



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

**REGULAR MEETING**

**MARCH 28, 2013**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting of March 28, 2013

**2. PRESENTATIONS**

A. **Proclamation 13-02** declaring April as Sexual Assault Awareness Month

B. **Proclamation 13-03** declaring April 2<sup>nd</sup> as World Autism Awareness Day and April as Autism Awareness Month

**3. REGULAR BUSINESS**

A. Recommendation to approve Final Plat for Avalon Reserve Village 1 - Community Development Director Williams

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

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

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

**7. MATTERS FROM MAYOR PRO-TEM AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on April 11, 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.
---	--	---	---



# CITY OF WINTER GARDEN

---

## CITY COMMISSION REGULAR MEETING MINUTES

March 14, 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, Assistant City Attorney Dan Langley, City Clerk Kathy Golden, Assistant City Manager – Public Services Don Cochran, Senior Planner Laura Smith, 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, Orlando Sentinel Report Stephen Hudak and West Orange Times Reporter Kelsey Tressler

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Olszewski to approve regular meeting minutes of February 28, 2013 as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

### 2. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 13-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR CLARIFICATIONS AND OBJECTIVE GUIDELINES TO ENFORCE THE NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Langley read Ordinance 13-18 by title only. City Manager Bollhoefer stated that a decision by the State's Supreme Court prohibited the City from enforcing our noise ordinance on loud music coming from cars. There has since been clarification and municipalities are now able to enforce their ordinance and further clarifies how the City deals with noise complaints.

**Commissioner Olszewski** asked whether all cities are adopting an ordinance based on the Supreme Court of Florida ruling. **Mr. Bollhoefer** responded that he is not sure if all cities are but many are going through clarification. The original issue of the vehicle noise was some cities were differentiating between music, talk shows, and religious shows.

Because it was based on content it was considered unconstitutional. Therefore, we have no content based decision and will affect all types of noise.

**Commissioner Olszewski** noted that this is a slippery slope when dealing with the rights of others and wanted to be sure the ordinance is only to be enforced on the severe offenders. **Mayor Rees** noted that in his opinion, their rights stop when they start interfering with his rights. **Mr. Bollhoefer** noted that the City does not go looking for offenders but respond to complaints.

**Motion by Commissioner Buchanan to approve Ordinance 13-18 with the second reading and public hearing being scheduled for April 11, 2013. Seconded by Commissioner Sharman and carried unanimously 5-0.**

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

- A. **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

City Attorney Langley read Ordinance 13-12 by title only. Community Development Senior Planner Smith stated that the key provision of this ordinance is that the Planning and Zoning Board will no longer review final plats. The bonding period for maintaining improvements is extended to two years and the funding of reserve accounts for maintenance of infrastructure and common areas in homeowners association is further clarified. The Planning and Zoning Board and staff have reviewed this ordinance and recommend approval.

City Manager Bollhoefer noted that this was brought about when the state legislature passed the substantial infrastructure protection act. He explained that the state legislature said that residents should no longer expect that their infrastructure will work and there is no longer an implied warranty. He stated this will give us a longer period of time to ensure that the infrastructure works and was done correctly.

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

**Motion by Commissioner Makin to adopt Ordinance 13-12. Seconded by Commissioner Olszewski and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Request by cycling festival organizer, Dennis Jones, to sell alcohol on the south side of the intersection of W. Plant Street and Lakeview Avenue on Saturday, April 6<sup>th</sup>, from 12 noon until 9 p.m.**

Parks and Recreation Director Conn stated that Mr. Jones has approached the City to add to his initial request for the bike fest to sell alcohol. It is in a limited area and Mr. Jones has complied with the request by City staff to limit the area. He will zone off an area located in front of the intersection of Lakeview Avenue and Plant Street. This is for a 501 (c) (3) non-profit organization.

**Mayor Rees** asked if there were any issues last year. **Mr. Conn** responded no and noted that the alcohol zone was further down the street.

City Manager Bollhoefer noted that the City has started doing things differently with the sale of alcohol and we are now using barricades to segregate the area for more control.

**Mayor Rees** stated that he received an e-mail from one of the businesses that said they were not notified and wanted to voice their opinion on this issue. **City Manager Bollhoefer** responded that the merchant in question was notified but he believes the merchant felt he did not have enough input into this process. This was clearly vetted through the merchant's association; they voted on it, and he thinks the merchant was upset that they did not vote in his favor. The City is coming up with ideas to do what it can to mitigate issues with this business. Mr. Bollhoefer noted that the one last year was the City's first learning experience and is looking at different ways to ensure that he does not have the same issues as he had last year.

**Motion by Commissioner Buchanan to approve the request by cycling festival organizer, Dennis Jones, to sell alcohol on the south side of the intersection of West Plant Street and Lakeview Avenue on Saturday, April 6<sup>th</sup>, from 12 noon until 9:00 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS**

**David Kassander**, 15155 Ovation Drive in Belle Meade Subdivision, Winter Garden, Florida, and representative of the homeowner's association noted that he came before the City Commission in October or November requesting that a sidewalk be completed along Avalon Drive. The sidewalk was completed very quickly in January. He wanted to be sure to thank the City for their prompt response for safety and convenience for the hundreds of residents that live in this area.

He noted that there was another issue about getting rid of a damaged abandoned parked car. He stated that he spoke with Stephen Pash in Code Enforcement and thanked him for his willingness to address the issue. He noted that having a responsive government is really awesome.

6. **MATTERS FROM ASSISTANT CITY ATTORNEY**

**Assistant City Attorney Langley** recognized the City Manager to address the commercial gaming ordinance passed by the City.

**City Manager Bollhoefer** shared that the Assistant City Attorney informed him of a recent police bust. He noted that about a year and a half or so ago the City Commission passed an ordinance outlawing commercial gaming. At the time, local governments realized it was organized crime and a sham on veterans groups. Local governments were way ahead of the State on this issue and took immediate action. Now that there have been arrests, the State may soon pass legislation outlawing these sham veteran's organizations and organized controlled gambling.

**Assistant City Attorney Langley** pointed out that the City of Winter Garden was the first City in the State of Florida to pass this ordinance that banned these sorts of devices used by recently busted outfits such as Allied Vets and Enterprise. This action prevented these operations from starting up in the City before they could grow and thrive as they have in other communities. This was visionary to be in the forefront of something like this. The City of Winter Garden was only second to Seminole County in passing such an ordinance. **Mr. Langley** noted that there was over \$300 million dollars in funds in this organization that is being called racketeering, money laundering and illegal gambling. **Mr. Bollhoefer** added that there was almost a million dollars in contributions made to politicians and union leaders.

7. **MATTERS FROM CITY MANAGER** – There were no items.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** stated that it is always nice to have compliments from constituents and he thanked David Kassander for his prior compliment. City Manager Bollhoefer thanked Assistant City Manager for Public Services Cochran and his staff for doing all of the work in getting the sidewalk done in a timely fashion.

**Commissioner Olszewski** thanked City staff for an outstanding 2<sup>nd</sup> Annual Blues and Bar-B-Q event.

**Commissioner Buchanan** shared that the Blues and Bar-B-Q event is drawing people from all over.

**Commissioner Makin** shared how wonderful it is to grow up in this City and know a lot of people, then go to an event and see so many faces of people you do not know enjoying our City. People he did know expressed how great the Blues and Bar-B-Q event was.

**Mayor Rees** thanked staff for all they do. Mayor Rees asked the Boy Scout present to introduce himself. A. J. Ortiz shared that he is completing his merit badge on citizenship. Mayor Rees thanked him for attending the meeting.

The meeting adjourned at 6:50 p.m.

APPROVED:

---

Mayor John Rees

ATTEST:

---

City Clerk Kathy Golden, CMC

DRAFT



## **Proclamation**

13-02

**Whereas,** Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and has public health implications for every community member of Winter Garden; and

**Whereas,** rape, sexual assault, and sexual harassment impact our community as seen by statistics indicating that one in six women in Florida have been raped in their lifetime, 42% of women in Florida have experienced other forms of sexual violence, and 8% of rapes and sexual assault victims are male (National Intimate Partner and Sexual Violence Survey, 2010); and

**Whereas,** we must work together to educate our community about what can be done to prevent sexual assault and how to support survivors; and

**Whereas,** staff and volunteers of the *Victim Service Center of Central Florida, Inc.*, encourage every person to speak out when witnessing acts of violence however small; and

**Whereas,** with leadership, dedication, and encouragement, there is compelling evidence that we can be successful in reducing sexual violence in Winter Garden through prevention education, increased awareness, and holding perpetrators who commit acts of violence responsible for their actions; and

**Whereas,** the *Victim Service Center of Central Florida* strongly supports the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services, and how every segment of our society can work together to better address sexual violence.

**Therefore,** I, John Rees as the Mayor of the City of Winter Garden, Florida, do hereby proclaim April 2013 as

### **“SEXUAL ASSAULT AWARENESS MONTH”**

in the City of Winter Garden and encourage our citizens to join the *Victim Service Center of Central Florida* and other anti-sexual violence advocates and support service programs in the belief that all community members must be part of the solution to end sexual violence.

**In witness whereof,** I have hereunto set my hand and caused the City Seal to be affixed this 28th day of March, 2013.

**Mayor John Rees**

Attest:

Kathy Golden, City Clerk



**Proclamation**  
13-03

**Whereas**, autism is a general term used to describe a group of complex developmental brain disorders – autism spectrum disorders – caused by a combination of genes and environmental influences. These disorders are characterized, in varying degrees, by social and behavioral challenges, as well as repetitive behaviors; and

**Whereas**, an estimated 1 in 110 children in the U.S. is on the autism spectrum – a 600 percent increase in the past two decades that is only partly explained by improved diagnosis. The Centers for Disease Control and Prevention have called autism a national public health crisis whose cause and cure remain unknown; and

**Whereas**, on December 18, 2007 the United Nations General Assembly adopted resolution 62/139 World Autism Awareness Day by unanimous consent, encouraging UN Member States to take measures to raise awareness about autism throughout society and to promote early diagnosis and early behavioral intervention. The resolution designates World Autism Awareness Day as a United Nations Day to be observed every year starting in 2008 to raise global awareness of autism; and

**Whereas**, the aims for World Autism Awareness Day are to inform the general public about the global health crisis of autism, stress the importance of early diagnosis and early intervention, and to celebrate the unique talents and qualities of individuals with autism. Autism is a lifelong condition in which the bulk of cost falls in adulthood, creating an enormous economic impact.

**Therefore**, I John Rees, as the Mayor of the City of Winter Garden, Florida, do hereby proclaim Tuesday, April 2, 2013 as

**“WORLD AUTISM AWARENESS DAY”**

And the Month of April 2013, as

**“AUTISM AWARENESS MONTH”**

in the City of Winter Garden and encourage our citizens to join the efforts in advocating public awareness as autism continues to increase to rise in both our community and nation as a whole.



In witness whereof, I have hereunto set my hand and caused the City Seal to be affixed this 28th day of March, 2013.

*John Rees*  
Mayor John Rees

Attest:

*Kathy Golden*

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:** MARCH 19, 2013

**Meeting Date:** MARCH 28, 2013

**Subject:** 1400 AVALON ROAD  
**AVALON RESERVE VILLAGE 1**  
**FINAL PLAT**  
**PARCEL ID# 04-23-27-0000-00-033**

**Issue:** The applicant is requesting Final Plat approval for a single-family subdivision consisting of 66 lots. The subject property is located within the City of Winter Garden municipal limits, and carries a zoning designation of PUD (Planned Unit Development).

**Discussion:**

The applicant is requesting approval of the Final Plat of 66 single-family lots on the 18.567 +/- acres site. The Planned Unit Development was approved by the Planning and Zoning Board at the December 5, 2011 meeting, then by City Commission at the December 8, 2011 meeting. The Preliminary Plat was approved by the Planning and Zoning Board at the January 9, 2012 meeting, then by City Commission at the January 12, 2012 meeting. The Final Plat is consistent with the Preliminary Plat for 66 lots.

**Recommended Action:**

Staff recommends approval of the Avalon Reserve – Village 1 Final Plat.

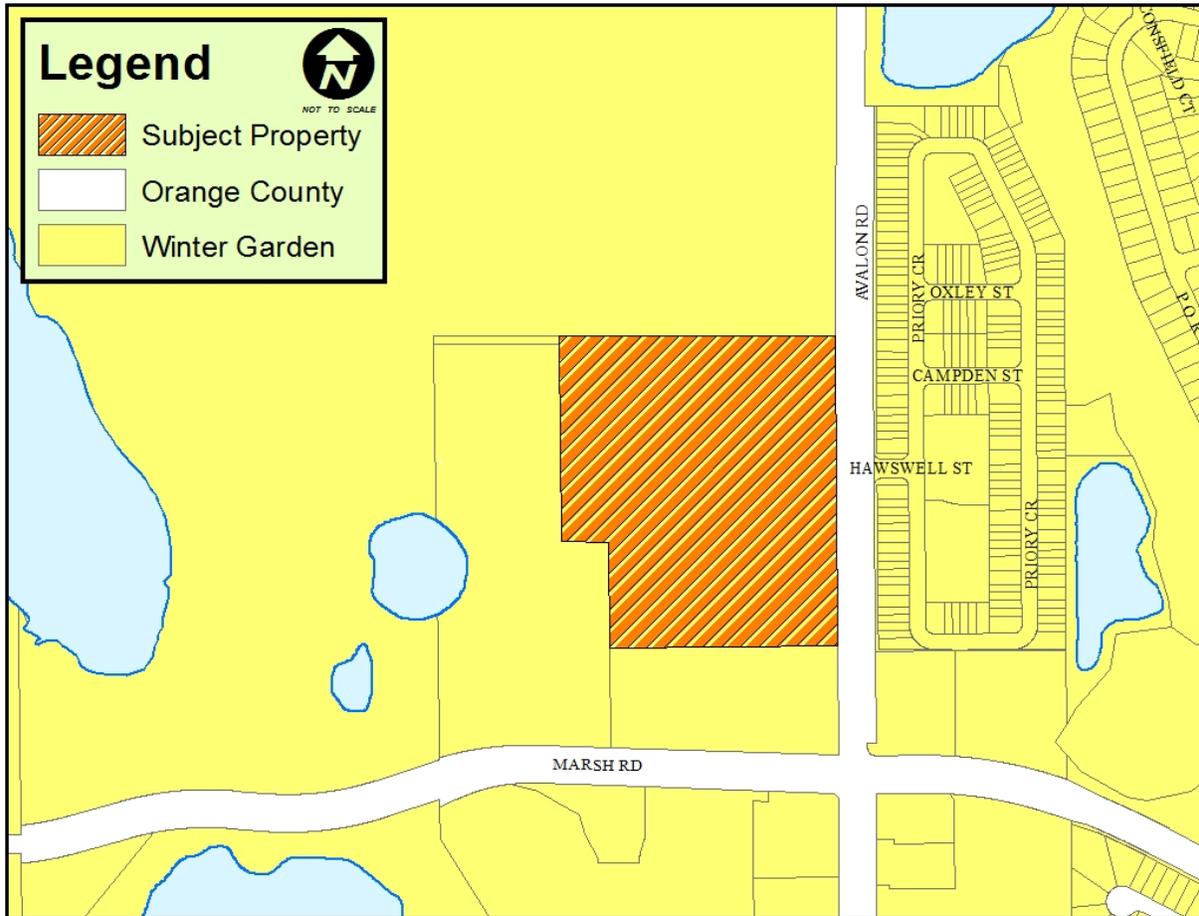
**Attachment(s)/References:**

Location Map  
Final Plat

# LOCATION MAP

Avalon Reserve Village 1

1400 Avalon Road  
Parcel ID # 04-23-27-0000-00-033



# AVALON RESERVE – VILLAGE 1

## A PORTION OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA

SHEET 1 OF 2

PLAT BOOK PAGE  
**AVALON RESERVE – VILLAGE 1**  
DEDICATION

KNOW ALL MEN BY THESE PRESENTS, Hanover Avalon Reserve, LLC, a Florida limited liability company, being the owner in fee simple of the lands described in the foregoing caption to this plat, hereby dedicates said lands and plat for the easement, rights, uses and purposes therein expressed, including those easements dedicated in the plat notes and dedicates those drainage easements and utility easements, shown hereon to the perpetual use of the public.

IN WITNESS WHEREOF, the Owner has caused these presents to be signed and attested to by its Authorized Agents named below on.....

Signed, sealed and delivered in the presence of \_\_\_\_\_ Hanover Avalon Reserve, LLC, a Florida limited liability company  
911 Outer Road  
Orlando, Florida 32814

Signature \_\_\_\_\_ By: Hanover Land Company, LLC, a Florida limited liability company, its Manager  
Print Name: \_\_\_\_\_

Signature \_\_\_\_\_ By: William S. Orosz, Jr., President  
Print Name: \_\_\_\_\_

[SEAL]

STATE OF FLORIDA  
COUNTY OF ORANGE  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by William S. Orosz, Jr., as President of Hanover Land Company, LLC, a Florida Limited Liability Corporation, on behalf of Hanover Avalon Reserve, LLC.

He  is personally known to me or  has produced \_\_\_\_\_ as identification.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the above date.

Signature of Person Taking Acknowledgment  
Print Name: \_\_\_\_\_  
Notary Public  
Serial No. (if any) \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

### QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, This plat was prepared under the direction and supervision of the undersigned, a professional surveyor and mapper, and complies with all of the survey requirements of Chapter 177, Florida Statutes. The lands depicted herein are located in the City of Winter Garden, Orange County, Florida.

BISHMAN SURVEYING AND MAPPING, INC.  
Certificate of Authorization Number LB 7274  
20 S. Main Street, Suite 210, Winter Garden, FL 34787

Date: \_\_\_\_\_ BY: \_\_\_\_\_  
Aron D. Bishman  
Florida Registered Surveyor and Mapper  
Certificate No. LS 5668

### CERTIFICATE OF APPROVAL BY COMMUNITY DEVELOPMENT DIRECTOR

Examined and Approved \_\_\_\_\_  
Community Development Director Date \_\_\_\_\_

### CERTIFICATE OF REVIEW BY CITY SURVEYOR

This plat has been reviewed for conformity with Chapter 177, Florida Statutes.  
\_\_\_\_\_  
City Surveyor Date \_\_\_\_\_

### CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, that on \_\_\_\_\_ the foregoing plat was approved by the City Commission of Winter Garden, Florida  
\_\_\_\_\_  
Mayor  
Attest: \_\_\_\_\_  
City Clerk

### CERTIFICATE OF COUNTY COMPTROLLER

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

**NOTES:**

- 1) BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, AS BEING N89°53'58"E (ASSUMED).
- 2) ALL LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED AS (NR) = NON-RADIAL.
- 3) TRACT A AND C ARE STORMWATER MANAGEMENT AREAS HEREBY DEDICATED TO AND SHALL BE MAINTAINED BY THE AVALON RESERVE HOMEOWNERS ASSOCIATION. THE CITY OF WINTER GARDEN IS HEREBY GRANTED A NON-EXCLUSIVE DRAINAGE EASEMENT OVER, UNDER, ACROSS AND THROUGH TRACTS A AND C. TRACTS A AND C ARE FURTHER SUBJECT TO THOSE CERTAIN NON-EXCLUSIVE EASEMENTS DESCRIBED IN SECTIONS 1(c) AND 1(d) OF THAT CERTAIN FIRST AMENDMENT TO EASEMENT AGREEMENT BY AND BETWEEN AVALON RESERVE FAMILY PARTNERSHIP, LLLP AND AVALON RESERVE TOWNHOMES, LLC, DATED MAY 24, 2012 AND RECORDED MAY 25, 2012 IN BOOK 10382, PAGE 6655, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SUBJECT TO THE TERMS, CONDITIONS, AND RESTRICTIONS SET FORTH THEREIN.
- 4) TRACT B IS A RECREATION TRACT AND DEDICATED TO AND SHALL BE MAINTAINED BY THE AVALON RESERVE HOMEOWNERS ASSOCIATION.
- 5) TRACT D IS A LIFT STATION TRACT AND SHALL BE CONVEYED TO THE CITY OF WINTER GARDEN.
- 6) TRACT E IS A RIGHT OF WAY TRACT AND SHALL BE CONVEYED TO THE CITY OF WINTER GARDEN.
- 7) THE LANDSCAPE BUFFER (L.B.) IS AN EASEMENT DEDICATED TO AND SHALL BE MAINTAINED BY THE AVALON RESERVE HOMEOWNERS ASSOCIATION.
- 8) ALL EASEMENTS SHOWN HEREIN WHICH ARE NOT CREATED BY THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY AND, UNLESS STATED OTHERWISE, THE DEPICTION OF SAID EASEMENTS IS NOT INTENDED TO REIMPOSE SAME.
- 9) THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ENCUMBERING THE LANDS SHOWN ON THIS PLAT TO BE RECORDED IN OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA AND ALL SUBSEQUENT AMENDMENTS AND SUPPLEMENTS THERETO INDEPENDENTLY ESTABLISHES EASEMENTS OVER PORTIONS OF THE LANDS BEING PLATTED HEREUNDER.
- 10) 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.
- 11) EACH OF THE OWNERS OF LOTS AS SHOWN ON THIS PLAT IS A MEMBER OF THE AVALON RESERVE HOMEOWNERS ASSOCIATION (ASSOCIATION). THE ASSOCIATION IS REQUIRED TO MAINTAIN TRACTS A, B, AND C. THE MEMBERS OF THE ASSOCIATION ARE ULTIMATELY RESPONSIBLE FOR PAYMENT OF THE COST TO MAINTAIN TRACTS A, B, C AND ALL LOTS ARE SUBJECT TO ASSESSMENTS, LIENS AND FORECLOSURES FOR NON-PAYMENT.
- 12) THE LOTS WITHIN THIS SUBDIVISION ARE GOVERNED BY A MANDATORY HOMEOWNERS ASSOCIATION (I.E. AVALON RESERVE 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, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, TRACTS D AND H3 AND THE IMPROVEMENTS THEREON. EVERY LOT OWNER WITHIN THIS SUBDIVISION IS REQUIRED TO BE A MEMBER OF THE HOME OWNERS ASSOCIATION, AND IS SUBJECT TO ITS RULES AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO THE CONDITIONS, COVENANTS, AND RESTRICTIONS PROVIDED FOR IN ITS DECLARATION, AND THE DEDICATIONS, RESTRICTIONS, AND RESERVATIONS AS SET FORTH ON THIS PLAT. 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.
- 13) 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 PORTIONS OF THE PROPERTY, INCLUDING WITHOUT LIMITATION ANY AND ALL PRIVATE AREAS, COMMON AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, SCREENING WALLS, TRACT A AND C, AND THE IMPROVEMENTS THEREON, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN (COLLECTIVELY, THE "FACILITIES AND LAND"). FURTHER, THE CITY OF WINTER GARDEN HAS THE RIGHT, BUT NOT THE OBLIGATION, TO CAUSE TO BE PREPARED ANY REPORT, STUDY, OR INSPECTION REQUIRED BY THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN (THE "CODE") IF THE AVALON RESERVE HOMEOWNERS ASSOCIATION FAILS TO OBTAIN SUCH REPORTS, STUDIES, OR INSPECTIONS REQUIRED BY THE CODE IN THE TIME PROVIDED. IN THE EVENT THE FACILITIES AND LAND (OR ANY PORTION THEREOF) 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 THE REQUIRED REPORTS, STUDIES, OR INSPECTIONS ARE NOT OBTAINED IN THE TIME PROVIDED, OR IN THE EVENT THE CITY OF WINTER GARDEN EXERCISES THE AFOREMENTIONED RIGHT, EACH OF THE LOT OWNERS ON A PRO-RATA BASIS (I.E. PER LOT) SHALL BE RESPONSIBLE FOR PAYMENT OF THE COST OF SUCH MAINTENANCE, REPAIR, REPLACEMENT AND CARE PROVIDED BY THE CITY OF WINTER GARDEN OR THE CONTRACTORS AND AGENTS AND THE COST OF PREPARING SAID REPORTS, STUDIES, OR INSPECTIONS, PLUS ADMINISTRATIVE COSTS AND ATTORNEY'S FEES INCURRED BY OR FOR THE CITY OF WINTER GARDEN. THE CITY OF WINTER GARDEN SHALL HAVE A LIEN UPON EACH LOT TO SECURE THE PERSONAL OBLIGATION OF EACH LOT OWNER THEREOF FOR ANY UNPAID FEES AND COSTS RESULTING FROM THE FOREGOING. SUCH LIEN SHALL ALSO SECURE REASONABLE ATTORNEY'S FEES AND OTHER COSTS INCURRED BY THE CITY OF WINTER GARDEN INCIDENT TO THE COLLECTION OF SUCH FEES AND COSTS OF ENFORCEMENT OF SUCH LIEN. THE LIEN SHALL BE EVIDENCED BY A CLAIM RECORDED AMONG THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND SHALL BE EFFECTIVE FROM AND AS OF THE TIME OF SUCH RECORDING. THE CITY OF WINTER GARDEN MAY TAKE SUCH ACTION OR ACTIONS IT DEEMS NECESSARY TO COLLECT SAID FEES AND COSTS AS MAY BE PERMITTED BY LAW, INCLUDING, BUT NOT LIMITED TO, AN IN PERSONAL ACTION, LIEN, FORECLOSURE, OR SPECIAL ASSESSMENT. NEITHER THE RIGHTS PROVIDED FOR HEREIN NOR THE CITY'S EXERCISE OF SAID RIGHTS, SHALL IMPOSE ANY OBLIGATION ON THE CITY OF WINTER GARDEN TO MAINTAIN, REPAIR, REPLACE OR OTHERWISE CARE FOR THE FACILITIES AND LAND, OR ANY PORTION THEREOF, OR CAUSE TO BE PREPARED ANY STUDIES, REPORTS OR INSPECTIONS.
- 14) 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.
- 15) ALL WALL EASEMENTS AND LANDSCAPE EASEMENTS DEPICTED ON THIS PLAT ARE HEREBY DEDICATED TO THE AVALON RESERVE HOMEOWNERS ASSOCIATION, INC. THE AVALON RESERVE HOMEOWNERS ASSOCIATION, INC. SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WALLS AND LANDSCAPING WITHIN WALL EASEMENTS AND LANDSCAPING EASEMENTS DEPICTED ON THIS PLAT.

**DESCRIPTION:**

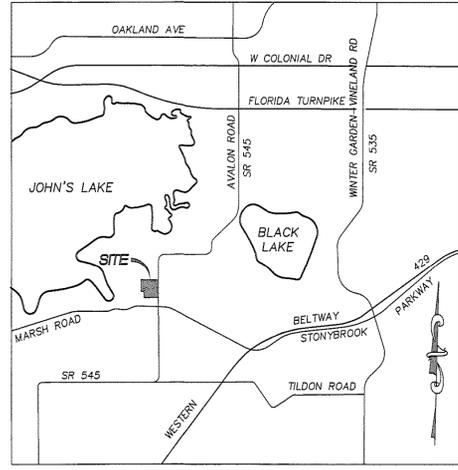
A PORTION OF THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE NORTH 89°53'58" EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 4, A DISTANCE OF 398.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°53'58" EAST, 801.59 FEET; THENCE SOUTH 00°27'00" EAST ALONG THE WESTERLY RIGHT-OF-WAY OF AVALON ROAD (COUNTY ROAD 545), 983.59 FEET; THENCE SOUTH 89°30'06" WEST, 750.31 FEET; THENCE NORTH 00°31'24" WEST, 334.66 FEET; THENCE NORTH 88°03'18" WEST, 150.14 FEET; THENCE NORTH 00°31'24" WEST, 648.80 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE CITY OF WINTER GARDEN BY WARRANTY DEED RECORDED IN O.R. BOOK 8814, PAGE 4080 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE NORTH 89°53'58" EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 4, A DISTANCE OF 1270.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°53'58" EAST ALONG SAID LINE, 30.00 FEET; THENCE SOUTH 00°27'00" EAST ALONG THE WESTERLY RIGHT-OF-WAY OF AVALON ROAD (COUNTY ROAD 545), 983.59 FEET; THENCE SOUTH 89°30'06" WEST, 30.00 FEET; THENCE NORTH 00°27'00" WEST, 983.60 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 18.567 ACRES MORE OR LESS.

### VICINITY MAP NOT TO SCALE



**LEGEND**

P.C. POINT OF CURVATURE	Δ CENTRAL ANGLE
P.T. POINT OF TANGENCY	R RADIUS
P.I. POINT OF INTERSECTION	L LENGTH
N.T. NOT TANGENT	CH CHORD
P.O.B. POINT OF BEGINNING	CB CHORD BEARING
LB LICENSED BUSINESS	OR OFFICIAL RECORDS BOOK
R/W RIGHT-OF-WAY	PG PAGE
D.E. DRAINAGE EASEMENT	PB PLAT BOOK
U.E. UTILITY EASEMENT	
L.B. LANDSCAPE BUFFER	
W.L.D.U.E. WALL, LANDSCAPE, DRAINAGE AND UTILITY EASEMENT	
D.U.E. DRAINAGE & UTILITY EASEMENT	

- ☐ DENOTES SET PERMANENT REFERENCE MONUMENT, A 4"x4" CONCRETE MONUMENT "PRM LB 7274", UNLESS NOTED OTHERWISE.
- ⊙ DENOTES SET PERMANENT REFERENCE MONUMENT, A NAIL AND DISC "PRM LB 7274", UNLESS NOTED OTHERWISE.

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.

20 S. PLANT STREET, SUITE 210  
WINTER GARDEN, FL 34787

CERTIFICATE OF AUTHORIZATION  
LB 7274

Phone No. 407.905.8877  
Fax No. 407.905.6232  
E-mail: www.bishmansurveying.com

# AVALON RESERVE – VILLAGE 1

## A PORTION OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA

SHEET 2 OF 2

PLAT BOOK

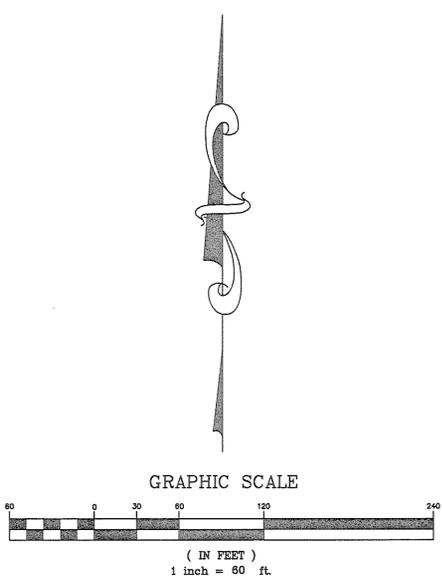
PAGE

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.

- DENOTES SET PERMANENT REFERENCE MONUMENT, A 4"x4" CONCRETE MONUMENT "PRM LB 7274", UNLESS NOTED OTHERWISE.
- DENOTES SET PERMANENT REFERENCE MONUMENT, A NAIL AND DISC "PRM LB 7274", UNLESS NOTED OTHERWISE.

LEGEND

P.C.	POINT OF CURVATURE	△	CENTRAL ANGLE
P.T.	POINT OF TANGENCY	R	RADIUS
P.I.	POINT OF INTERSECTION	L	LENGTH
N.T.	NOT TANGENT	CH	CHORD
P.O.B.	POINT OF BEGINNING	CB	CHORD BEARING
LB	LICENSED BUSINESS	OR	OFFICIAL RECORDS BOOK
R/W	RIGHT-OF-WAY	PG	PAGE
D.E.	DRAINAGE EASEMENT	PB	PLAT BOOK
U.E.	UTILITY EASEMENT		
L.B.	LANDSCAPE BUFFER		
W.L.U.E.	WALL, LANDSCAPE AND UTILITY EASEMENT		
D.U.E.	DRAINAGE & UTILITY EASEMENT		

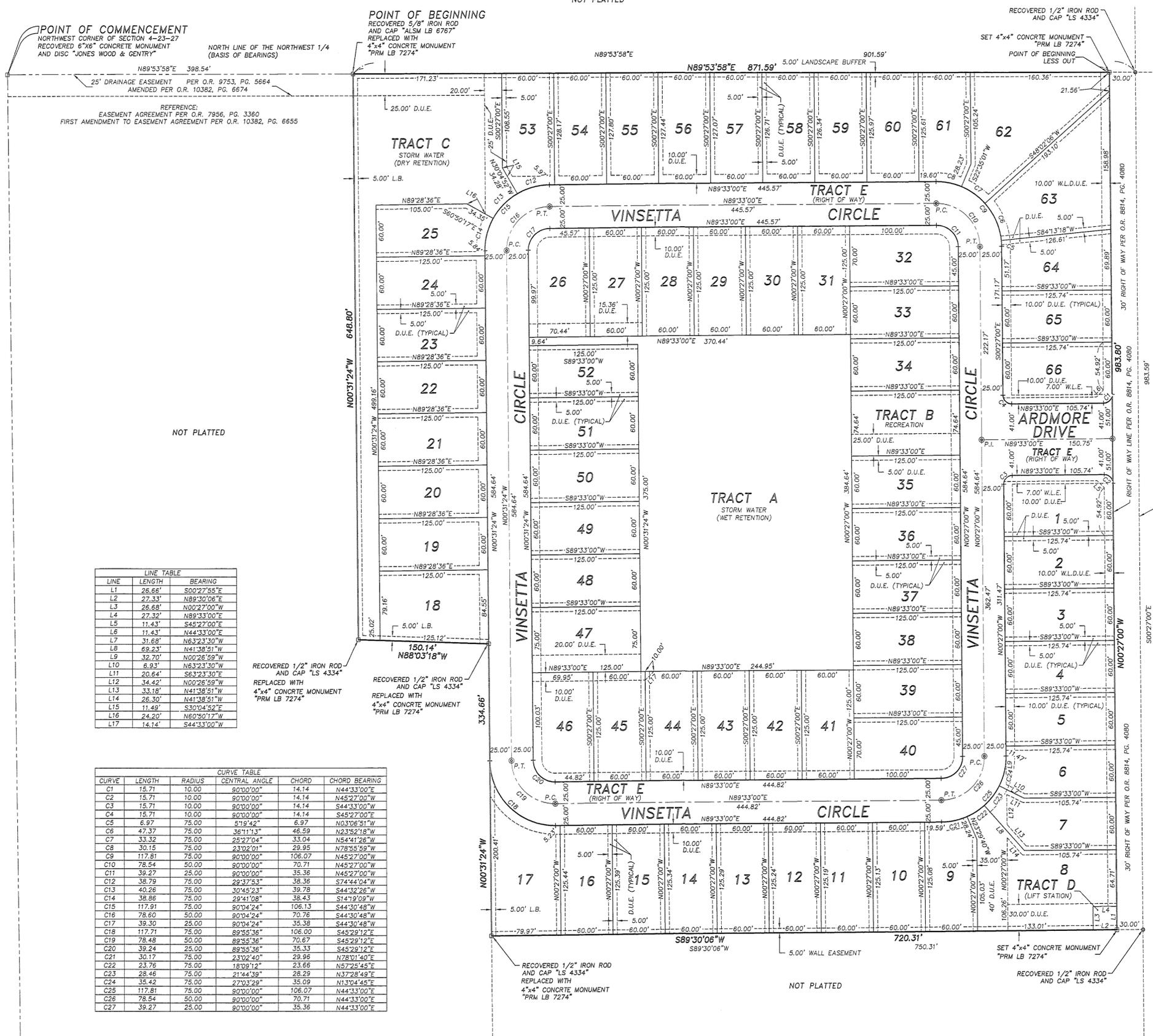


LINE TABLE

LINE	LENGTH	BEARING
L1	26.66'	S00°27'55"E
L2	27.33'	N89°30'06"E
L3	26.68'	N00°27'00"W
L4	27.32'	N89°33'00"E
L5	11.43'	S45°27'00"E
L6	11.43'	N44°33'00"E
L7	31.68'	N63°23'30"W
L8	69.23'	N41°38'51"W
L9	32.70'	N00°28'59"W
L10	6.93'	N63°23'30"W
L11	20.64'	S63°23'30"E
L12	34.42'	N00°26'59"W
L13	33.18'	N41°38'51"W
L14	26.30'	N41°38'51"W
L15	11.49'	S30°04'52"E
L16	24.20'	N60°50'17"W
L17	14.14'	S44°33'00"W

CURVE TABLE

CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD	CHORD BEARING
C1	15.71	10.00	90°00'00"	14.14	N44°33'00"E
C2	15.71	10.00	90°00'00"	14.14	N45°27'00"W
C3	15.71	10.00	90°00'00"	14.14	S44°33'00"W
C4	15.71	10.00	90°00'00"	14.14	S45°27'00"E
C5	6.97	75.00	8°19'42"	6.97	N03°06'51"W
C6	47.37	75.00	36°11'33"	46.59	N23°52'18"W
C7	33.32	75.00	26°27'04"	33.04	N54°41'26"W
C8	30.15	75.00	23°02'01"	29.95	N78°55'59"W
C9	117.81	75.00	90°00'00"	106.07	N45°27'00"W
C10	78.54	50.00	90°00'00"	70.71	N45°27'00"W
C11	39.27	25.00	90°00'00"	35.36	N45°27'00"W
C12	38.79	75.00	28°37'53"	38.36	S74°44'04"W
C13	40.26	75.00	30°45'23"	39.78	S44°32'26"W
C14	38.86	75.00	29°41'08"	38.43	S14°19'09"W
C15	117.91	75.00	90°04'24"	106.13	S44°30'48"W
C16	78.60	50.00	90°04'24"	70.76	S44°30'48"W
C17	39.30	25.00	90°04'24"	35.38	S44°30'48"W
C18	117.71	75.00	90°55'36"	106.00	S45°29'12"E
C19	78.48	50.00	89°55'36"	70.67	S45°29'12"E
C20	39.24	25.00	89°55'36"	35.33	S45°29'12"E
C21	30.17	75.00	23°02'40"	29.96	N78°01'40"E
C22	23.76	75.00	18°09'12"	23.66	N57°25'45"E
C23	28.46	75.00	21°44'39"	28.29	N37°28'49"E
C24	33.42	75.00	27°03'28"	33.09	N13°04'48"E
C25	117.81	75.00	90°00'00"	106.07	N44°33'00"E
C26	78.54	50.00	90°00'00"	70.71	N44°33'00"E
C27	39.27	25.00	90°00'00"	35.36	N44°33'00"E



**BISHMAN SURVEYING AND MAPPING, INC.**

20 S. PLANT STREET, SUITE 210  
WINTER GARDEN, FL 34787

CERTIFICATE OF AUTHORIZATION  
LB 7274

Phone No. 407.905.8877  
Fax No. 407.905.6232  
E-mail: www.bishmansurveying.com