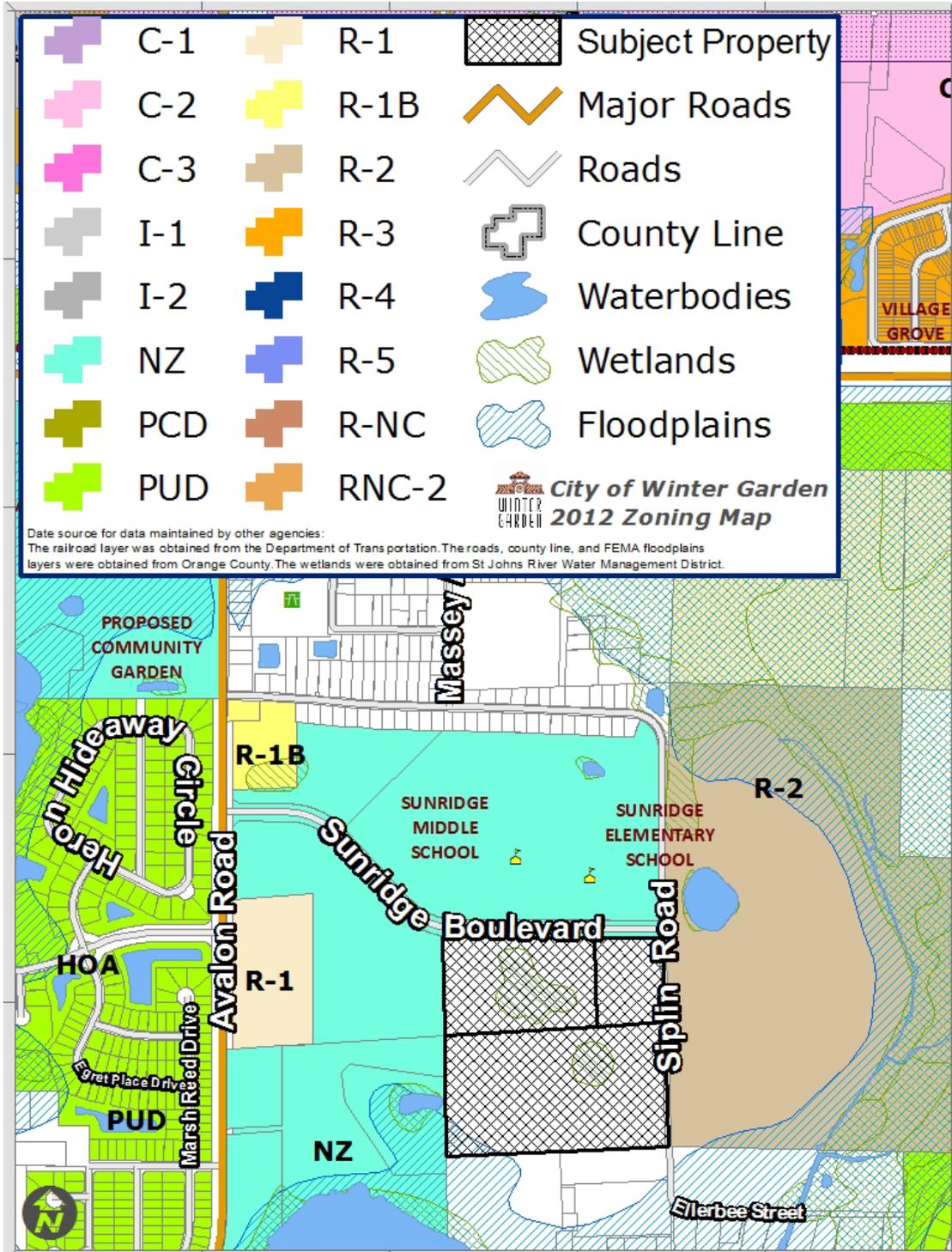
AERIAL PHOTO
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



FUTURE LAND USE MAP
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



ZONING MAP
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: **February 6, 2013** **Meeting Date: February 14, 2013**

Subject: Final Plat
The Reserve at Carriage Pointe – Phase 1 (37.1+/- ACRES)

Issue: The applicant is requesting approval of 60 lots in the 37.01+/- acre Reserve at Carriage Pointe subdivision to be platted as Phase 1. The Planning and Zoning Board approved the Final Plat of Phase 1 of the Reserve at Carriage Pointe subdivision for 60 lots on February 4, 2013.

Discussion:

The applicant is requesting approval of Final Plat of 60 lots in the 37.01+/- acre Reserve at Carriage Pointe subdivision to be platted as Phase 1. The subject property is located within the City of Winter Garden municipal limits, and carries a zoning designation of PUD (Planned Unit Development).

Recommended Action:

Staff recommends approval of the Reserve at Carriage Pointe – Phase 1 Final Plat (See attached Staff Report).

Attachments/References:

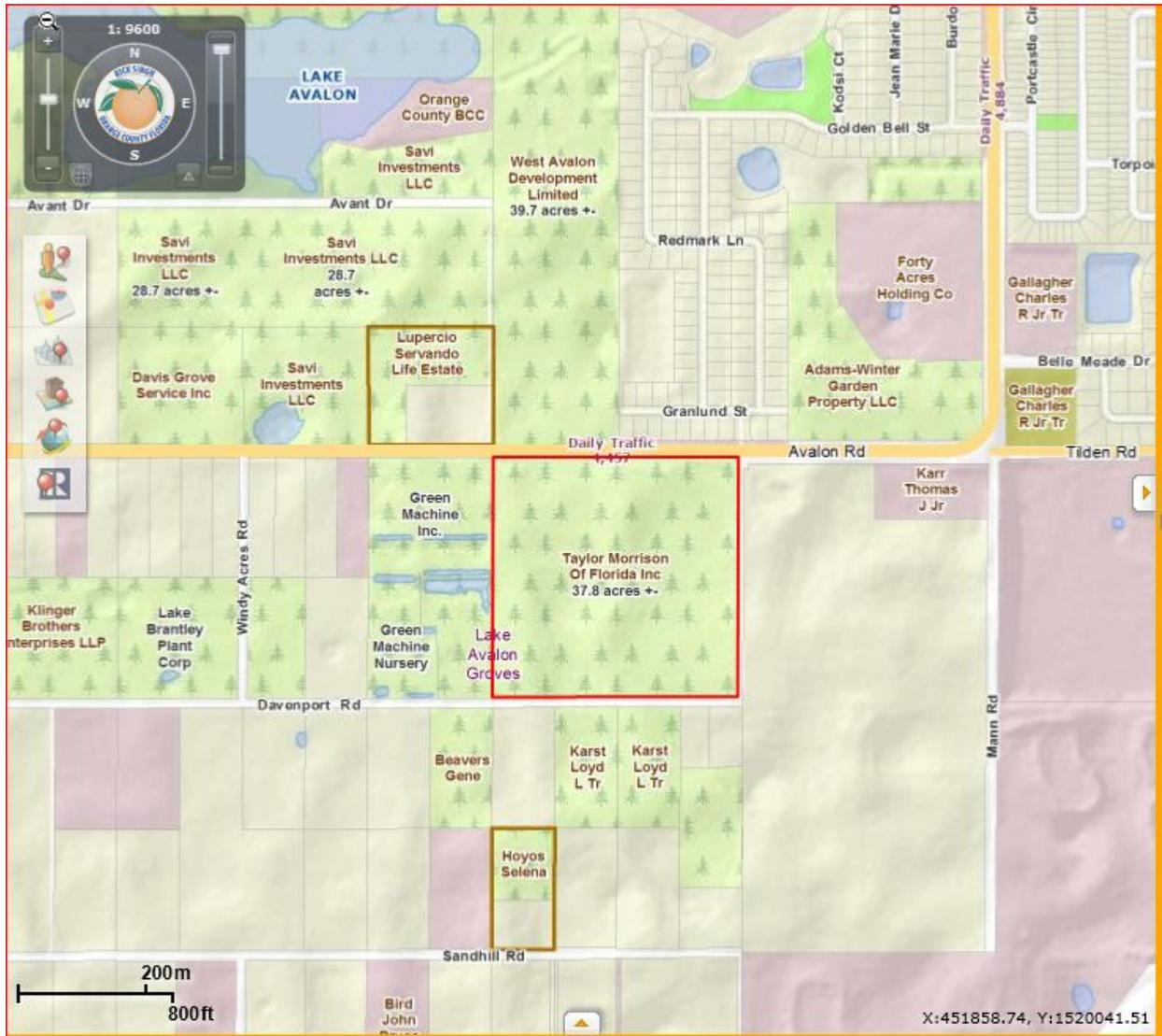
Location Map
Staff Report
Final Plat

LOCATION MAP

Carriage Pointe Reserve

2911 Avalon Road

Parcel ID # 06-23-27-4284-04-010



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

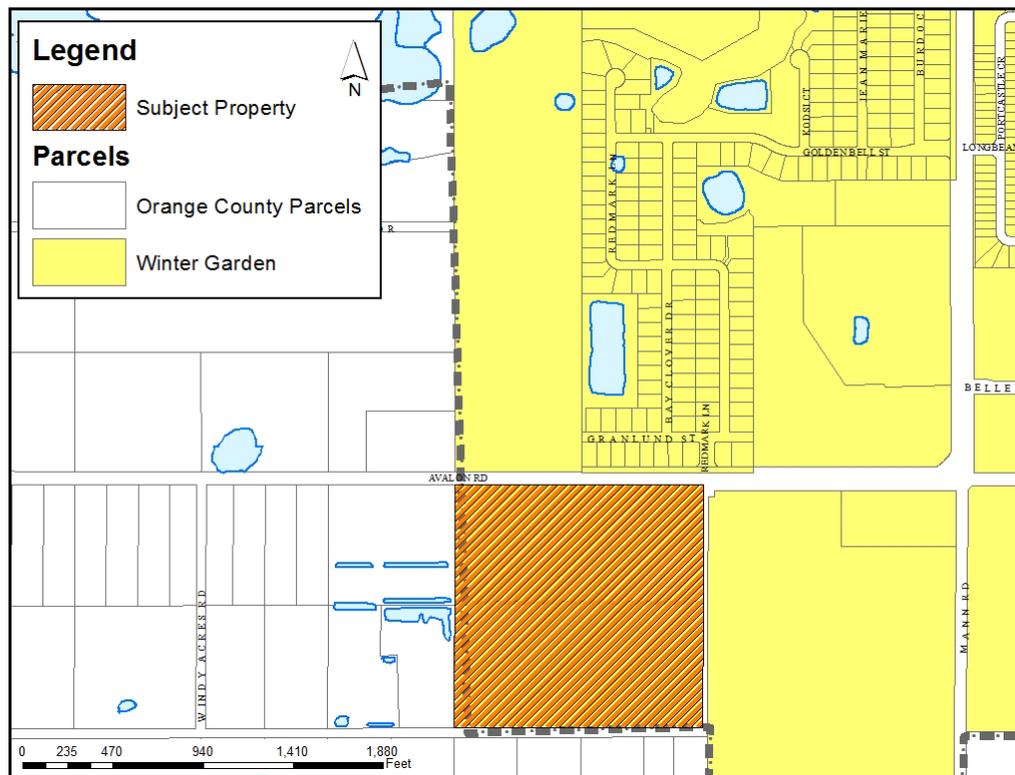
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JANUARY 31, 2013
SUBJECT: FINAL PLAT
Reserve at Carriage Pointe Phase 1 (37.01± ACRES)
PARCEL ID #06-23-27-4284-04-010

APPLICANT: Taylor Morrison of Florida, Inc.

INTRODUCTION

The purpose of this report is to evaluate the proposed Final Plat of the Reserve at Carriage Pointe Phase 1 for compliance with the Preliminary Plat for the Reserve at Carriage Pointe Property, the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The 37.01 ± acre subject property is located on the southwest cornerer of the intersection of Avalon Road and Davenport Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting approval of Final Plat of the first phase of the 37.01± acre property to be platted as the Reserve at Carriage Pointe Phase 1 for 60 single family residential lots. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD (Planned Unit Development) in the City of Winter Garden. The subject property is designated Suburban Residential on the Future Land Use Map of the Comprehensive Plan. The applicant requests to plat the project in 2 phases (Phase 1 and Phase 2). The 37.01± acre site proposed for Final Plat encompasses the entire property of the subdivision, however only 60 lots of the 90 lots approved by the PUD zoning will be platted through this Final Plat as Phase 1 and an additional 30 lots will be submitted for Final Plat at a later date as Phase 2.

EXISTING USE

The preliminary plat for the 37.01± acre Reserve at Carriage Pointe PUD was approved by the Planning and Zoning Board on June 4, 2012; Construction Plans for the subdivision were approved by the City Commission on June 14, 2012. Site work for the subdivision is currently underway.

ADJACENT LAND USE AND ZONING

The properties located to the north are a vacant property of 39.45 ± acres zoned NZ in the City and Carriage Pointe PUD. The properties located to the south are in unincorporated Orange County and are large-lot (e.g., 1 to 5 acres) single-family homes and vacant properties currently zoned A-1. The property to the east is Alexander Ridge, an undeveloped PUD with 72.54 ± acres. The properties to the west are Green Machine with 9.55 ± acres and Hodges Green Houses, Inc with 4.86 ± acres.

The subject property as well as some of the surrounding properties are located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.

PROPOSED USE

The applicant proposes to plat the 37.01± acre site to construct 60 single family residential homes as Reserve at Carriage Pointe Phase 1.

PUBLIC FACILITY ANALYSIS

The Reserve at Carriage Pointe PUD subdivision was approved for 90 single family residential lots to be developed in two phases. Infrastructure in the form of roads, water, sewer, and reclaimed water systems are being installed to support the approved subdivision.

SUMMARY

City Staff recommend approval of the proposed Final Plat for Reserve at Carriage Pointe Phase 1.

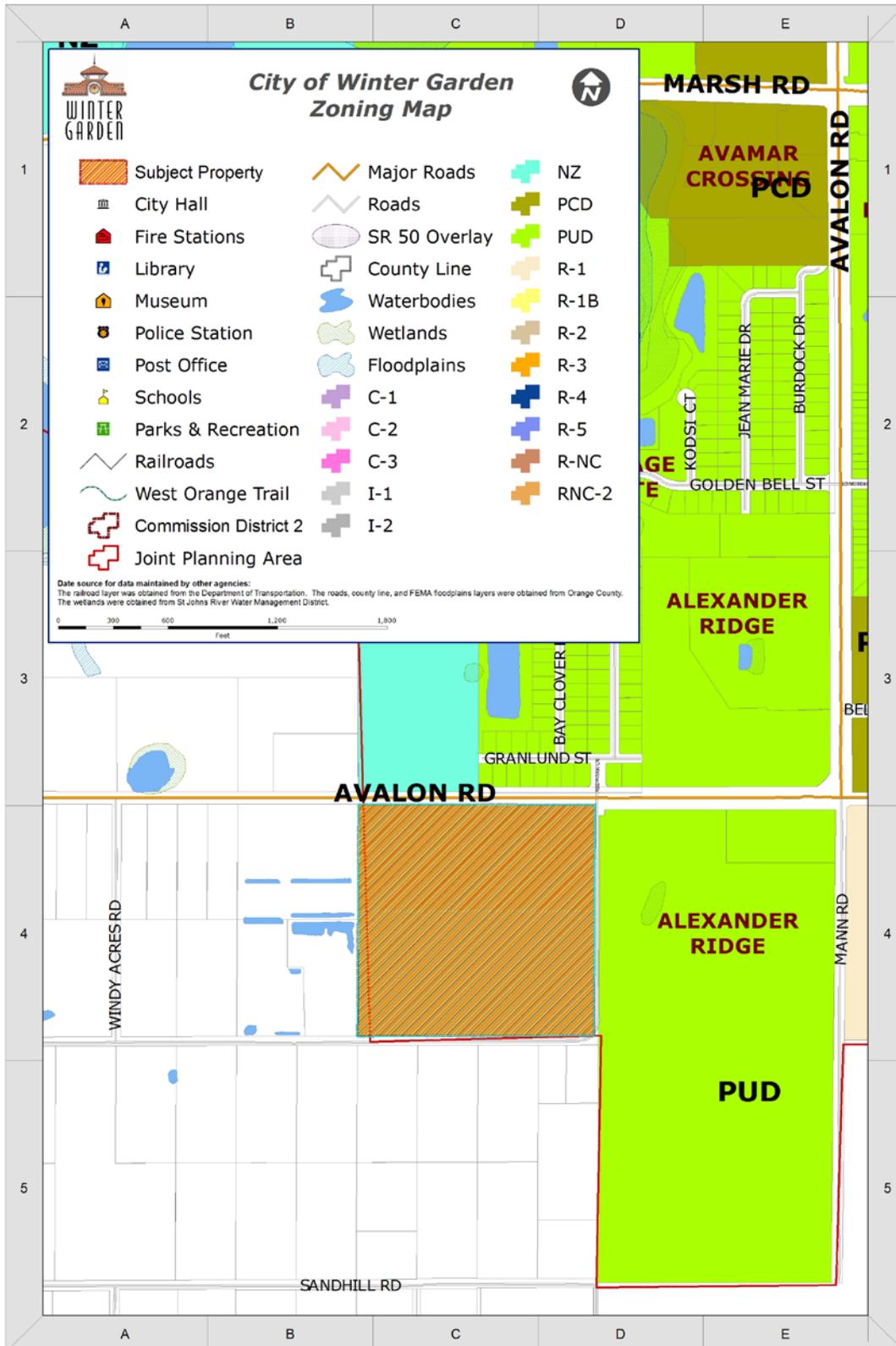
Staff has coordinated with the applicant to ensure that the Final Plat is consistent with the Code of Ordinances regarding Final Plat approval, the property specific PUD Zoning Ordinance and the approved Preliminary Plat.

MAPS

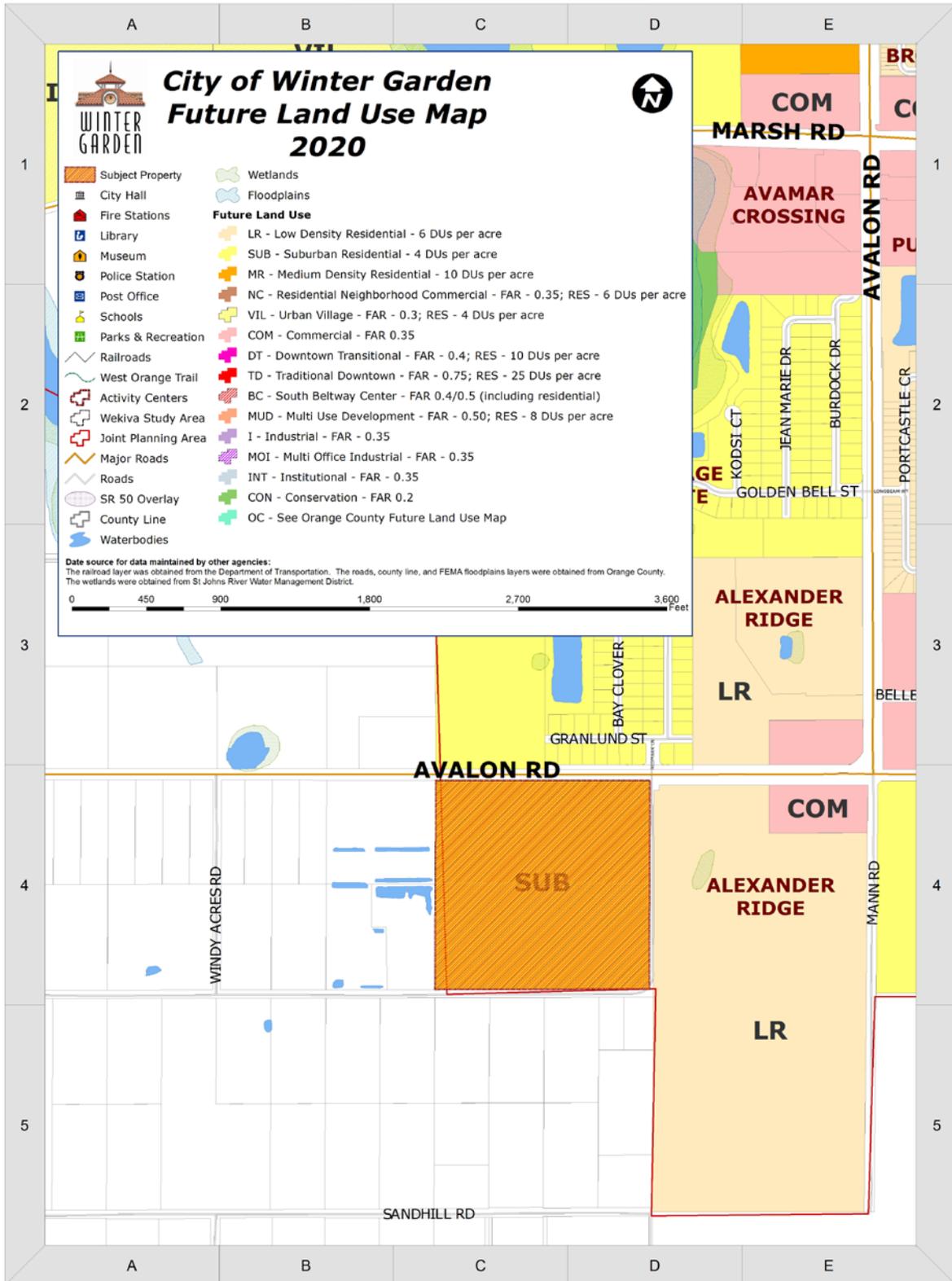
AERIAL PHOTO
RESERVE AT CARRIAGE POINTE



ZONING MAP
Reserve at Carriage Pointe



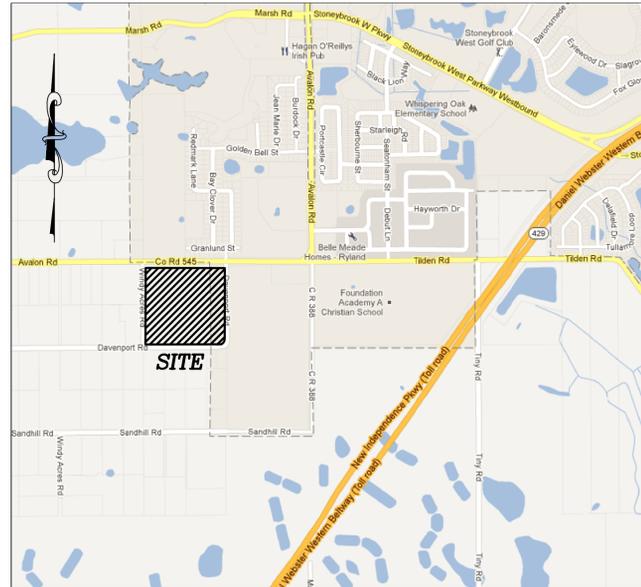
FUTURE LAND USE MAP
Reserve at Carriage Point



RESERVE AT CARRIAGE POINTE PHASE 1
LOCATED IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
BEING A REPLAT OF A PORTION OF LOTS 1D, 2D, 16D, & ALL OF 15D, LAKE AVALON GROVES, PLAT BOOK
H, PAGE 24, LOCATED IN SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

SURVEY NOTES:

- BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA AS BEING N00°11'44"E.
- NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN THE AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- UNLESS OTHERWISE INDICATED, A UTILITY AND DRAINAGE EASEMENT BEING 10.00 FEET WIDE AT THE FRONT OF ALL LOTS AND TRACTS ABUTTING ROAD RIGHTS-OF-WAY (PUBLIC OR PRIVATE), IS HEREBY DEDICATED TO THE CITY OF WINTER GARDEN, PUBLIC UTILITY SERVICE PROVIDERS AND THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC. (SEE TYPICAL LOT DETAIL SHEET 2 OF 5). THE CITY OF WINTER GARDEN AND PUBLIC UTILITY SERVICE PROVIDERS ARE RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED WITHIN THE UTILITY AND DRAINAGE EASEMENT. THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC. SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ANY AND ALL DRAINAGE IMPROVEMENTS AND SWALES WITHIN THE DRAINAGE AND UTILITY AND DRAINAGE EASEMENT.
- UNLESS OTHERWISE INDICATED, A UTILITY AND DRAINAGE EASEMENT BEING 5.00 FEET WIDE ALONG THE SIDES OF ALL LOTS AND TRACTS, IS HEREBY DEDICATED TO THE CITY OF WINTER GARDEN, PUBLIC UTILITY SERVICE PROVIDERS AND THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC. (SEE TYPICAL LOT DETAIL SHEET 2 OF 5). THE CITY OF WINTER GARDEN AND PUBLIC UTILITY SERVICE PROVIDERS ARE RESPONSIBLE ONLY FOR THE MAINTENANCE OF THEIR RESPECTIVE UTILITIES PLACED WITHIN THE UTILITY AND DRAINAGE EASEMENT. THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC. SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ANY AND ALL DRAINAGE IMPROVEMENTS AND SWALES WITHIN THE DRAINAGE AND UTILITY AND DRAINAGE EASEMENT.
- TRACT A (FUTURE RESIDENTIAL DEVELOPMENT) IS TO BE RETAINED BY TAYLOR MORRISON OF FLORIDA, INC., AS THE FEE SIMPLE OWNER THEREOF.
- TRACT "F" (LIFT STATION) SHALL BE CONVEYED TO THE CITY OF WINTER GARDEN BY SEPARATE INSTRUMENT.
- THE FOLLOWING TRACTS SHALL BE CONVEYED TO THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC., AS REQUIRED BY CHAPTER 720 OF THE FLORIDA STATUTES:
 TRACTS "C" (STORM WATER RETENTION AREA), "I" (STORM WATER RETENTION AREA), AND "O" (STORM WATER RETENTION AREA)
 TRACT "D" (50' PRIVATE ROAD RIGHT-OF-WAY)
 TRACT "E" (OPEN SPACE/PARK)
 TRACTS "B" (WALL, LANDSCAPE & DRAINAGE) AND "M" (WALL, LANDSCAPE & DRAINAGE)
 TRACTS "G" (OPEN SPACE) AND "H" (OPEN SPACE)
 TRACTS "J" (OPEN SPACE/TRAIL) & "L" (OPEN SPACE/TRAIL)
 TRACT "K" (DRAINAGE/EMERGENCY ACCESS)
 TRACT "N" (DRAINAGE/ACCESS)
- THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC., AS THE OWNER OF THE SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, COMMON PROPERTIES, AND AMENITIES, AND THE INDIVIDUAL LOT OWNERS TO EXTENT OF THEIR INTEREST IN THE FOREGOING, SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD THE CITY OF WINTER GARDEN, OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES HARMLESS FROM ANY AND ALL COSTS, EXPENSES, SUITS, DEMANDS, LIABILITIES, DAMAGES, INJURIES (INCLUDING DEATH), OR OTHERWISE, INCLUDING ATTORNEY'S FEES AND COSTS OF SUIT, IN CONNECTION WITH THE REASONABLE USE OF SAID SUBDIVISION INFRASTRUCTURE, COMMON AREAS, OR AMENITIES, OR SAID PARTIES' MAINTENANCE THEREOF, OR SAID PARTIES' EXERCISE OF RIGHTS PERMITTED IN THE SUBJECT DECLARATION OF THE HOMEOWNERS ASSOCIATION, THIS PLAT, OR AS OTHERWISE PERMITTED BY LAW.
- THE CITY OF WINTER GARDEN SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS, MAINTAIN, REPAIR, REPLACE AND/OR OTHERWISE CARE FOR OR CAUSE TO BE CARED FOR, ANY AND ALL PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, TRACTS "B" (WALL, LANDSCAPE & DRAINAGE), "C" (STORM WATER RETENTION AREA), "D" (50' PRIVATE ROAD RIGHT-OF-WAY), "E" (OPEN SPACE/PARK), "G" (OPEN SPACE), "H" (OPEN SPACE), "I" (STORM WATER RETENTION AREA), "J" (OPEN SPACE/TRAIL), "K" (DRAINAGE/EMERGENCY ACCESS), "L" (OPEN SPACE/TRAIL), "M" (WALL, LANDSCAPE & DRAINAGE), "N" (DRAINAGE/ACCESS), AND "O" (STORM WATER RETENTION AREA), AND THE IMPROVEMENTS THEREON.
- THE LOTS WITHIN THIS SUBDIVISION ARE GOVERNED BY A MANDATORY HOMEOWNERS ASSOCIATION REQUIRING THE PAYMENT OF FEES AND WITH THE POWER TO ASSESS THE LOTS. THE HOMEOWNERS ASSOCIATION IS THE OWNER OF AND/OR RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, TRACTS "B" (WALL, LANDSCAPE & DRAINAGE), "C" (STORM WATER RETENTION AREA), "D" (50' PRIVATE ROAD RIGHT-OF-WAY), "E" (OPEN SPACE/PARK), "G" (OPEN SPACE), "H" (OPEN SPACE), "I" (STORM WATER RETENTION AREA), "J" (OPEN SPACE/TRAIL), "K" (DRAINAGE/EMERGENCY ACCESS), "L" (OPEN SPACE/TRAIL), "M" (WALL, LANDSCAPE & DRAINAGE), "N" (DRAINAGE/ACCESS), AND "O" (STORM WATER RETENTION AREA), AND THE IMPROVEMENTS THEREON. EVERY LOT OWNER WITHIN THIS SUBDIVISION MUST BE A MEMBER OF THE HOMEOWNERS ASSOCIATION. FAILURE TO PAY SUCH FEES OR ASSESSMENTS SHALL RESULT IN THE ATTACHMENT OF A LIEN ON THE PROPERTY OF THE OWNER WHICH FAILS TO PAY SUCH FEES OR ASSESSMENTS BY THE HOMEOWNERS ASSOCIATION, WHICH MAY RESULT IN THE FORECLOSURE OF SAID PROPERTY.
- PURSUANT TO SECTION 177.091 (28), FLORIDA STATUTES, AS AMENDED; ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- UNLESS OTHERWISE NOTED, THE GRASS AND LANDSCAPING WITHIN ALL UTILITY AND DRAINAGE EASEMENTS LOCATED UPON INDIVIDUAL LOTS AND/OR TRACTS SHALL BE MAINTAINED BY THE FEE SIMPLE OWNER OF SAID LOTS AND/OR TRACTS.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR THE RESERVE AT CARRIAGE POINTE AND ALL EXHIBITS THERETO, AND THE ARTICLES OF INCORPORATION FOR THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC., ALL OF THE FOREGOING OF WHICH ARE RECORDED IN OFFICIAL RECORDS BOOK _____, PAGE(S) _____, INCLUSIVE, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH AND SUBJECT TO THE CITY OF WINTER GARDEN LAND DEVELOPMENT CODE, AS AMENDED FROM TIME TO TIME, AND ALL FEDERAL, STATE, COUNTY AND CITY RULES, REGULATIONS, ORDINANCES, PROVISIONS AND APPROVALS. NOTHING THEREIN SHALL BE CONSTRUED TO WAIVE ANY PROVISION OF THE WINTER GARDEN LAND DEVELOPMENT CODE.
- ANY AND ALL GRASS AND LANDSCAPING WITHIN TRACTS "B" (WALL, LANDSCAPE & DRAINAGE) AND "M" (WALL, LANDSCAPE & DRAINAGE) ON THE ADJACENT LOT SIDE OF ANY CONSTRUCTED WALL SHALL BE MAINTAINED BY THE OWNERS OF SAID ADJACENT LOTS AND IS HEREBY SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS IN FAVOR OF THE RESERVE AT CARRIAGE POINTE HOMEOWNERS ASSOCIATION, INC. OR ITS REPRESENTATIVE, FOR INSTALLATION AND MAINTENANCE OF SAID WALL.
- THERE IS HEREBY GRANTED AND DEDICATED TO THE CITY OF WINTER GARDEN AND OTHER PUBLIC SERVICE AND EMERGENCY SERVICE PROVIDERS, A NON-EXCLUSIVE EASEMENT OVER AND TROUGH TRACT D (PRIVATE RIGHT-OF-WAY), TRACT K (DRAINAGE/EMERGENCY ACCESS) AND ANY OTHER PRIVATELY OWNED INTERNAL ROADS, PAVED AREAS AND SIDEWALKS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACCESS FOR THE PURPOSE OF PROVIDING PUBLIC AND EMERGENCY SERVICES TO THE SUBDIVISION, INCLUDING BUT NOT LIMITED TO, POSTAL, FIRE PROTECTION, POLICE PROTECTION, EMERGENCY MEDICAL TRANSPORTATION, CODE ENFORCEMENT, GARBAGE, UTILITIES AND OTHER PUBLIC AND EMERGENCY SERVICES.



VICINITY MAP
(NOT TO SCALE)

LEGAL DESCRIPTION:

A PORTION OF TRACTS ONE-D, TWO-D, SIXTEEN-D, AND ALL OF TRACT FIFTEEN-D, LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE N00°11'44"E, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 8, A DISTANCE OF 1352.21 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF DAVENPORT ROAD (A 50.00 FOOT RIGHT-OF-WAY) ALSO BEING THE SOUTH LINE OF TRACT 16D, LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 24, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S89°52'42"W, ALONG SAID LINE, A DISTANCE OF 77.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S89°52'42"W, ALONG SAID NORTH RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF SAID TRACT 16D AND THE SOUTH LINE OF TRACT 15D, SAID LAKE AVALON GROVES, A DISTANCE OF 1244.70 FEET, TO THE SOUTHWEST CORNER OF SAID TRACT 15D; THENCE N00°13'39"E, ALONG THE WEST LINE OF SAID TRACT 15D AND THE WEST LINE OF SAID TRACT 16D, LAKE AVALON GROVES, A DISTANCE OF 1245.76 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 35.00 FEET OF SAID TRACT 2D; THENCE S89°58'04"E, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE NORTH 35.00 FEET OF TRACT 1D, SAID LAKE AVALON GROVES, A DISTANCE OF 1296.64 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 1D; THENCE S00°11'44"W, ALONG THE EAST LINE OF SAID TRACT 1D AND THE EAST LINE OF AFORESAID TRACT 16D, A DISTANCE OF 1119.91 FEET; THENCE DEPARTING SAID EAST LINE OF SAID TRACT 16D, RUN S02°21'37"W, A DISTANCE OF 45.36 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 87.00 FEET, A CENTRAL ANGLE OF 53°3'56", A CHORD BEARING OF S29°20'35"W AND A CHORD DISTANCE OF 78.95 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 81.94 FEET TO THE POINT OF TANGENCY; THENCE S56°19'33"W, A DISTANCE OF 15.04 FEET TO THE POINT OF BEGINNING.

SHEET INDEX:

- SHEET 1 - COVER SHEET W/LEGAL DESCRIPTION & NOTES
- SHEET 2 - KEY MAP, LEGEND AND ABBREVIATIONS
- SHEETS 3-6 - PLAT DETAIL SHEETS

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY that the foregoing plat was recorded in the Orange County Official Records on _____, 2013 as File No. _____, County Comptroller in and for Orange County, Florida.

By: _____ (SEAL)

CERTIFICATE OF APPROVAL BY CITY COMMUNITY DEVELOPMENT DIRECTOR

The foregoing plat has been examined and approved.

City Development Services Director _____ Date _____

PLAT BOOK: _____ PAGE: _____

RESERVE AT CARRIAGE POINTE PHASE 1
DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That the entity named below, being the owner in fee simple of the land described in the foregoing caption to this plat, hereby dedicates said lands and plat for the uses and purposes expressed herein; including those easements described in the survey notes, and dedicates those Tracts "B" (Wall, Landscape & Drainage), "C" (Storm Water Retention Area), "E" (Open Space/Park), "G" (Open Space), "H" (Open Space), "I" (Storm Water Retention Area), "J" (Open Space/Trail), "K" (Drainage/Emergency Access), "L" (Open Space/Trail), "M" (Wall, Landscape & Drainage), "N" (Drainage/Access), and "O" (Storm Water Retention Area), along with the interior road rights of ways shown on the plat as Tract "D", commonly known as Sandy Garden Lane and Sandfield Loop, to The Reserve at Carriage Pointe Homeowners Association, Inc.; and DOES NOT dedicate to The Reserve at Carriage Pointe Homeowners Association, Inc., or to any other party or entity, and expressly withholds from the dedication herein, and reserves unto itself, as the fee simple owner, Tract "A" (Future Development).

IN WITNESS WHEREOF, the owner has caused these presents to be signed and attested to by the officer named below and its corporate seal to be affixed hereto on _____, A.D. 2013.

Taylor Morrison of Florida, Inc., a Florida Corporation
 151 Southhall Lane, Suite 200
 Maitland, Florida 32751

BY: Taylor Morrison of Florida, Inc., a Florida Corporation

Name: Maurice Johnson

Signed: _____ (CORPORATE SEAL)
 Title: North Florida Division President

Signed, sealed and delivered in the presence of:

Witness(Signature) _____ Witness(Signature) _____

Witness(Printed) _____ Witness(Printed) _____

State of _____, County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Maurice Johnson, North Florida Division President of Taylor Morrison of Florida, Inc., on behalf of said entity. He is [] personally known to me or [] has produced his State of Florida driver's license as identification.

Signature of Notary Public _____ (AFFIX NOTARY STAMP OR SEAL)

Printed, Typed or Stamped Notary Name _____

Notary Public, State of _____

Commission No.: _____

My Commission Expires: _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered land surveyor, does hereby certify that on _____, he completed the survey of the lands as shown in the foregoing plat or plan; that said plat is a true and correct representation of the lands therein described and platted or subdivided; that permanent reference monuments have been placed or shown thereon as required by Chapter 177, Florida Statutes; and that said land is located in the City of Winter Garden, Orange County, Florida.

(Signature) _____ Date: _____ (SEAL)
 WILLIAM D. DONLEY, (PSM) Professional Surveyor and Mapper
 Certificate No. 5381

BOWYER-SINGLETON & ASSOCIATES, INC.
 520 South Magnolia Avenue
 Orlando, Florida 32801
 Certificate of authorization No. (LB) License Business 1221

CERTIFICATE OF APPROVAL BY THE BOARD OF CITY COMMISSIONERS

This is to certify that on _____, 2013, the foregoing plat was approved by the City Commissioners of Winter Garden, Florida.

Mayor of Winter Garden _____ (SEAL)

City Clerk _____ (SEAL)

CERTIFICATE OF REVIEW BY CITY SURVEYOR

I HEREBY CERTIFY that I have reviewed the foregoing plat and find that it is in conformity with Chapter 177, Florida Statutes.

City Surveyor _____ Date _____

Printed Name: _____

Company: _____ (SEAL)

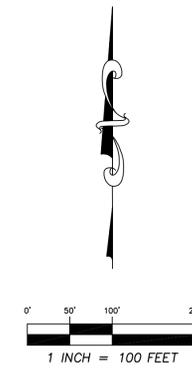
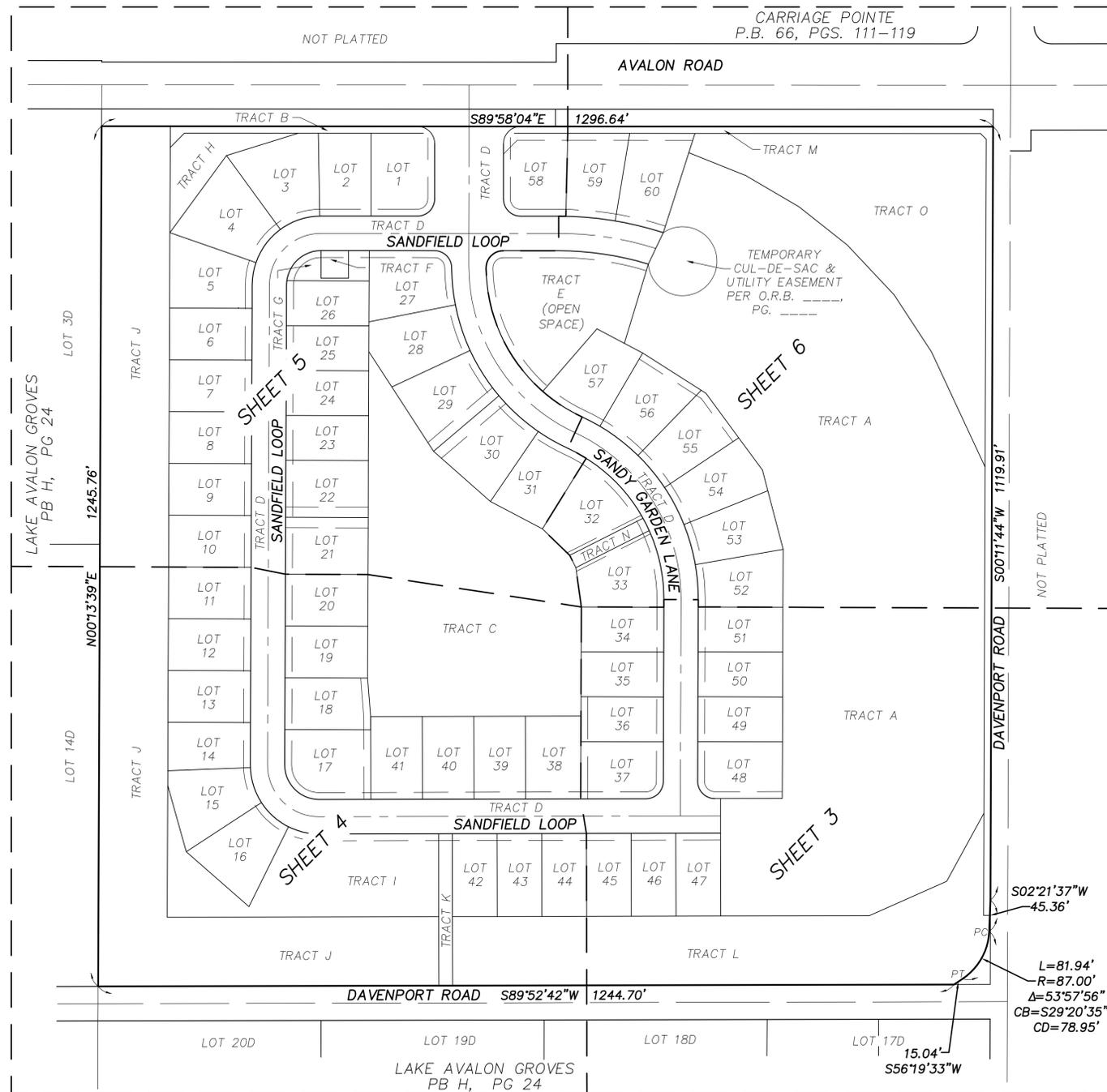
Address: _____

Registration No.: _____

PREPARED BY:
 BOWYER SINGLETON & ASSOCIATES, INC.
 520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 PHONE: 407.843.5120 FAX: 407.848.9104
 BSA-CIVIL.COM
 CERTIFICATE OF AUTHORIZATION NO. LB 1221

RESERVE AT CARRIAGE POINTE PHASE 1
 LOCATED IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
 BEING A REPLAT OF A PORTION OF LOTS 1D, 2D, 16D, & ALL OF 15D, LAKE AVALON GROVES, PLAT BOOK
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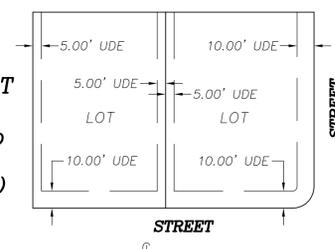
PLAT BOOK: PAGE:



LEGEND AND ABBREVIATIONS:

- AC ACRES
- CL CENTER LINE
- CB CHORD BEARING
- CCR CERTIFIED CORNER RECORD
- CD CHORD DISTANCE
- CM CONCRETE MONUMENT
- DE DRAINAGE EASEMENT
- FND FOUND
- ID IDENTIFICATION
- IP IRON PIPE
- IPC IRON PIPE & CAP
- IR IRON ROD
- IRC IRON ROD & CAP
- L LENGTH
- LB LICENSED BUSINESS
- M.B. MAP BOOK
- N/D NAIL & DISK
- NO NUMBER
- (NR) NON-RADIAL
- O.R.B. OFFICIAL RECORDS BOOK
- (P) PLAT
- P.B. PLAT BOOK
- PCP PERMANENT CONTROL POINT
- PG(S) PAGE/PAGES
- PLS PROFESSIONAL LAND SURVEYOR
- PRM PERMANENT REFERENCE MONUMENT
- PSM PROFESSIONAL SURVEYOR MAPPER
- R/W RIGHT OF WAY
- (R) RADIAL
- R RADIUS
- REC RECOVERED
- SEC SECTION-TOWNSHIP-RANGE
- (TYP) TYPICAL
- UE UTILITY EASEMENT
- UDE UTILITY & DRAINAGE EASEMENT
- W/ WITH
- Δ CENTRAL ANGLE
- BREAK LINE
- FOUND 4"x4" CM (AS NOTED)
- SET 4"x4" CM (PRM BSA LB 1221)
- SET N/D (PCP LB 1221)
- SET 5/8" IRC (BSA LB 1221)
- FOUND IRON ROD (AS NOTED)

TYPICAL LOT DETAIL
 (UNLESS NOTED OTHERWISE)
 (NOT TO SCALE)

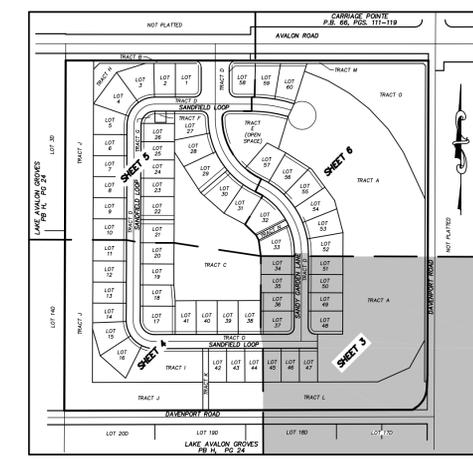


KEY SHEET
 (SCALE: 1"=100')

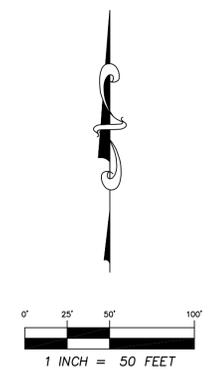

 PREPARED BY:
BOWYER SINGLETON & ASSOCIATES, INC.
 520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 PHONE: 407.843.5120 FAX: 407.648.9104
 BSA-CIVIL.COM
 CERTIFICATE OF AUTHORIZATION NO. LB 1221

RESERVE AT CARRIAGE POINTE PHASE 1
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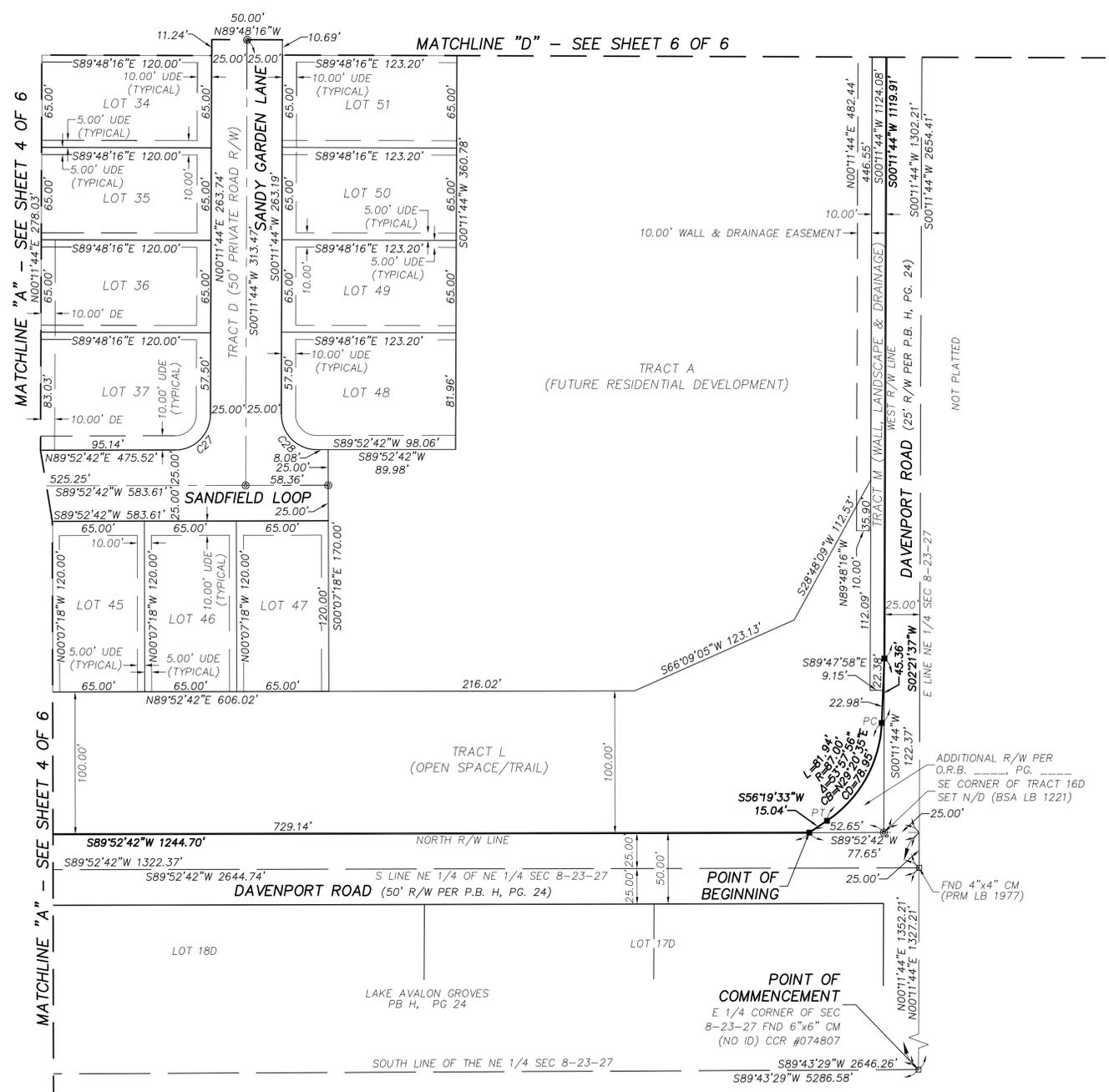
PLAT BOOK: PAGE:



KEY SHEET
(SCALE: 1"=300')



CURVE TABLE					
#	LENGTH	RADIUS	DELTA	BEARING	LENGTH
C27	39.13'	25.00'	89°40'58"	N45°02'13"E	35.26'
C28	39.41'	25.00'	90°19'02"	S44°57'47"E	35.45'



MATCHLINE "A" - SEE SHEET 4 OF 6

MATCHLINE "D" - SEE SHEET 6 OF 6

MATCHLINE "A" - SEE SHEET 4 OF 6

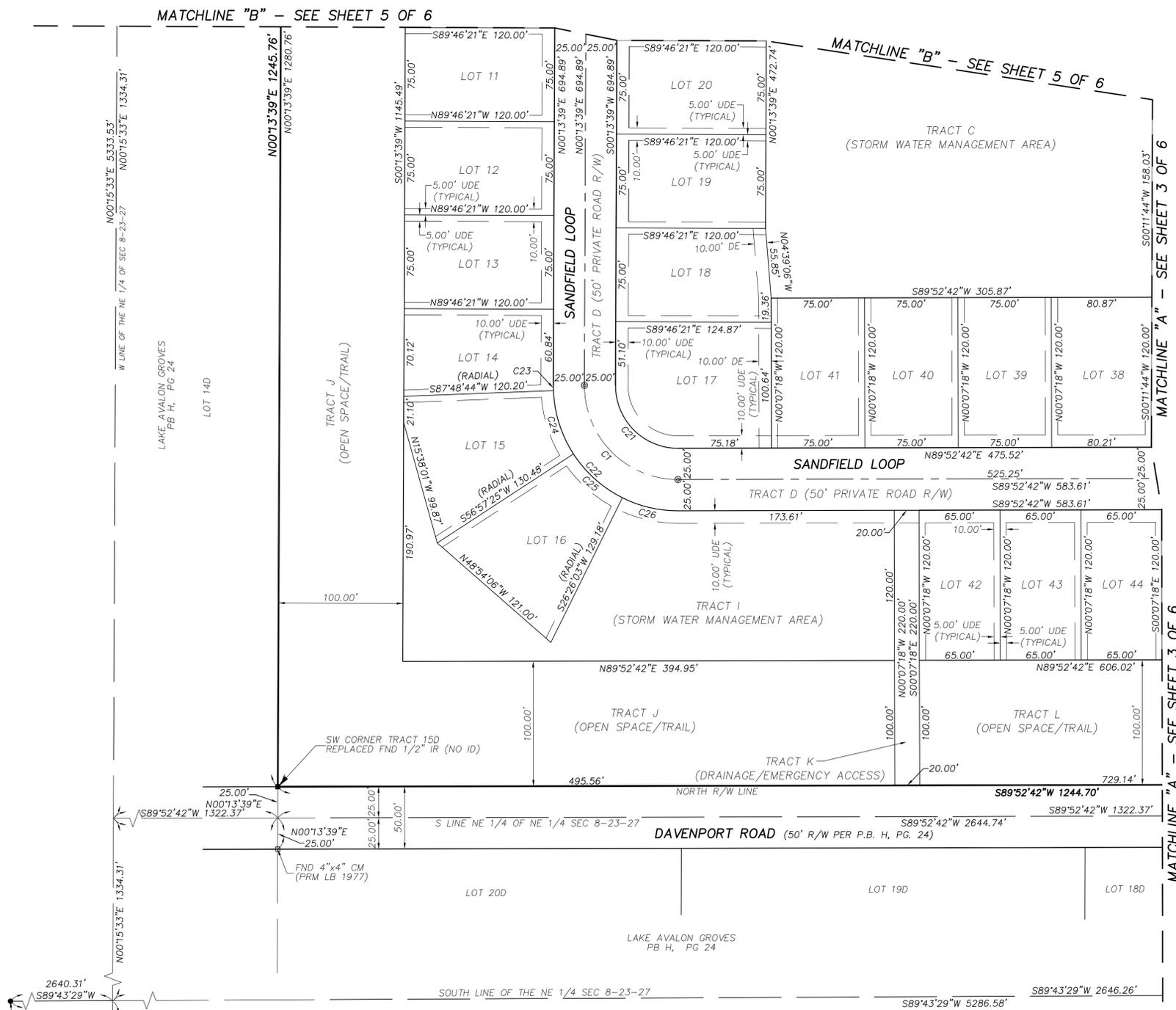
BOWYER SINGLETON

LAND DEVELOPMENT & TRANSPORTATION ENGINEERING
 PLANNING | SURVEYING & MAPPING

PREPARED BY:
BOWYER SINGLETON & ASSOCIATES, INC.
 520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 PHONE: 407.843.5120 FAX: 407.648.9104
 BSA-CIVIL.COM
 CERTIFICATE OF AUTHORIZATION NO. LB 1221

RESERVE AT CARRIAGE POINTE PHASE 1
 LOCATED IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
 BEING A REPLAT OF A PORTION OF LOTS 1D, 2D, 16D, & ALL OF 15D, LAKE AVALON GROVES, PLAT BOOK H, PAGE 24, LOCATED IN SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

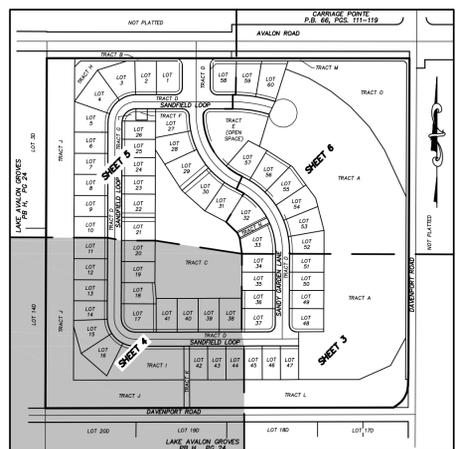
PLAT BOOK: PAGE:



W 1/4 CORNER OF SEC 8-23-27 FND 3/4" IR NO ID IN WELL BOX CCR #074808

S 1/4 CORNER OF SEC 8-23-27 FND 6"x6" CM (NO ID) CCR #074823

#	LENGTH	RADIUS	DELTA	BEARING	LENGTH
C1	118.27'	75.00'	90°20'57"	N44°56'50"W	106.39'
C21	78.84'	50.00'	90°20'57"	S44°56'50"E	70.93'
C22	157.69'	100.00'	90°20'57"	N44°56'50"W	141.85'
C23	4.22'	100.00'	2°24'55"	S00°58'49"E	4.22'
C24	53.85'	100.00'	30°51'19"	S17°36'56"E	53.20'
C25	53.27'	100.00'	30°31'23"	S48°18'16"E	52.64'
C26	46.35'	100.00'	26°33'21"	S76°50'38"E	45.93'



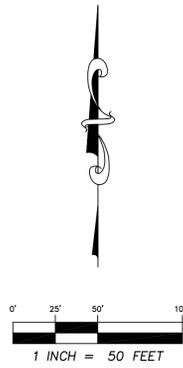
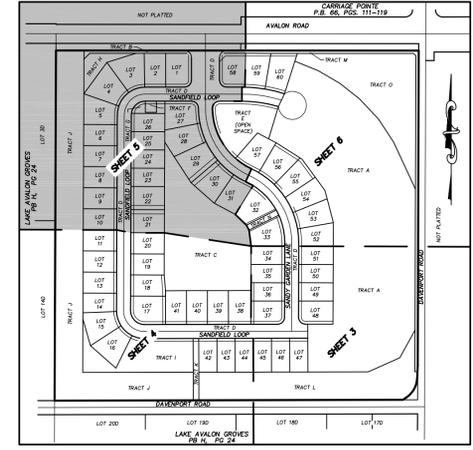
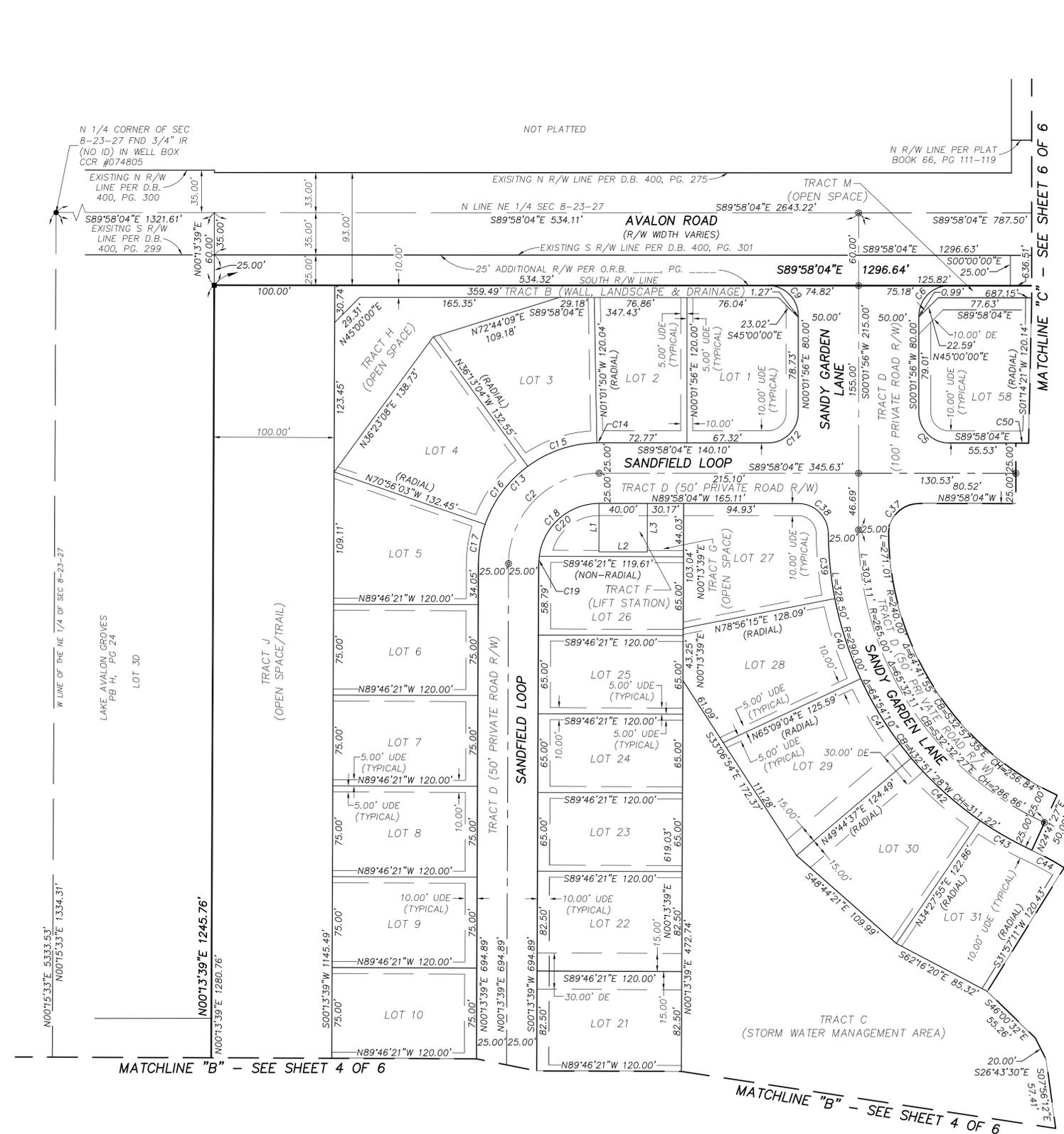
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PLAT BOOK: PAGE:



KEY SHEET
(SCALE: 1"=300')

LINE TABLE		
#	BEARING	DISTANCE
L1	S00°01'56"W	40.00'
L2	S89°58'04"E	40.00'
L3	N00°01'56"E	40.00'

CURVE TABLE					
#	LENGTH	RADIUS	DELTA	BEARING	LENGTH
C2	117.55'	75.00'	89°48'17"	N45°07'47"E	105.89'
C5	39.27'	25.00'	90°00'00"	S44°58'04"E	35.36'
C6	39.27'	25.00'	90°00'00"	S45°01'56"W	35.36'
C9	39.27'	25.00'	90°00'00"	N44°58'04"W	35.36'
C12	39.27'	25.00'	90°00'00"	N45°01'56"E	35.36'
C13	156.74'	100.00'	89°48'17"	N45°07'47"E	141.18'
C14	1.85'	100.00'	1°03'46"	S89°30'03"W	1.85'
C15	61.41'	100.00'	35°11'14"	S71°22'33"W	60.45'
C16	60.59'	100.00'	34°42'59"	S36°25'27"W	59.67'
C17	32.88'	100.00'	18°50'19"	S09°38'48"W	32.73'
C18	78.37'	50.00'	89°48'17"	S45°07'47"W	70.59'
C19	6.23'	50.00'	7°08'03"	N03°47'40"E	6.22'
C20	72.14'	50.00'	82°40'14"	N48°41'49"E	66.05'
C37	39.55'	25.00'	90°38'33"	S44°42'39"W	35.55'
C38	39.08'	25.00'	89°33'41"	N45°11'14"W	35.22'
C39	53.94'	290.00'	10°39'22"	S05°44'04"E	53.86'
C40	69.78'	290.00'	13°47'11"	S17°57'20"E	69.61'
C41	77.98'	290.00'	15°24'27"	S32°33'10"E	77.75'
C42	77.33'	290.00'	15°16'42"	S47°53'44"E	77.10'
C43	49.47'	290.00'	9°46'27"	S60°25'19"E	49.41'
C44	30.42'	240.00'	7°15'43"	S61°40'41"E	30.40'
C50	10.53'	500.00'	1°12'26"	N89°21'52"W	10.53'

MATCHLINE "C" - SEE SHEET 6 OF 6

MATCHLINE "C" - SEE SHEET 6 OF 6

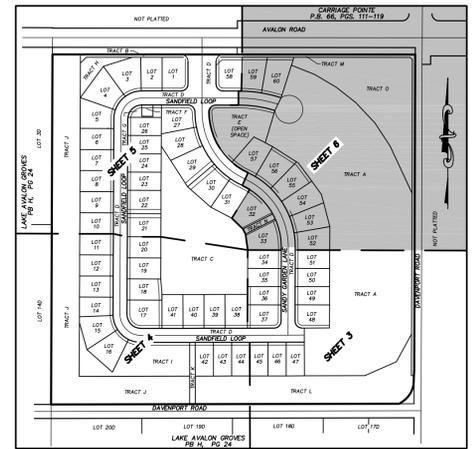
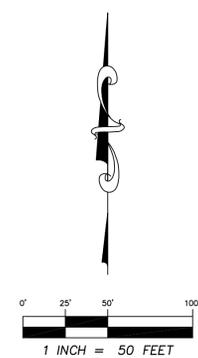
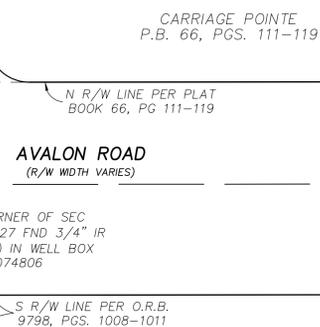
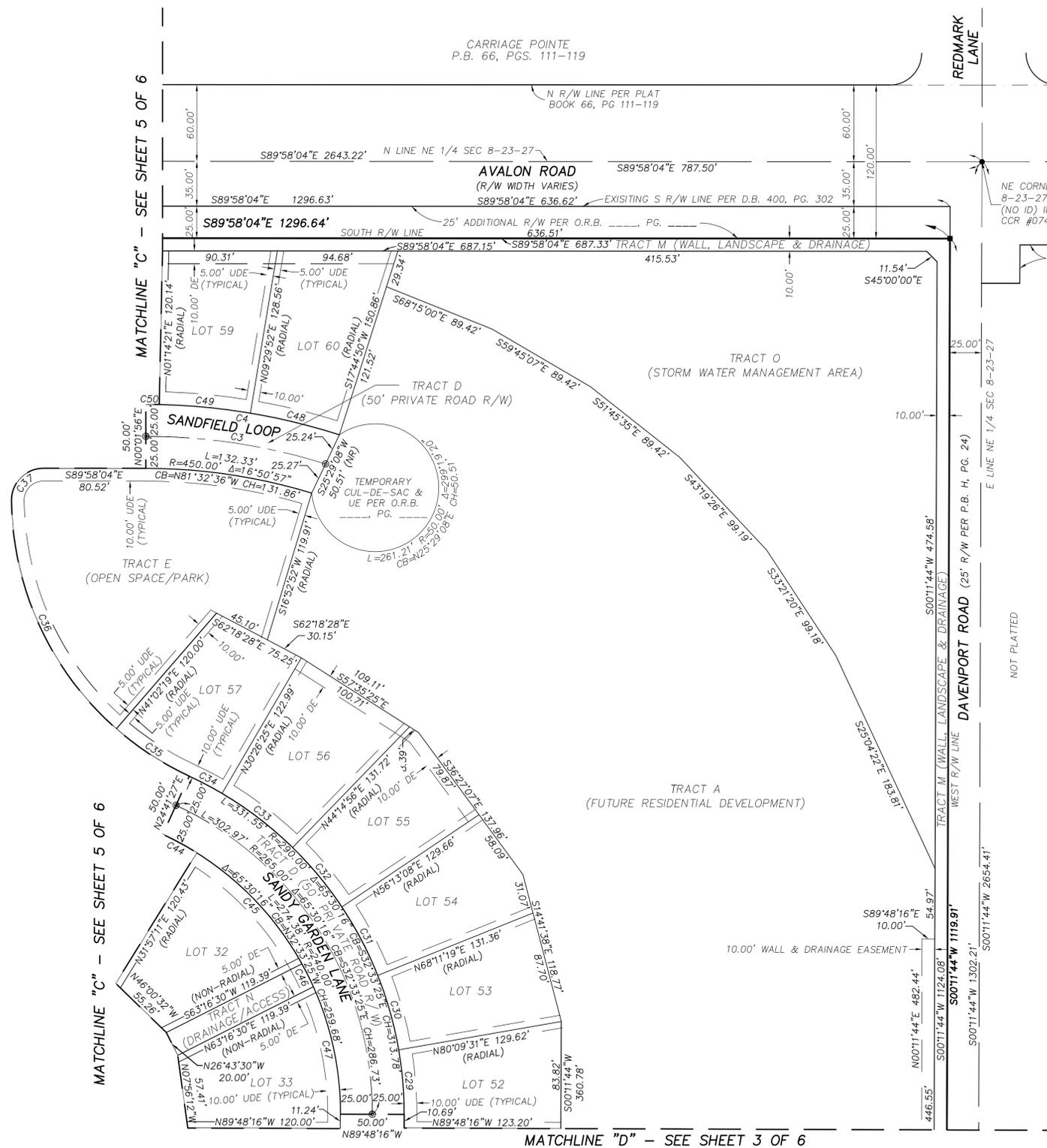
MATCHLINE "B" - SEE SHEET 4 OF 6

MATCHLINE "B" - SEE SHEET 4 OF 6

PREPARED BY:
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 ORLANDO, FLORIDA 32801
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 CERTIFICATE OF AUTHORIZATION NO. LB 1221

RESERVE AT CARRIAGE POINTE PHASE 1
 LOCATED IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
 BEING A REPLAT OF A PORTION OF LOTS 1D, 2D, 16D, & ALL OF 15D, LAKE AVALON GROVES, PLAT BOOK H, PAGE 24, LOCATED IN SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

PLAT BOOK: PAGE:



CURVE TABLE

#	LENGTH	RADIUS	DELTA	BEARING	LENGTH
C3	143.46'	475.00'	17°18'18"	S81°18'55"E	142.92'
C4	154.59'	500.00'	17°42'54"	S81°06'37"E	153.98'
C29	50.80'	290.00'	10°02'13"	N04°49'23"W	50.74'
C30	60.59'	290.00'	11°58'12"	N15°49'35"W	60.48'
C31	60.59'	290.00'	11°58'12"	N27°47'46"W	60.48'
C32	60.59'	290.00'	11°58'12"	N39°45'58"W	60.48'
C33	69.89'	290.00'	13°48'31"	N52°39'20"W	69.72'
C34	29.10'	290.00'	5°44'57"	N62°26'04"W	29.09'
C35	68.48'	240.00'	16°20'51"	N57°08'07"W	68.24'
C36	202.53'	240.00'	48°21'04"	N24°47'09"W	196.58'
C37	39.55'	25.00'	90°38'33"	N44°42'39"E	35.55'
C44	30.42'	240.00'	7°15'43"	S61°40'41"E	30.40'
C45	121.20'	240.00'	28°56'03"	S43°34'48"E	119.92'
C46	20.01'	240.00'	4°46'34"	S26°43'30"E	20.00'
C47	102.76'	240.00'	24°31'57"	S12°04'15"E	101.98'
C48	71.99'	500.00'	8°14'58"	N76°22'39"W	71.93'
C49	72.07'	500.00'	8°15'30"	N84°37'54"W	72.01'
C50	10.53'	500.00'	1°12'26"	N89°21'52"W	10.53'

BOWYER SINGLETON
 LAND DEVELOPMENT & TRANSPORTATION ENGINEERING
 PLANNING | SURVEYING & MAPPING

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 ORLANDO, FLORIDA 32801
 PHONE: 407.843.5120 FAX: 407.648.9104
 BSA-CIVIL.COM
 CERTIFICATE OF AUTHORIZATION NO. LB 1221

After recording return to:

Tyrone K. Smith
Orange County Public Schools
445 West Amelia Street
Orlando, Florida 32801-1129

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

**SCHOOL CONCURRENCY
MITIGATION AGREEMENT
WG-12-001**

**Project Name: Bradford Creek
Parcel ID#: 26-22-27-0000-00-018/019
34-22-27-0000-00-014
35-22-27-0000-00-002/004**

THIS SCHOOL CONCURRENCY MITIGATION AGREEMENT ("Agreement"), is entered into by THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA a body corporate and political subdivision of the State of Florida, ("School Board"); THE CITY OF WINTER GARDEN a municipal corporation of the State of Florida, ("City") and J&WB, Inc., a corporation of the State of Florida, whose address is 111 Meri Cam Court, Winter Garden, FL 34787 ("Applicant"), collectively referred to herein as the "Parties."

RECITALS:

WHEREAS, the School Board, Orange County, and the municipalities within Orange County have entered into that certain "Amended Interlocal Agreement For Public School Facility Planning and Implementation of Concurrency" (the "Interlocal Agreement"), and

WHEREAS, pursuant to Section 16.6 of the Interlocal Agreement, an Applicant submitting a School Concurrency Determination Application for approval of a Site Plan that will generate additional students in a School Concurrency Service Area in which there is insufficient Available School Capacity to accommodate the anticipated additional students must enter into a Proportionate Share Mitigation Agreement to prevent school overcrowding attributable to the anticipated additional students generated by the Residential Development as specified in the Interlocal Agreement;

WHEREAS, an Applicant must submit the School Concurrency Determination Application along with a Development Analysis which identifies the proposed location of the Residential Development, the number of Residential Units that will be created, a phasing schedule (if applicable), a map demonstrating land use and zoning classifications for the Applicant's property, as well as all other information required pursuant to Section 16.5 of the Interlocal Agreement, to the City; and

WHEREAS, Applicant is the fee simple owner, or authorized agent of the owner, of that certain tract of land located in the City of Winter Garden, Florida, as more particularly described on Exhibit "A," attached hereto and incorporated herein by reference (the "Property"), the location of which Property is illustrated by a map attached hereto as Exhibit "B," and incorporated herein by reference; and

WHEREAS, the Applicant has submitted a School Concurrency Determination Application and Development Analysis to the City in connection with a proposal to obtain approval for a preliminary plat in order to develop approximately one hundred eighteen (118) single-family Residential Units on the Property (the "Project") and the City has forwarded the School Concurrency Determination Application and Development Analysis to the School Board; and

WHEREAS, the School Board has reviewed and evaluated the Applicant's School Concurrency Determination Application and Development Analysis as required by Section 16.6 of the Interlocal Agreement, and has determined that based on the current adopted Level of Service standards for the School Concurrency Service Areas within which the Property is located and the anticipated new School Capacity that will be available in the first three (3) years of the current District Facilities Work Program to serve the proposed Residential Development, there is insufficient Available School Capacity at the high school level to serve twenty-six (26) single-family Residential Units within the School Concurrency Service Areas for the Development or within adjacent School Concurrency Service Areas as determined by an Adjacency Review ("Failed Units") and sufficient Available School Capacity in the elementary, middle and high school level to serve ninety-two (92) single-family Residential Units in the Project, which are not required to pay school capacity mitigation ("Passed Units"); and

WHEREAS, approving the School Concurrency Determination Application without requiring Proportionate Share Mitigation for the impacts of the proposed new Residential Units will either create or worsen school overcrowding in the applicable School Concurrency Service Areas; and

WHEREAS, the Applicant has agreed to enter into this Agreement with the School Board and City to provide Proportionate Share Mitigation proportionate to the demand for Public School Facilities to be created by the Project, as more particularly set forth herein.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. **INCORPORATION OF RECITALS.** The foregoing recitals are true and correct and are hereby incorporated into this Agreement by reference as if fully set forth herein.
2. **DEFINITION OF MATERIAL TERMS.** Any capitalized terms used herein but not defined shall have the meaning attributed to such term in the Interlocal Agreement.
3. **LEGALLY BINDING COMMITMENT.** This Agreement constitutes a legally binding commitment by the Applicant to mitigate for the impacts of the new Residential Units for which the Applicant is seeking approval pursuant to the School Concurrency Determination

Application and is intended to satisfy the requirements of Florida law and the Orange County Code.

4. **PROPORTIONATE SHARE MITIGATION.** The Parties hereby agree that the Applicant shall provide Proportionate Share Mitigation in order to meet the demand for School Capacity created by the Project and to provide additional capacity for high school students, as follows, in accordance with Section 17.2 of the Interlocal Agreement: Payment in the amount of SIXTY TWO THOUSAND SIX HUNDRED SIXTY FOUR and 00/100 Dollars (\$62,664.00) to cover the Proportionate Share Mitigation associated with providing the necessary capacity (the "Proportionate Share") to complete the Project shall be paid to the School Board. Such payment shall be due and payable at the time the preliminary plat for the Property is approved by the City, and shall be calculated in accordance with the formula pursuant to Section 17.2 of the Interlocal Agreement.

5. **USE OF PROPORTIONATE SHARE.** The School Board shall direct the Proportionate Share to a School Capacity improvement identified in the capital improvement schedule in the financially feasible five (5) year district work plan of the School Board's District Facilities Work Program which mitigates the impacts from the proposed Residential Development. If such a School Capacity improvement does not exist in the District Facilities Work Program, the School Board may, in its sole discretion, add a School Capacity improvement to its District Facilities Work Program to mitigate the impacts from the proposed Residential Development, as provided in Section 17.6 of the Interlocal Agreement.

6. **IMPACT FEES**

a. *Prepayment.* Applicant shall pre-pay the School Impact Fees for the Failed Units in the Project in the amounts specified in the Article V of Chapter 23 of the Orange County Code (the "School Impact Fee Ordinance") at the time the City approves the preliminary plat for the Project. As of the date of this Agreement, the estimated School Impact Fees for the Failed Units are ONE HUNDRED SIXTY-SIX THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS (\$166,350.00).

In addition, to pre-payment of the School Impact Fees for the Failed Units, Applicant shall pre-pay the School Impact Fees for the Passed Units in the form of a Capacity Reservation Fee as more specifically set forth in Paragraph 9 hereinbelow.

Applicant hereby acknowledges that all pre-paid School Impact Fee amounts contained in this Agreement are estimates and that it shall be obligated to pay the School Impact Fees at the rates in effect at the time Applicant applies for building permits for the Project, pursuant to the School Impact Fee Ordinance.

To the extent the Project is subject to a Capacity Enhancement Agreement, any Capital Contribution paid pursuant to such agreement has been applied as a credit to the Proportionate Share Mitigation required for the Project. Such credit was subtracted from the total Proportionate Share Mitigation required pursuant to the Interlocal Agreement and is reflected in the Proportionate Share contribution required in this Agreement.

b. *Credits.* In accordance with Section 17.3 of the Interlocal Agreement, the Proportionate Share paid pursuant to this Agreement may be credited against the School Impact Fee otherwise due for the Residential Units within the Project as provided for by statute.

If applicable, the School Board shall notify the City of the amount of the above described Proportionate Share, valued at SIXTY TWO THOUSAND SIX HUNDRED SIXTY FOUR AND 00/100 Dollars (\$62,664.00), and shall request a School Impact Fee credit in such amount on behalf of the Applicant upon receipt of the Proportionate Share. In addition, the School Board shall notify the City of the amount of the pre-paid School Impact Fees for the Failed Units, valued at ONE HUNDRED SIXTY-SIX THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS (\$166,350.00), and shall request a School Impact Fee credit in such amount on behalf of the Applicant upon receipt of such pre-paid School Impact Fees.

In the event that the School Impact Fees prepaid by the Applicant exceed the School Impact Fees due pursuant to the School Impact Fee Ordinance, Applicant may request that the excess School Impact Fees be transferred to another project within the jurisdiction of the City where the Project is located.

7. **SCHOOL CAPACITY RESERVATION.** At such time as Applicant has paid the Proportionate Share, pre-paid the School Impact Fees for the Failed Units and paid the initial installment of the Capacity Reservation Fee described in 9.a. below, School Capacity shall be reserved for the Failed Units and the Passed Units (the Failed Units and the Passed Units are collectively referred to as the "Project Units"); provided, however, if Applicant fails to make an installment payment of the Capacity Reservation Fee described in Paragraph 9 below or if this Agreement is terminated, such reserved School Capacity shall lapse.

8. **ISSUANCE OF SCHOOL CONCURRENCY RECOMMENDATION.** Upon final execution of this Agreement by all Parties hereto, the School Board shall issue a School Concurrence Recommendation documenting that School Capacity will be available for the Project. This recommendation may be used by the City to issue a Capacity Encumbrance Letter in accordance with Section 16.7 of the Interlocal Agreement.

9. **CAPACITY RESERVATION FEE.** Applicant shall be required to pay a Capacity Reservation Fee for the Project in accordance with Section 30-599 of the Orange County Code and this Section 9. In order to reserve School Capacity for the Passed Units in the Project and in order to receive a Certificate of School Concurrence, the Applicant shall pay a Capacity Reservation Fee equal to THREE HUNDRED SIXTY SEVEN THOUSAND ONE HUNDRED FIFTY SIX and 00/100 Dollars (\$367,156.00), pursuant to the following schedule:

- a. At the time of preliminary plat approval: \$36,715.60; and
- b. 12 months after preliminary plat approval: \$36,715.60; and
- c. 24 months after preliminary plat approval: \$36,715.60; and
- d. 36 months after preliminary plat approval: \$257,009.20

Notwithstanding the schedule provided by this Section, Applicant may prepay any or all of the Capacity Reservation Fees in advance. Capacity Reservation Fees paid pursuant to this Agreement shall be credited towards School Impact Fees as provided in Section 30-599 of the County Code.

10. **TERMINATION.** This Agreement shall terminate and Applicant shall forfeit any administrative fees paid under the following circumstances, unless the City and the School Board agree to an extension of the Applicant's Certificate of School Concurrency:

a. The City does not approve the preliminary plat within one hundred eighty (180) days of the Effective Date of this Agreement. In such event, all Proportionate Share Mitigation paid by the Applicant shall be refunded to the Applicant.

b. The Applicant fails to proceed in good faith and secure at least one (1) Building Permit for a Project Unit within three (3) years of recording of the plat (or their functional equivalent). In such case, this Agreement shall be terminated and any encumbered capacity shall be returned to its applicable capacity bank. The Applicant will not be entitled to a refund of any portion of the Proportionate Share Mitigation paid under this Agreement, and will only be entitled to receive a 90% refund of the Capacity Reservation Fee assuming all other City is a party to this Agreement solely due to a requirement of the Interlocal Agreement, which governs the school concurrency process.

11. **LIMITATION ON CITY'S RESPONSIBILITIES.** This Agreement does not impose any additional responsibilities, liabilities or obligations upon the City that are not contained in the Interlocal Agreement. Nothing in this Agreement shall constitute or be deemed to constitute or require the City to issue an approval of any rezoning, comprehensive plan amendment, variance, special exception, final site plan, preliminary subdivision plan, final subdivision plan, plat, building permit, grading, stormwater drainage, engineering, or any other development order or land use or development approval.

12. **COVENANTS RUNNING WITH THE LAND.** This Agreement shall be binding, and shall inure to the benefit of the heirs, legal representatives, successors, and assigns of the parties, and shall be a covenant running with the Property and be binding upon the successors and assigns of the Owner and upon any person, firm, corporation, or entity who may become the successor in interest to the Property.

13. **NOTICES.** Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or other person as the party shall have specified by written notice to the other party delivered in accordance herewith:

School Board School Board of Orange County, Florida
 Attn: Superintendent
 445 West Amelia Street
 Orlando, Florida 32801

With a Copy to: Orange County Public Schools
 Office of Planning & Governmental Relations
 445 West Amelia Street
 Orlando, Florida 32801

Owner/Applicant: J&WB, Inc.,
 111 Mericam Court
 Winter Garden, FL 34787

City: City of Winter Garden
 Attn: Community Development Director
 300 West Plant Street
 Winter Garden, FL 34787

14. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend or limit the scope or intent of this Agreement.

15. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing, and signed by the party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates, and shall not be deemed to be a continuing or future waiver.

16. EXHIBITS. All Exhibits attached hereto are a part of this Agreement and are fully incorporated herein by this reference.

17. AMENDMENTS. No modification, amendment, or alteration to the terms or conditions contained herein shall be binding upon the parties hereto unless in writing and executed by all the Parties to this Agreement.

18. ASSIGNMENT, TRANSFER OF RIGHTS. The Applicant may assign its rights, obligations and responsibilities, including the capacity reserved for the Property, under this Agreement to a third-party purchaser of all or any part of fee simple title to the Property; provided, however, that any such assignment shall be in writing and shall require the prior written consent of all of the Parties hereto, which consent shall not be unreasonably withheld, conditioned, or delayed. Such consent may be conditioned upon the receipt by the other parties hereto of the written agreement of the assignee to comply with conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Applicant's obligations with regard to Proportionate Share Mitigation under this Agreement. The assignor under such assignment shall furnish the Parties with a copy of the written assignment within ten (10) days of the date of execution of same. The City and the School Board acknowledge that Applicant intends to assign its rights, obligations and responsibilities under this Agreement to Standard

Pacific Homes of Florida, a Florida general partnership (“Standard Pacific”), the contract purchaser of the Property. The City and School Board hereby consent to such assignment to Standard Pacific on the condition that Standard Pacific acquires the Property and assumes said rights, obligations and responsibilities of the Applicant, and a copy of such assignment and assumption is delivered to the School Board and City within ten (10) days of its execution.

19. COUNTERPARTS. This Agreement may be signed in counterparts, each of which may be deemed an original, and all of which together constitute one and the same agreement.

20. RECORDING OF THIS AGREEMENT. The School Board agrees to record this Agreement, at Applicant’s expense, within fourteen (14) days after the Effective Date, in the Public Records of Orange County, Florida.

21. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement among the Parties with respect to the subject matter addressed herein, and it supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, among the Parties.

22. SEVERABILITY. If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of the Agreement will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the Agreement.

23. APPLICABLE LAW. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and venue for any action to enforce the provisions of this Agreement shall be in the Ninth Judicial Circuit Court in and for Orange County, Florida.

24. ATTORNEY’S FEES. In the event any party hereto brings an action or proceeding, including any counterclaim, cross-claim, or third party claim, against any other party hereto arising out of this Agreement, each party in such action or proceeding, including appeals therefrom, shall be responsible for its own attorney fees.

25. EFFECTIVE DATE. The effective date of this Agreement shall be the date when the last one of the parties has properly executed this Agreement as determined by the date set forth immediately below their respective signatures (the “Effective Date”).

Signatures on Following Page

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives on the dates set forth below each signature:

Signed, sealed and delivered in the

“SCHOOL BOARD”

Presence of:

THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, a corporate body organized and existing under the constitution and laws of the State of Florida

Joseph Mory
Print Name: Joseph Mory

Margaret Rivera
Print Name: Margaret Rivera

Joseph Mory
Print Name: Joseph Mory

Margaret Rivera
Print Name: Margaret Rivera

By: Bill Schmitt
Name: Bill Schmitt
Title: Chair, Or. Cty. Sch. Bd.

Date: 2/1, 2012

Attest Barbara M. Jenkins
Barbara M. Jenkins, as its Secretary and Superintendent

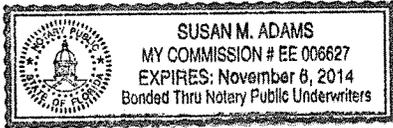
{Corporate Seal}

Approved as to form and legality by the Office of the General Counsel to the School Board of Orange County, Florida this 18th day of January, 2012 for its exclusive use and reliance.

Eileen D. Fernandez
Print Name: Eileen D. Fernandez

STATE OF FLORIDA
COUNTY OF ORANGE

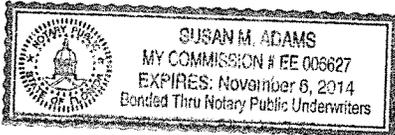
The foregoing instrument was acknowledged before me this 1st day of February 2013, ~~2012~~, by Bill Sublette, as the Chair of The School Board of Orange County, Florida, a corporate body organized and existing under the constitution and laws of the State of Florida. Said person (check one) is personally known to me or _____ produced _____ as identification.



Susan M. Adams
Printed Name: Susan M. Adams
Notary Public, State of Florida
Commission No. _____
My commission expires: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day of February 2013, ~~2012~~, by Barbara M. Jenkins, as Secretary and Superintendent of The School Board of Orange County, Florida, a corporate body organized and existing under the constitution and laws of the State of Florida. Said person (check one) is personally known to me or _____ produced _____ as identification.



Susan M. Adams
Printed Name: Susan M. Adams
Notary Public, State of Florida
Commission No. _____
My commission expires: _____

Signed, sealed and delivered in the

“APPLICANT”

Presence of:

J & W B Inc., a
Florida Corporation

Print Name: CATHRYN M BOWEN

By: [Signature]

[Signature]

Print Name: M. Wade Bradford

Print Name: Cameron Bradford

Title: President

[Signature]

Date: 11-14, 2012

{Seal}

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14 day of NOVEMBER, 2012, by M Wade Bradford, as PRESIDENT of J & W B Inc., a FL Corporation, on behalf of the company. Said person (check one) is personally known to me or produced _____ as identification.

[Signature]

Printed Name: _____

Notary Public, State of Florida

Commission No. _____

My commission expires: _____



Signed, sealed and delivered in the

“CITY”

Presence of:

City of Winter Garden, Florida, a municipal corporation of the State of Florida

{Seal}

Print Name: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Date: _____, 2012

The form of execution of the foregoing contract is hereby approved:

FOR THE USE AND RELIANCE
OF CITY OF WINTER GARDEN ONLY.
APPROVED AS TO

_____, 2012

Attorney for City of Winter Garden

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by _____, as _____ of the City of Winter Garden. Said person (check one) ____ is personally known to me or ____ produced _____ as identification.

Printed Name: _____
Notary Public, State of Florida
Commission No. _____
My commission expires: _____

Exhibit A – Legal Description

EAST PARCEL (Trust)

The South 1/2 of the Southeast 1/4 of the Southwest 1/4; AND the North 1/2 of the Southeast 1/4 of the Southwest 1/4, Less that portion platted as DANIELS LANDING per plat thereof recorded in Plat Book 56, Pages 3-8, public records of Orange County, Florida; all in Section 26, Township 22 South, Range 27 East, less right-of-ways and subject to easements.

ALSO LESS:

Commence at the Northeast Corner of the Southeast 1/4 of the Southwest 1/4 of said Section 26, thence run S.00°11'04"E., along the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 26, a distance of 462.07 feet; thence run S.89°48'56"W., a distance of 60.00 feet to a point on the West right-of-way line of Daniels Road and the Point of Beginning; thence run S.00°11'04"E. along said right-of-way line, a distance of 125.00 feet; thence run S.89°48'56"W., a distance of 371.50 feet; thence run N.00°11'04"W., a distance of 144.12 feet; thence run N.87°01'05"E., a distance of 61.75 feet; thence run N.38°42'38"E., a distance of 30.67 feet; thence run N.89°56'19"E., a distance of 93.29 feet; thence S.66°29'14"E., a distance of 33.96 feet; thence run S.51°43'56"E., a distance of 37.87 feet; thence run S. 69°20'03"E., a distance of 24.19 feet; thence run N.89°48'56"E., a distance of 113.92 feet to the aforesaid west right-of-way line of Daniels Road and the Point of Beginning.

WEST PARCEL (Corporation)

Begin at the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 26, Township 22 South, Range 27 East, run thence N 0°02'00" E, along the East line of said Southwest 1/4 of the Southwest 1/4, a distance of 756.03 ft. to the thread of a stream; thence westerly, along the thread of said stream, the following courses and distances: S 78°12'30" W. 9.66 ft; thence S 89°57'26" W. 50.05 ft; thence S 81°30'03" W. 74.43 ft; thence N 77°45'10" W. 51.67 ft; thence S 87°40'08" W. 29.99 ft; thence N 43°20'18" W. 30.48 ft; thence S 77°16'50" W. 61.0 ft; thence S 76°21'15" W. 15.30 ft; thence S 29°28'07" W. 47.06 ft; thence S 13°45'29" W. 43.0 ft; thence S 60°29'53" W. 35.09 ft; thence S 82°46'31" W. 39.20 ft; thence S 71°52'36" W. 45.36 ft; thence S 47°23'08" W. 54.19 ft; thence N 76°01'52" W. 14.46 ft; thence N 82°37'22" W. 27.34 ft; thence N 58°49'09" W. 43.01 ft; thence N 60°26'07" W. 31.96 ft; thence N 88°35'40" W. 106.82 ft; thence N 76°14'16" W. 52.21 ft; thence S 83°37'37" W. 50.09 ft; thence S 71°48'12" W. 34.20 ft; thence N 86°42'47" W. 46.04 ft; thence departing from stream, run S 89°18'20" W. 464.76 ft to a point on the West line of said Southwest 1/4 of the Southwest 1/4 thence S 0°06'06" W. 642.86 ft; to the Southwest corner of said Section 26, run thence S 89°59'40" E. 1351.62 ft to the point of beginning.

Subject to right of way for Winter Garden-Vineland Road.

AND

The North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 22 South, Range 27 East, Orange County, Florida.

AND

Exhibit A – Legal Description

The Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida.

AND

REAVES PARCEL

North 1/2 of Northeast 1/4 of Northwest 1/4 of Northwest 1/4 of Section 35, Township 22 South, Range 27 East, lying West of the West Right of Way line of SR 535 (Less begin on North line of Northwest 1/4 of Northwest 1/4 and West Right of Way line of SR 535, run West 150 feet, South 150 feet, East to the West Right of Way line of SR 535, North to the Point of Beginning), Orange County, Florida.

Containing 63.055 acres, more or less

Exhibit B – Location Map



OCPS
Planning & Governmental Relations
 Orange County Public Schools



Jurisdiction: Winter Garden
School Board Dist.: #4 & #7
Parcel ID: Multiple Parcels
Acres: +/- 63.06 ac

Affected Schools
 ES: SunRidge & Maxey
 MS: SunRidge
 HS: West Orange

WG-12-001
 Bradford Creek

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Michael Bollhoefer, City Manager

Date: February 8, 2013

Meeting Date: February 14, 2013

Subject: Resolutions 13-01 and 13-02

Issue: The Florida League of Cities has requested that all Florida cities pass these resolutions. The first resolution deals with pension funds and requests that the legislature return the management and control of these funds back to the cities since they fund and are responsible for the pensions.

The second resolution requests that the legislature stops forcing unfunded mandates on local governments and rescind previous unfunded mandates forced on local governments.

Recommended action: Consider approving both resolutions.

RESOLUTION 13-01

A RESOLUTION OF THE CITY OF WINTER GARDEN SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN AND DISABILITY PRESUMPTION REFORMS TO MAKE THE PLANS SUSTAINABLE, SOUND AND SECURE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS.

WHEREAS, to honor their service now and in years to come, current and future police officers and firefighters in the City of Winter Garden deserve pension plans that are sound, secure and sustainable; and

WHEREAS, City of Winter Garden opposes unfunded mandates from the Florida Legislature that have created a pension plan system for city police officers and firefighters that is unstable, unsustainable and unreliable for current and future police officers and firefighters; and

WHEREAS, state level police and fire unions have exercised undue influence on the Florida Legislature relating to the provision of city police officer and firefighter pensions and disability presumptions; and

WHEREAS, the Florida Legislature has imposed significant unfunded mandates onto the City relative to the operation of the City's police officer and firefighter defined benefit pension plans by mandating minimum pension benefit levels and mandating the use of revenues to fund pension plan costs; and

WHEREAS, unfunded city police officer and firefighter pension mandates from the Florida Legislature result in a direct expenditure of local taxpayer dollars without the benefit of local taxpayer input; and

WHEREAS, the Florida Legislature has provided that health conditions related to heart disease, hypertension or tuberculosis suffered by a police officer or firefighter are presumed to be job related, and these "disability presumptions" are applicable to both workers' compensation and disability pension claims; and

WHEREAS, the Florida Legislature has written and the courts have interpreted the disability presumption laws so favorably toward these employees that cities and other government employers basically cannot overcome the presumption and show the health condition was not work related; and

WHEREAS, the Florida Legislature transferred all operational and administrative control of police and firefighter pension plans from the City to a legislatively created board of trustees, a separate legal entity apart from the City that exercises broad powers outside the City's control, and is not required to provide fiscal transparency or accountability for substantial amounts of public funds; and

WHEREAS, the City is seeking immediate mandate relief from the Florida Legislature and requests the Legislature to untie its hands so that it can responsibly address its pension and other personnel issues locally and in a manner that best serves its taxpayers, stops potential pension abuse and protects pensions for current and future generations of police and firefighters.

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

Section 1. That the City hereby supports responsible police and firefighter defined benefit pension and disability presumption reforms to ensure sound, secure and stable pensions will be there for current and future police and firefighters.

- Section 2.** That the City believes local issues should be addressed locally and hereby requests the Florida Legislature to remove itself from the local collective bargaining process between the City and its police and firefighters.
- Section 3.** That the City hereby requests the Florida Legislature to remove mandates establishing minimum pension benefit standards for police and firefighter pensions, remove the requirement to provide new, extra pension benefits to police and firefighters, and allow the City to use insurance premium tax revenues to pay for the level of pension benefits for police and firefighters that meets the needs and priorities of the City.
- Section 4.** That the City hereby requests the Florida Legislature to enact responsible reforms to bring a fairer balance to the application of disability presumption laws relating to certain health conditions suffered by firefighters and police officers by allowing a disability presumption to be overcome by a preponderance of the evidence, and allowing certain individual risk factors to be considered when applying a disability presumption, such as tobacco or alcohol use, weight and diet, genetics and lifestyle choices.
- Section 5.** That the City hereby requests the Florida Legislature to impose reasonable fiscal transparency and accountability standards on legislatively created police and firefighter pension boards of trustees.
- Section 6.** That the City urges the Florida Legislature to pass and the Governor to approve the above responsible reform recommendations relating to police and firefighter pension plans and disability presumptions in the 2013 legislative session.
- Section 7.** That the City Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.
- Section 8.** That this resolution shall be effective upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, THIS _____ DAY OF _____, 2013.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

RESOLUTION 13-02

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, OPPOSING UNFUNDED STATE MANDATES ON CITIES.

WHEREAS, the City of Winter Garden, Florida, is concerned with the negative impacts unfunded state mandates have on the services provided by cities and with the fiscal impacts they have on local taxpayers; and

WHEREAS, an unfunded state mandate is generally defined as a state law requiring a city to spend funds or to take an action requiring the expenditure of funds without the state providing an adequate funding source; and

WHEREAS, unfunded state mandates continuously force cities to adjust local service priorities and raise local taxes and fees to pay for such unfunded mandates; and

WHEREAS, cities are forced to pass the increased costs associated with unfunded state mandates to the citizens and taxpayers of the city; and

WHEREAS, the priorities and programs of local citizens of cities are often curtailed when limited local funds must be diverted to pay for unfunded state mandates; and

WHEREAS, unfunded state mandates are not fair to local property owners or elected city officials who are trying to address local priorities and problems with a limited amount of financial resources; and

WHEREAS, prior to 1990 the state legislature passed hundreds of unfunded state mandates on to cities; and

WHEREAS, the citizens of Florida passed a state constitutional amendment in 1990 to limit the ability of the state legislature to pass unfunded state mandates on to cities (Article VII, Section 18, Florida Constitution); and

WHEREAS, even with the 1990 state constitutional amendment to limit unfunded state mandates, the state legislature continues to pass unfunded mandates under various exceptions to the law; and

WHEREAS, the following unfunded state mandates serve as examples of mandates cities across the state are required to comply with or to fund:

- Police Officer and Firefighter Pensions, Chapters 175 and 185, F.S. In 1999, the state legislature mandated that cities use any increases in insurance premium tax revenues to provide additional, “extra pension benefits” in police officer and firefighter pension plans. These extra benefits are in addition to benefits already provided. In aggregate

numbers, it is estimated that cities have had to provide over \$500 million in “extra pension benefits” to firefighters and police officers since 1999.

- Workers’ Compensation and Disability Pensions, Section 112.18, F.S. This mandate establishes a disability presumption for firefighters and police officers who suffer any health condition caused by hypertension or heart disease. The presumption is that the condition occurred because of the job and the legal presumption is nearly impossible to overcome. This mandate has dramatically increased city funding requirements relating to workers’ compensation and disability pensions.
- Group Health Insurance – Section 112.0801, F.S., requires cities, and other governments, to offer subsidized health, hospitalization and other insurance coverage to city retirees. This is a significant mandate, as it requires governments to offer their retirees health and hospitalization insurance at artificially low rates to the retiree, thereby making the employer pay the difference.
- Environmental Regulation – Chapter 403 includes numerous state mandates to cities in the area of environmental regulation. Section 403.064, F.S., requires cities applying for a permit for a domestic wastewater treatment facility to prepare a water reuse feasibility study. Cities must implement water reuse, if feasible, and prepare an annual water reuse report to the Department of Environmental Protection. Section 403.067 is a joint state and federal mandate that requires cities to reduce nonpoint source pollution reductions from stormwater runoff and septic tanks. The cost of retrofits for stormwater alone is estimated in the hundreds of millions. Section 403.0891 requires cities to develop a stormwater water management program within their comprehensive plans. Section 403.702 requires cities to plan and provide solid waste management and requires them to determine the “full cost” for providing resource recovery, recycling and disposal. This section also requires cities to develop and implement recycling programs.
- State Building Code – Chapter 553, Part IV, F.S., requires each city to adopt and enforce the state building code. Cities must use employees “certified” by the state to enforce the code. Cities must also add a “surcharge” to every building permit, which is used by the state to oversee the enforcement of the codes.
- Effective Public Notice – various Florida statutes require cities to purchase ad space in newspapers as the only method of meeting public notice requirements, even when equally effective and lower cost alternatives are available.
- Agency Rules – State agencies often propose rules that have significant fiscal impacts on cities. Recent examples include irrigation rules proposed by various water management districts, energy efficient land use rules and “need” based population analysis rules. In many instances cities must file administrative challenges just to get the agency to reconsider or reduce the fiscal impact.
- Consultants Competitive Negotiations Act – Section 287.055, F.S., requires a city to proceed through an extensive selection and negotiation process when it retains architects,

engineers, landscape architects, or surveyors and mappers. Bids are based on qualification with no consideration of cost.

WHEREAS, the City of Winter Garden, Florida, requests the state legislature to make reasonable and responsible changes to current state laws to eliminate existing unfunded state mandates on cities, and further requests the state legislature to honor the intent of the 1990 state constitutional amendment restricting unfunded state mandates and not pass any unfunded state mandates in the future.

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

Section 1. That the City of Winter Garden, Florida, hereby requests the Florida Legislature to make reasonable and responsible changes to current laws to eliminate existing unfunded state mandates on cities.

Section 2. That the City of Winter Garden, Florida, hereby requests the Florida Legislature to honor the intent of the 1990 state constitutional amendment restricting unfunded state mandates and not pass any unfunded state mandates on cities in the future.

Section 3. That the City of Winter Garden, Florida, urges the Governor to approve any legislation making reasonable and responsible changes to current state laws to eliminate existing unfunded state mandates on cities.

Section 4. That the City of Winter Garden, Florida, City Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Florida Legislature, and the Florida League of Cities, Inc.

Section 5. That this resolution shall be effective upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, THIS _____ DAY OF _____, 2013.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: City Clerk Golden

Date: January 8, 2013 **Meeting Date:** February 14, 2013

Subject: Code Enforcement Board Vacancy

Issue: Resignation of Board Member Bradley Lomneck

Attached for your consideration are the interest forms on file with the City Clerk's office.

The appointment to fill the vacancy would be for the remainder of Mr. Lomneck's term in accordance with City Code Sec. 2-61(c), which is until July 1, 2015.

Attachment: Resignation Letter

**Board Appointment Interest Applications on file as of 2/6/13 for
the Code Enforcement Board / Nuisance Abatement Board**

Name	District
Robert "Johnny" Clark	1
Lee Douglas	4
Benjamin LaTorre	2
Neal Lippold	3
Eric Rainville	1

Note: *There are no district appointment requirements and the attendance records for 2012 have not been provided because the Board only met once.*

Bradley Lomneck

01-08-12

320 Sabinal ST.

Ocoee, FL 34761

321 689 0732

RE: Bradley Lomneck Code Enforcement Board Resignation

To whom it may concern,

Please accept my resignation as Vice-Chairman of the Winter Garden Code Enforcement Board. I have moved away from the city, as such I am no longer qualified to hold a Board seat per the Winter Garden city code. It has been a pleasure to serve the Citizens of Winter Garden. This will be effective as the date of this letter.

Thank you,

Bradley Lomneck

Bradley Lomneck



Verified Interest ~~5-23-12~~
1-9-13

CITY OF WINTER GARDEN
CITY CLERK'S OFFICE
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. FEEL FREE TO ATTACH A RESUME.

DATE: 17 May 2010 VERIFIED INTEREST ON: _____

LAST NAME: CLARK FIRST: ROBERT MIDDLE: JOHNNY
HOME ADDRESS: 620 Heathlyen Blvd, Winter Garden, FL 34787
OFFICE ADDRESS: N/A
HOME PHONE: (407) 212-9091 WORK PHONE: N/A FAX: N/A
CURRENT EMPLOYER: Retired city of Winter Garden LENGTH: 5 years
POSITION: Code Enforcement manager + Traffic City Manager
EDUCATION: 14 yrs HIGH SCHOOL UNDERGRADUATE COLLEGE DEGREE IN: AA in Criminal Justice
ADVANCED COLLEGE DEGREE IN: N/A OTHER: N/A

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:

35 years in Law Enforcement, previous Code Enforcement Manager + Traffic City Manager for city of Winter Garden (born and raised in Winter Garden)
COMMUNITY INVOLVEMENT: Routinely attend Commission meetings to keep up with
INTERESTS/ACTIVITIES: can show what is going on in the city of Winter Garden
WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? To be involved in the city of W.G.'s growth
NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP:
None

ARE YOU A RESIDENT OF WINTER GARDEN? yes IF YES, CONTINUOUS RESIDENT SINCE? _____
ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? yes WHICH CITY DISTRICT? District 1
ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? No IF YES, PLEASE STATE NAME OF BOARD: _____

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? yes IF YES, PLEASE STATE NAME OF BOARD: General Employee Pension Board for the city of Winter Garden.

REFERENCES: Mayor John Rees, Commissioner Gerald Towers, City Manager, Michael Bollhoefer

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
- *PLANNING & ZONING BOARD
- *COMMUNITY REDEVELOPMENT AGENCY
- *COMMUNITY REDEVELOPMENT ADVISORY BOARD
- *GENERAL EMPLOYEES PENSION BOARD
- *FIRE/POLICE PENSION BOARD
- *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD

PLEASE NOTE: MEMBERS SERVING ON BOARDS WITH AN ASTERISK (*) ARE REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM WITH THE ORANGE COUNTY SUPERVISOR OF ELECTIONS OFFICE ON OR BEFORE JULY 1ST OF EACH YEAR. APPLICANTS FOR BOARD APPOINTMENT ARE REMINDED OF THE PROVISIONS OF THE FLORIDA STATUTES AS APPLICABLE TO CONFLICTS OF INTEREST. ALL BOARD APPLICATIONS ARE KEPT ON FILE FOR ONE YEAR AND ARE SUBMITTED TO THE CITY COMMISSION WHENEVER A VACANCY OCCURS. UPDATED INFORMATION SHOULD BE SUBMITTED AND MAY BE REQUESTED AT ANY TIME.

DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254.

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.



CITY OF WINTER GARDEN
 CITY CLERK'S OFFICE
 300 WEST PLANT STREET
 WINTER GARDEN, FL 34787

P: 407.656.4111

WWW.WINTERGARDEN-FL.GOV

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. **1-9-13**

FEEL FREE TO ATTACH A RESUME.

DATE: 9/21/12 VERIFIED INTEREST ON: _____

LAST NAME: Latorre FIRST: Benjamin MIDDLE: _____

HOME ADDRESS: 253 Rainfall Drive Winter Garden, FL

OFFICE ADDRESS: _____

HOME PHONE: 407-347-7623 CELL PHONE: ✓ 978-697-2342 WORK PHONE: 321-441-2637

EMAIL: benjamin.latorre@nfl.com FAX #: _____

CURRENT EMPLOYER: Internal Revenue Service LENGTH: 4 years

POSITION: Revenue Agent

EDUCATION: HIGH SCHOOL GRADUATE Yes No UNDERGRADUATE COLLEGE DEGREE IN: Sports Management

ADVANCED COLLEGE DEGREE IN: Accounting OTHER: _____

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:
Student Government - Cross Amherst / Springfield College
Disciplinary Committee - Cross Amherst
Business Background & Volunteer Activities

COMMUNITY INVOLVEMENT: HOA - Black Lake Park

INTERESTS/ACTIVITIES: Sports / Politics / Accounting / Music

WHY DO YOU DESIRE TO SERVE ON THIS/ THESE BOARDS? I would like to be part of my community and make a difference

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP:

ARE YOU A RESIDENT OF WINTER GARDEN? YES NO IF YES, CONTINUOUS RESIDENT SINCE? September 2009

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? YES NO WHICH CITY DISTRICT? Winter Garden 2

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? YES NO IF YES, PLEASE STATE NAME OF BOARD: _____

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? YES NO IF YES, PLEASE STATE NAME OF BOARD: _____

REFERENCES:
Keenan Walsh 407-721-2959 Tom McKeone 407-470-9180
Dan Honan 407-504-8282

- WHICH BOARD(S) ARE YOU INTERESTED?**
- *CODE ENFORCEMENT BOARD
 - *PLANNING & ZONING BOARD
 - *COMMUNITY REDEVELOPMENT AGENCY
 - *COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
 - *GENERAL EMPLOYEES PENSION BOARD
 - *FIRE/POLICE PENSION BOARD
 - *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD
- CIRCLE ALL THAT APPLY TO YOU: ARCHITECT / LICENSED GENERAL CONTRACTOR / WG HERITAGE FOUNDATION BOARD MEMBER / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT & RESIDE IN THE CITY / RESIDE IN THE CITY
- ELECTION CANVASSING BOARD

PLEASE NOTE: MEMBERS SERVING ON BOARDS WITH AN ASTERISK (*) ARE REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM WITH THE ORANGE COUNTY SUPERVISOR OF ELECTIONS OFFICE ON OR BEFORE JULY 1ST OF EACH YEAR. APPLICANTS FOR BOARD APPOINTMENT ARE REMINDED OF THE PROVISIONS OF THE FLORIDA STATUTES AS APPLICABLE TO CONFLICTS OF INTEREST. ALL BOARD APPLICATIONS ARE KEPT ON FILE FOR ONE YEAR AND ARE SUBMITTED TO THE CITY COMMISSION WHENEVER A VACANCY OCCURS. UPDATED INFORMATION SHOULD BE SUBMITTED AND MAY BE REQUESTED AT ANY TIME.

DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.



CITY OF WINTER GARDEN
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

Rec'd. 4-19-10

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

still interested as of 10-5-10
3-26-12
1-10-13

WINTER GARDEN • A charming little city with a juicy past.

CITY OF WINTER GARDEN BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. FEEL FREE TO ATTACH A RESUME.

DATE: APRIL 16, 2010 VERIFIED INTEREST ON: _____

LAST NAME: LIPPOLD FIRST: NEAL MIDDLE: W
HOME ADDRESS: 525 S. HIGHLAND AVENUE, WINTER GARDEN, FL 34787
OFFICE ADDRESS: _____
HOME PHONE: 407-347-8300 WORK PHONE: _____ FAX: 407-347-8300
CURRENT EMPLOYER: RETIRED - WAUBONSEE COMMUNITY COLLEGE, SUGAR GROVE, IL LENGTH: 31 YEARS
POSITION: PROFESSOR EMERITUS OF CRIMINAL JUSTICE

EDUCATION: AURORA EAST HIGH SCHOOL UNDERGRADUATE COLLEGE DEGREE IN: CRIMINAL JUSTICE/SOCIOLOGY
ADVANCED COLLEGE DEGREE IN: CRIMINAL JUSTICE OTHER: ALL BUT DISSERTATION FOR EDUCATIONAL DOCTORATE IN CURRICULUM AND INSTRUCTION

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:
I was involved in police work for 17 years holding position from patrolman to chief of police; 5 years as a correctional counselor and parole agent with the Illinois Department of Corrections; 31 years a professor of criminal justice. I believe my work and educational qualify for a position on the police committee.

COMMUNITY INVOLVEMENT: Instructor with AARP Driver Safety Program, past member of the Volusia County COP program.
INTERESTS/ACTIVITIES: Sports, reading, gardening
WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I have a strong interest in giving back to the communities were I have lived.

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.
American Legion, member for over 15 years, Illinois Association of Police Planners, 1980 thru 2006; International Association of Law Enforcement Planners, 2000 thru 2006.

ARE YOU A RESIDENT OF WINTER GARDEN? YES IF YES, CONTINUOUS RESIDENT SINCE? 2008
ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? YES WHICH CITY DISTRICT? 3
ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? NO IF YES, PLEASE STATE NAME OF BOARD: _____

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? YES IF YES, PLEASE STATE NAME OF BOARD: POLICE COMMITTEE
AS CHIEF OF POLICE, I SERVED ON THE POLICE COMMITTEE FOR THE VILLAGE OF SUGAR GROVE, ILLINOIS FROM 1980 THRU 1986.

REFERENCES: SUPPLIED ON DEMAND

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
- *PLANNING & ZONING BOARD
- *COMMUNITY REDEVELOPMENT AGENCY OR ADVISORY BOARD
- *GENERAL EMPLOYEES PENSION BOARD
- *FIRE/POLICE PENSION BOARD
- *ARCHITECTURAL REVIEW AND HISTORICAL PRESERVATION BOARD

PLEASE NOTE: MEMBERS SERVING ON BOARDS WITH AN ASTERISK (*) ARE REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM WITH THE ORANGE COUNTY SUPERVISOR OF ELECTIONS OFFICE ON OR BEFORE JULY 1ST OF EACH YEAR. APPLICANTS FOR BOARD APPOINTMENT ARE REMINDED OF THE PROVISIONS OF THE FLORIDA STATUTES AS APPLICABLE TO CONFLICTS OF INTEREST. ALL BOARD APPLICATIONS ARE KEPT ON FILE FOR ONE YEAR AND ARE SUBMITTED TO THE CITY COMMISSION WHENEVER A VACANCY OCCURS. UPDATED INFORMATION SHOULD BE SUBMITTED AND MAY BE REQUESTED AT ANY TIME.

DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254.

NEAL W. LIPPOLD

525 S. Highland Avenue ■ Winter Garden, FL 34787 ■ (407) 347-8300 ■ nlippold@cfl.rr.com

EDUCATION

NORTHERN ILLINOIS UNIVERSITY

Curriculum and Instruction, January, 1992-2002

All course work completed for EdD, except dissertation.

CHICAGO STATE UNIVERSITY

Masters Degree ■ Corrections, May, 1978

AURORA UNIVERSITY

Bachelors of Arts Degree - Sociology and Corrections, June, 1974

WAUBONSEE COMMUNITY COLLEGE

Associate in General Studies Degree, June, 1972

WORK EXPERIENCE

ACADEMIC

8/75-6/06: Professor of Criminal Justice, Waubonsee Community College.

Taught all criminal justice courses; promoted the criminal justice program via advertising, flyers, advisory councils and visits to criminal justice agencies.

Responsible for budget preparation; preparing semester class schedule; degree and certificate programs; catalog changes; ordering equipment; developing departmental policy and procedures, and hiring of adjunct faculty.

Program Development/Curriculum Design

- Curriculum design written all course work leading to both the Associate in Science and Associate in Applied Science Degrees.
- Created certificates in advance police skills and community policing.

Distance Learning

- Pioneer teacher in two-way interactive teaching.
- Pioneer teacher in the development of online courses.
- Have written a total of ten online courses, 7 criminal justice and 3 Microsoft application courses.

Dual credit course offerings

- Help to create and taught dual credit program that combined the efforts of Waubonsee Community College, Oswego, Illinois school district and the Oswego Illinois Police Department.
- Through the two-way interactive television system I have taught dual credit classes with two high school districts..

Driver Safety:

- Certified DDC 4 Instructor
- Certified 25 Alive Instructor
- Certified instructor with AARP Driver Safety Program

Extracurricular Activities:

- Campus Police Cadet training
- Involvement with Waubensee Community College Drama Department
- SkillsUSA VICA Criminal Justice Advisor
- Member of the Waubensee Community College Speakers Bureau

Center for Teaching, Learning and Technology

- Pioneer leadership role with the Center for Teaching and Learning and Technology as a trailblazer and Consultant
- Faculty Liaison for the academic year of 1999 - 2000
- Responsible for coordinating the Spring 2000 Adjunct training workshop
- Developed the foundational study for the development of a Faculty Teaching and Learning Academy
- Created and coordinated the New Faculty Teaching and Learning Academy for new faculty coming to Waubensee
- Chaired the Faculty Development Committee for the Center for Teaching, Learning and Technology
- Worked with faculty to create a (CATs) classroom assessment techniques program for all Waubensee faculty
- Tested interactive video and audio software

Presenter--State Level

- Peoria, Illinois, 1995, Illinois Community College Faculty Association
- Bloomington, Illinois, 1997, Statewide Distance Learning Instructional Consortium
- Bloomington, Illinois, 1998, Statewide Distance Learning Instructional Consortium

Research - Classroom Usage

- Developed and conducted a study regarding classroom usage for Waubensee Community College

ADMINISTRATIVE/PRACTICAL

1987 - 1992, Sergeant, Fox Valley Park District Police Department. Responsible for general patrol, patrol supervision, and training of officers.

1976 - 1986, Chief of Police, Village of Sugar Grove, Illinois. Responsible for the operation of the police department, including budgeting, personnel matters, policy formulation, and working with the village's governmental officials.

1975 - 1982, Chief of Police, Waubensee Community College Police Department. Responsible for the security of the campus, training of student employees, budgeting, and policy formulation.

1970 - 1975, Parole Agent and Correctional Counselor, State of Illinois, Department of Corrections. Responsible for caseload management and the supervision of incarcerated inmates and parolees.

KNOWLEDGE, ABILITIES, AND SKILLS

-
- X Software: WordPerfect, Microsoft Word, PowerPoint, Publisher, and Outlook, WordPerfect Presentation Graphics, Web Browsers, Working knowledge of Hypertext Markup Language, WebCT course management software, Cu-See-Me.
 - X Equipment: Personal Computers and Macintosh.
 - X Other: various printers, and scanners, telecommunications equipment, interactive video equipment.

COLLEGIATE ACTIVITIES

-
- Curriculum Council
 - Calendar Committee
 - Member of committee that planned the new classroom building
 - Co-Chair of the Illinois Articulation Initiative Criminal Justice Panel
 - Member of Committees to prepare for North Central Accreditation Visit (3 visits)
 - Past president of Faculty Federation
 - Safety Committee
 - Diversity Committee
 - Insurance Ad Hoc Committee
 - Interview committees
 - Faculty Trainer for Two-way Interactive Video
 - Evaluation committees
 - Student Advisement Committees
 - Student health and Safety

- Administration Search Committees
- Semester Orientation Committees
- Advisory Counsel
- Building Committees
- Referendum Committees
- Criminal Justice Program Advisory Committee
- Student Conduct Board

PROFESSIONAL AFFILIATIONS

- X Illinois Association of Police Planners
- X International Association of Law Enforcement Planners
- X American Correctional Association
- X Illinois Correctional Association

COMMUNITY ACTIVITIES

- Breaking Free, member of the Board, 1978 - 1982
- Sugar Grove Lions Club, former member and past president
- DeKalb Evening Lions club, 1992 - 2000
- Candidate for Kane County Sheriff, 1986
- Candidate for Alderman, 3rd Ward, City of Aurora, 1991
- Member of the Board, Kane County Association of Chiefs of Police, 1988

HONORS

- Awarded Rank of Professor by the Waubensee Community College Board of Trustees
- Certificate of Merit presented by the Du Page Bar Association
- Who's Who in America 1997 & 2000
- Who's Who in American Education 1998 & 2004
- Certificate of Appreciation, awarded by the Board of Trustees, Waubensee Community College, 1988
- Featured Alumnus, awarded by the Board of Trustees, Waubensee Community College, 1991
- Certificate of Achievement, awarded by the National District Attorneys Association, 1990
- Certificate of Honor, awarded by the Kane County Bar Association, 1991
- Great Teacher Conference, 1987
- National Great Teacher Conference, 1988
- Nominated as Distinguished Alumnus

References sent under separate cover



CITY OF WINTER GARDEN
CITY CLERK'S OFFICE
300 WEST PLANT STREET
WINTER GARDEN, FL 34787
P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. FEEL FREE TO ATTACH A RESUME.

DATE: April 7, 2011

VERIFIED INTEREST ON: 8-24-11 1-9-13
5-24-12

LAST NAME: Rainville FIRST: Eric MIDDLE: John
 HOME ADDRESS: 416 Courtlea Oaks Blvd, Winter Garden, FL 34787
 OFFICE ADDRESS: 2314 Circuit Way, Brooksville, FL 34604
 HOME PHONE: 407-877-9660 CELL PHONE: 407-913-7135 WORK PHONE: 352-848-2588
 EMAIL: erainville@therainvilles.com FAX #: 352-848-2592
 CURRENT EMPLOYER: Regions Facility Services LENGTH: _____
 POSITION: Director of Facility Support Services
 EDUCATION: HIGH SCHOOL GRADUATE Yes No UNDERGRADUATE COLLEGE DEGREE IN: BS in Building Construction
 ADVANCED COLLEGE DEGREE IN: _____ OTHER: _____

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:
 Seasoned in facilities, owners representation and construction management with expertise in portfolio and asset management, maintenance capital planning and facilities management; utilities, fuels and futures purchasing; cost control, estimating, scheduling, development, preconstruction and construction phase administration. Certified General Contractor.
 COMMUNITY INVOLVEMENT: Member of the Winter Garden Heritage Foundation, Dillard St. PTA and 90% of community events
 INTERESTS/ACTIVITIES: Enjoy cooking (placed best overall Uncle Don's Chili Cook-off), Biking with my kids, building.
 WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? Desire to contribute and make a positive impact on the City of Winter Garden
 NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

Facilities Management Professionals International 2009- Present, Restaurant Facility Management Association 2005-Present

ARE YOU A RESIDENT OF WINTER GARDEN? Yes No IF YES, CONTINUOUS RESIDENT SINCE? April 2007
 ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? Yes No WHICH CITY DISTRICT? District 1
 ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? Yes No IF YES, PLEASE STATE NAME OF BOARD:

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? Yes No IF YES, PLEASE STATE NAME OF BOARD:

REFERENCES:

Jay Conn, Director Parks and Recreation, City of Winter Garden, 407-656-4155
Howard Long, Project Executive, Roy Anderson Construction, 228-297-4104

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
 - *PLANNING & ZONING BOARD
 - *COMMUNITY REDEVELOPMENT AGENCY
 - *COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
 - *GENERAL EMPLOYEES PENSION BOARD
 - *FIRE/POLICE PENSION BOARD
 - *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD
- CIRCLE ALL THAT APPLY TO YOU: ARCHITECT / LICENSED GENERAL CONTRACTOR / WG HERITAGE FOUNDATION BOARD MEMBER / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT & RESIDE IN THE CITY / RESIDE IN THE CITY
- ELECTION CANVASSING BOARD

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THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.

Board Appointment Interest Form 06-10



BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE.

FEEL FREE TO ATTACH A RESUME.

DATE: 1/28/13 VERIFIED INTEREST ON: _____

LAST NAME: Douglas FIRST: Lee MIDDLE: E

HOME ADDRESS: 562 Home Grove Drive Winter Garden, FL 34787

OFFICE ADDRESS: _____

HOME PHONE: 407 497 4077 CELL PHONE: 407 497 4077 WORK PHONE: _____

EMAIL: tdouglas0107@centurylink.net FAX #: _____

CURRENT EMPLOYER: Walt Disney World Co. LENGTH: 18 years

POSITION: Scheduler

EDUCATION: HIGH SCHOOL GRADUATE YES NO UNDERGRADUATE COLLEGE DEGREE IN: Liberal Studies - Political Science, Social

ADVANCED COLLEGE DEGREE IN: MBA OTHER: _____

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:

I have studied politics for years and understand how the role of government affects the citizens that are involved. I am experienced in business. I teach both Politics and Business.

COMMUNITY INVOLVEMENT: Volunteer at Orange County History Center and other volunteering activities

INTERESTS/ACTIVITIES: Sports and political involvement

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I like to serve the community that I live in.

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

BPOE for three years

ARE YOU A RESIDENT OF WINTER GARDEN? YES NO IF YES, CONTINUOUS RESIDENT SINCE? Dec 2003

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? YES NO WHICH CITY DISTRICT? 4

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? YES NO IF YES, PLEASE STATE NAME OF BOARD: _____

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? YES NO IF YES, PLEASE STATE NAME OF BOARD: _____

REFERENCES:

- Paul Caswell - 407 929 7358
- Jennifer Meyers - 407 925 2584
- Sheri Morton - 407 396 0152

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
- *PLANNING & ZONING BOARD
- *COMMUNITY REDEVELOPMENT AGENCY
- *COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
- *GENERAL EMPLOYEES PENSION BOARD
- *FIRE/POLICE PENSION BOARD
- *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD
 CIRCLE ALL THAT APPLY TO YOU: ARCHITECT / LICENSED GENERAL CONTRACTOR / WG HERITAGE FOUNDATION BOARD MEMBER / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT & RESIDE IN THE CITY / RESIDE IN THE CITY
- ELECTION CANVASSING BOARD

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THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.



Lee Douglas

562 Home Grove Drive Winter Garden, FL 34787
lee.douglas@earthlink.net 407-497-4077

Area of Experience

Experienced in building motivated teams in hospitality to create strong business results and a reduction of turnover. Additional experience instructing students in business, communication, and political science to create an enlightened future workforce.

Education

Stetson University Celebration, FL March 2006
Masters of Business Administration

University of Central Florida Orlando, FL July 2003
Bachelor of Arts in Liberal Studies; specializing in Education, Political Science, and Humanities with a minor in Political Science

Valencia Community College Orlando, FL December 2002
Associate of Arts in Social Science Education

Work History

Walt Disney World Resort Lake Buena Vista, FL
Scheduler Workforce Management May 2008 – Present

- Schedule up to 500 Cast Members for food and beverage, while adhering to employee handbook and union contracts
- Research staffing trends
- Implement plans to create lower cost staffing needs while maintaining high service
- Liason for labor operations to assist location leaders in day to day operation
- Assist Cast with vacation and schedule concerns and needs

Walt Disney World Resort Lake Buena Vista, FL
Instructor Disney Internships & Programs Education (TA) September 2011 – December 2011

- Facilitate classes totaling over 200 international and domestic students
- Subject expert in Corporate Communications
- Partner with design and redevelopment of course
- Instruct classes regarding media relations, community relations, government relations, and research
- Assist in learning for students of a diverse population
- Complete Welcome Days of new participates to ensure smooth welcome

University of Phoenix Phoenix, AZ
Online - Adjunct Professor Business Education June 2006 – Present

- Instruct classes on Critical Thinking, Advanced Practices of Hospitality, and Food and Beverage Management

Utilize on-line platform to connect with student and provide next generation learning tools International

Academy of Design and Technology Orlando, FL
Adjunct Professor General Education June 2006 – August 2011

- Develop curriculum for private college in Political Science, Business, Mass Communication, and Geography
- Primary instructor and advisor of Political Science program

Lee Douglas

- Lee Douglas for Florida House District 41
Candidate Campaign Winter Garden, FL
September 2009 – November 2010
- Public speaking in regards to policy choices to inform prospective voters
 - Compile media press releases to communicate events and policy plans
 - Create events that are both entertaining and strong fund raising
 - Raise funds for the operational expense of a campaign and budget expenses
 - Lead a team of 124 volunteers throughout district 41
 - Exceed expectations by receiving 38% of vote
 - Utilization of new media including social media to facilitate a message
- Stewarding Manager Disney's Yacht and Beach Club August 2006 – May 2008
- Manage three dishrooms being utilized by two casual dining, one buffet, one signature restaurants, two quick service restaurants, and a convention center.
 - Coach and mentor coordinators to allow them to better run their individual area
 - Partner with outside contractors to ensure Disney quality
 - Liaison for Green Lodging Certification
- Restaurant Guest Service Manager Disney's Yacht and Beach Club March 2005 – August 2006
- Manage Private dining for a four star convention resort
 - Coordinate labor and scheduling for Private Dining
 - Plan and implement in room parties/functions
 - Roll out Disney Basics while serving on Basics Test Team
- Guest Show Manager Disney's Polynesian Resort February 2001 – March 2005
- Duty Manager for Disney's Polynesian Resort and Disney's Grand Floridian Beach Resort during 3rd shift.
 - Assist Reedy Creek as first responder including emergency evacuations, AED activations, guest medical and emergency needs, and resort liaison
 - Inspire, coach, and instruct Cast Members in multiple business units including custodial, front desk, bell services, and food and beverage
 - Control labor budget and act as liaison between cast and schedulers
 - Provide training and development to make a stronger team and improve resort operations
 - Schedule daily assignments of work and verify that work is done to Disney standards
- Coordinator of Training Disney's Caribbean Beach March 2000 – February 2001
- Coordinate training program for six shop food court, 200 seat full service restaurant, pool bar, merchandise shop, and resort recreation.
 - Raise and maintain regulatory percentage to 100%
 - Facilitate regulatory classes
 - Update and implement new training manuals by coordinating area trainers
- Guest Communication Specialist Guest Communications September 1999 – March 2000
- Respond via e-mail to correspondence from Guests
 - Handle crisis communication for specific issues
 - Develop and implement response guidelines dealing with park closures