



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

**REGULAR MEETING**

**JUNE 26, 2014**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting of June 12, 2014

**2. PRESENTATION**

**Proclamation 14-07:** Water Safety Awareness Month

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

A. **Ordinance 14-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.412 ± ACRES LOCATED AT 17901 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY 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 14-21:** 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 3.412± ACRES OF LAND LOCATED AT 17901 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE RURAL TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams

C. **Ordinance 14-28:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING DRAINAGE AND UTILITY EASEMENTS OVER THE SOUTHERN FIVE FEET OF LOT 6 AND THE NORTHERN FIVE FEET OF LOT 7, LESS THE WESTERN TEN FEET AND LESS THE EASTERN FIVE FEET THEREOF, WINTER GARDEN COMMERCE CENTER PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGES 133 AND 134 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 695 AND 711 GARDEN COMMERCE PARKWAY, WINTER GARDEN, FLORIDA) OWNED BY LOUIS L HUNTLEY ENTERPRISES, INC.; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING (Thermo King) - Community Development Director Williams

4. **REGULAR BUSINESS**

A. Recommendation to approve bids and award contract to DeWitt Excavating, Inc. for Avalon Road and State Road 50 Improvements Project for a total project amount of \$192,271.75, that includes a ten percent contingency - Assistant City Manager / Public Services – Don Cochran

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

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

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

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on July 10, 2014 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 Department (407) 656-4111 x5455.
---	--	---	--



# CITY OF WINTER GARDEN

---

## CITY COMMISSION REGULAR MEETING MINUTES

June 12, 2014

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

**Absent:** Commissioner Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Public Services Don Cochran, Assistant City Manager - Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, West Orange Times Reporter Peter M. Gordon and Orlando Sentinel Reporter Stephen Hudak

### 1. **PRESENTATION**

A legislative update was given by Florida State Senator Geraldine Thompson (*see attached PowerPoint Exhibit A*).

### 2. **APPROVAL OF MINUTES**

**Motion by Commissioner Buchanan to approve regular meeting minutes of May 22, 2014, as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.**

### 3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 14-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.92± ACRES OF LAND LOCATED AT 426 WEST PLANT STREET, FROM R-NC (RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-11 by title only.

**Motion by Commissioner Buchanan to postpone Ordinance 14-11 to July 10, 2014. Seconded by Commissioner Olszewski and carried unanimously 4-0.**

B. **Ordinance 14-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.412 ± ACRES

LOCATED AT 17901 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY 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

- C. **Ordinance 14-21**: 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 3.412± ACRES OF LAND LOCATED AT 17901 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE RURAL TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-20 and 14-21 by title only. Community Development Director Williams stated that this is a voluntary request for annexation and initial comprehensive plan future land use designation. The property owners have an existing house on the property they use as a rental for special events, which will continue after this approval. Staff recommends approval. This has been reviewed by the Planning and Zoning Board who also recommends approval.

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

**Motion by Commissioner Olszewski to approve Ordinances 14-20 and 14-21 with the second reading and public hearing being scheduled for June 26, 2014. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

- D. **Ordinance 14-26**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 33.79 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 562 BEARD ROAD LOCATED SOUTH OF THE FLORIDA TURNPIKE AND EAST OF DANIELS ROAD AT THE SOUTHWEST CORNER OF BEARD ROAD AND 9<sup>TH</sup> STREET FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR CERTAIN PUD REQUIREMENTS; NON-SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 14-26 by title only. Community Development Director Williams stated that the Planning and Zoning Board did not take final action on this item so staff is requesting a postponement to a date uncertain.

**Motion by Commissioner Makin to postpone Ordinance 14-26 to a date uncertain. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

- E. **Ordinance 14-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 03-51 ESTABLISHING PCD ZONING FOR APPROXIMATELY 14.14 ACRES OF LAND (WEST ORANGE BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGE 87) GENERALLY LOCATED SOUTH OF THE TURNPIKE AND EAST OF C.R. 535 TO ALLOW FOR ADDITIONAL PERMITTED AND SPECIAL EXCEPTION USES FOR AN APPROXIMATELY 2.55 +/- ACRE LOT WITH ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 26-22-27-9147-00-020 OWNED BY WEST ORANGE OUTPARCEL, LLC; PROVIDING FOR AMENDMENTS, NON-SEVERABILITY AND AN EFFECTIVE DATE.

City Attorney Ardaman read Ordinance 14-27 by title only. Community Development Director Williams stated that staff is requesting postponement to a date uncertain.

**Motion by Commissioner Buchanan to postpone Ordinance 14-27 to a date uncertain. Seconded by Commissioner Makin and carried unanimously 4-0.**

- F. **Ordinance 14-28:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING DRAINAGE AND UTILITY EASEMENTS OVER THE SOUTHERN FIVE FEET OF LOT 6 AND THE NORTHERN FIVE FEET OF LOT 7, LESS THE WESTERN TEN FEET AND LESS THE EASTERN FIVE FEET THEREOF, WINTER GARDEN COMMERCE CENTER PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGES 133 AND 134 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 695 AND 711 GARDEN COMMERCE PARKWAY, WINTER GARDEN, FLORIDA) OWNED BY LOUIS L HUNTLEY ENTERPRISES, INC.; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING (Thermo King)

City Attorney Ardaman read Ordinance 14-28 by title only. Community Development Director Williams stated that the applicant has purchased two lots in this industrial park and is preparing [to build] one business on the two lots. This is an ordinance that will vacate the joint lot line and easements in the middle so they can locate the structure on this particular area. Staff recommends approval and with the second reading be scheduled for June 26, 2014.

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

**Motion by Commissioner Olszewski to approve Ordinance 14-28 with the second reading and public hearing being scheduled for June 26, 2014. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

#### 4. **REGULAR BUSINESS**

- A. **Recommendation to approve Site Plan and Binding Lot Combination Agreement for 695 and 711 Garden Commerce Parkway subject to conditions (Thermo King)**

Community Development Director Williams stated that this item is for the site plan and binding lot agreement for Thermo King in the industrial park that was just described. This has been reviewed by staff who recommends conditions with the approval.

**Motion by Commissioner Olszewski to approve site plan and binding lot combination agreement for 695 and 711 Garden Commerce Parkway subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**B. Recommendation to approve Site Plan for 721 Garden Commerce Parkway subject to conditions (LVS Project, Inc.)**

Community Development Director Williams stated that this item is the site plan for the parcel just south of the previous two items discussed. Another business is proposing to locate here. Staff reviewed the site plans for conformance with all the conditions and recommends approval.

Commissioner Makin inquired of the business type. Mr. Williams replied that they schedule trucking for other businesses. It is primarily office but they have included several parking spots for eighteen wheelers to be here temporarily. Commissioner Makin asked what is considered temporary. Mr. Williams responded they would not be there overnight.

**Motion by Commissioner Olszewski to approve site plan for 721 Garden Commerce Parkway subject to conditions. Seconded by Commissioner Makin and carried unanimously 4-0.**

**C. Recommendation to approve Site Plan for 1630 Avalon Road subject to conditions (Ladybird Academy)**

Community Development Director Williams stated that this is a request for approval of a site plan of 1630 Avalon Road for the Ladybird Academy Day Care. This is being built in this area because of all the interest in home construction. Staff reviewed the site plan for conformance with the planned development (PD) and all of the City's codes, and recommends approval subject to conditions.

Mayor Rees clarified that this facility accommodates up to 190 children. Mr. Williams answered yes.

**Motion by Commissioner Buchanan to approve the site plan for 1630 Avalon Road subject to conditions. Seconded by Commissioner Makin and carried unanimously 4-0.**

**D. Recommendation to approve Final Plat and Right-of-Way Maintenance Agreement for Oakland Park Phase 2B**

Community Development Director Williams stated that this is for the approval of the Final Plat and Right-of-Way Maintenance Agreement for Oakland Park Phase 2B. He noted that this is a 4.03 acre portion of the property and staff recommends approval.

**Motion by Commissioner Makin to approve the Final Plat and Right-of-Way Maintenance Agreement for Oakland Park Phase 2B. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**E. Recommendation to approve Final Plat and Right-of-Way Maintenance Agreement for Waterside on Johns Lake Phase 1**

Community Development Director Williams stated this is a recommendation to approve the Final Plat and Right-of-Way Maintenance agreement for Waterside on Johns Lake Phase 1. This item has been reviewed for consistency with the PD conditions of approval and the land development code. This is for 139 lots on 52 acres. Staff recommends approval.

Mayor Rees voiced his global concern is the lack of working together between the School Board, Orange County, and municipalities as we continue to increase our density and population and their lack of ability to keep up with the schools. If we keep this up, we are just penalizing our kids going to West Orange until something is done. Mr. Williams responded that this project, and the majority of the projects on Marsh Road, actually went through that process almost two years ago. There are agreements in place with the School Board to pay additional impact fees for their impact. Mr. Williams stated that while we have a problem because the high school is not yet approved, he does not think that these [development] projects will have that many high school kids before that problem gets resolved. The elementary and the middle schools were in very good shape and have paid more money to make sure that capacity is there. The City is running out of vacant land and he thinks the unincorporated area has a much bigger problem with that issue than the City does, because our property will be gone by that time.

**Motion by Commissioner Olszewski to approve the Final Plat and Right-of-Way Maintenance Agreement for Waterside on Johns Lake Phase 1. Seconded by Commissioner Makin and carried unanimously 4-0.**

**F. Recommendation to approve blocking Plant Street between Central Avenue and Main Street to accommodate the 4<sup>th</sup> of July Kids All-American Parade on July 4, 2014**

Recreation Director Conn stated that this is a request from the Winter Garden Masonic Lodge and the Winter Garden Heritage Foundation to close Plant Street for approximately one hour for the 2014 Kids All-American Parade on Plant Street. Staff recommends approval.

Mayor Rees asked if they wanted to extend it from Main Street to Woodland. He noted that the last couple of years they are backed up at the lodge while some are still trying to get out of the parking lot. Mr. Conn stated that this was discussed and it turns out that there are many kids dropping out before they get done with the full route.

**Motion by Commissioner Makin to approve blocking Plant Street between Central Avenue and Main Street to accommodate the 4<sup>th</sup> of July Kids All-American Parade on July 4, 2014. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**G. Appointments to Code Enforcement/Nuisance Abatement Board for expiring terms of John Benoit III and Jack Litteral**

City Clerk Golden stated that there are two seats scheduled to expire at the end of June on the Code Enforcement Board. She noted that the two current seated members are eligible to be considered for reappointment and both have indicated a desire to be reappointed. Ms. Golden noted that there are also six interest applications available in the agenda packet.

**Motion by Commissioner Makin to reappoint John Benoit III and Jack Litteral to the Code Enforcement Board for another term. Seconded by Commissioner Olszewski.**

Commissioner Buchanan shared that he has had people contact him about their interest for this board and asked that they not be discouraged. He noted that there are term limits and unless the Commission is displeased with the persons serving, he would like to see them continue their role on the board. Commissioner Makin agreed with Commissioner Buchanan.

Commissioner Olszewski asked City Clerk Golden if the applicants were aware of these openings and if they were aware that they are in the running for the seats to be filled. Ms. Golden answered yes; they are informed when we call to verify their continued interest. Commissioner Olszewski suggested following up with the applicants so they do not get discouraged. Mayor Rees and Commissioner Buchanan indicated they would contact those that expressed an interest to them and let them know the seats were filled.

**Motion carried unanimously 4-0.**

**H. Appointment to General Employees Pension Board for resigning member Marguerite Kennington, with term expiring September 30, 2015**

City Clerk Golden stated that this item is being presented because of the resignation of long-time member Margo Kennington. Ms. Golden noted that there are three interest applications on file, which includes the one that was mentioned at the previous meeting.

**Motion by Commissioner Makin to appoint Matthew Moore to the General Employee's Pension Board to replace resigning member Marguerite Kennington, with the term to expire September 30, 2015. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**I. Appointment confirmation of Phil Cross as the fifth trustee on the Police Officers' and Firefighters' Pension Board for a two-year term**

City Clerk Golden stated that this action occurs every two years whereby the pension board selects their fifth member and it comes to the City Commission for confirmation.

**Motion by Commissioner Olszewski to approve the appointment confirmation of Phil Cross as the fifth trustee on the Police Officers' and Firefighters' Pension Board for a two year term. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**J. Annual appointments to the Election Canvassing Board**

**Motion by Commissioner Olszewski to reappoint Andy Bruns and Lee Douglas, and new appointments of Benjamin LaTorre and Kelly Purdy Stephan to the Election Canvassing Board. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

**K. Recommendation to approve an additional \$60,000.00 for 426 W. Plant Street, that matches the Community Redevelopment Agency grant and the funding of additional improvements to the public right-of-way along Central Avenue for approximately \$30,000.00**

Economic Development Director Gerhartz stated that the investors for Plant Street Market and micro-brewery were unable to close as they were supposed to on May 30<sup>th</sup> due to a low appraisal. The investors agreed to pay the penalty in order to gain 30 additional days to come up with approximately \$400,000.00 by June 30. The investors have stated that they are going to make up the difference between the appraisal and the contract price and close as quickly as possible. Ms. Gerhartz stated that they have informed her that they currently have a closing date scheduled for June 20<sup>th</sup>. She noted that they must consider cutting costs with regard to some of the amenities and look at value engineering in order to meet this funding gap. Ms. Gerhartz stated that City staff would like to see the investor keep as many of these amenities as possible so that the project is successful. Everyone will be proud of the project and it will help our downtown grow and stretch to Park Avenue.

Ms. Gerhartz stated that City staff would like to revise the request that was submitted at the last meeting. Staff met with the construction manager and learned that some of the costs in the investor's construction budget were actually for public right-of-way improvements. This proved to be much more than the \$30,000.00 that was initially estimated. Tonight staff is requesting funds for public improvements rather than provide additional grant funds. Staff has spoken with the investors and they are in agreement.

Ms. Gerhartz spoke of some of the improvements and enhancements as provided in a handout.

Ms. Gerhartz stated that staff is recommending the public improvements estimated at a cost of \$86,000.00, be completed in conjunction with the project. She noted that the City Manager has distributed the itemized list of the estimated costs (*see attached Exhibit B*).

Ms. Gerhartz noted that the construction manager and the investor were available to answer any questions.

City Manager Bollhoefer stated that in the downtown redevelopment the City has done these types of improvements for many, if not all of the businesses downtown. He described some of the improvements. He noted that these types of improvements have also been done on some privately owned property for improving the downtown area. This is great for redevelopment as well as for future development and abates some of the nuisance the City has had for quite some time.

Mayor Rees clarified that these projects would start once the building starts. Mr. Bollhoefer responded yes, these projects will run concurrently.

Commissioner Olszewski shared the positive aspects to the project. The private investment is imputes for us to make the public investment for public use. The list of improvements provided will benefit anyone locating a business here as well as generate development towards Park Avenue. Ms. Gerhartz agreed.

Commissioner Buchanan stated that he likes the fact that developers want to come in and do this type of project. He has not heard anything but warm reception for something like this being developed here in town.

**Motion by Commissioner Buchanan to approve funding additional improvements to the public right-of-way surrounding 426 W. Plant Street for up to \$86,000.00. Seconded by Commissioner Makin and carried unanimously 4-0.**

5. **MATTERS FROM PUBLIC** – There were no items.

6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

Community Development Director stated that Habitat for Humanity works with a group to provide housing for injured soldiers that return to our country. He noted that they have already completed one lot in the unincorporated area in East Orange County and have now purchased a lot in Winter Garden. They wish to build the same type house on the lot in the City. The problem is that the house does not meet the City's side setback requirement; it is encroaching 1 ½ feet into the side setback. He noted that this lot is located at 555 Bethune Avenue and he is asking that the City Commission allow construction with the setback not being met and have staff prepare a variance and process it with the applicant being aware that it is at their risk. Other variances have been granted in this area and he feels that is very likely that it will be approved considering there is very little risk in allowing them to continue under their tight schedule and timeframe. Mr. Williams asked for the City Commission's permission to go ahead and authorize construction of the house under these conditions.

**Motion by Commissioner Makin to approve authorizing construction at 555 Bethune Avenue, as indicated by staff. Seconded by Commissioner Buchanan and carried unanimously 4-0.**

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Olszewski** thanked Health by Design who unveiled a new mobile bus unit that will go through East Winter Garden to share information about healthy lifestyles and healthy living.

Commissioner Olszewski thanked City staff and Theo Graham for a great Memorial Day event and the tribute to Selby.

Commissioner Olszewski thanked Police Chief Brennan and his staff, especially Officer Donna Willix, for the great job at the "Take a Chance" event in Zanders Park.

Commissioner Olszewski congratulated Matthew's Hope for their building of five buildings with six homes for the homeless here on Morgan Street.

Commissioner Olszewski congratulated the Winter Garden Squeeze who is currently in second place and hoping to be in the championship game in St. Petersburg.

**Commissioner Buchanan** stated that he liked the news airing for Police Chief Brennan's group and his new detective who solved a seven year old cold case in Westside Townhomes.

Commissioner Buchanan noted there was a positive article in the Orlando Sentinel about the City working with Apopka and Ocoee to develop the State Road 429 area.

Commissioner Buchanan stated that he also attended the Memorial Day Service and thought that Theo Graham did a great job.

**Commissioner Makin** noted that he was not at the Memorial Day Service as he was out of town but knows that Theo Graham always does a great job.

Commissioner Makin stated that the Winter Garden Squeeze is doing great things.

Commissioner Makin thanked City staff, Fire and Police Departments for all that they do.

**Mayor Rees** stated that he received a letter of appreciation from Orange County Sheriff Jerry Demings and his appreciation of the City of Winter Garden waiving the Pine Family's City utility bill.

Mayor Rees read a commendation letter from a resident who was assisted by the Police, Paramedic and Fire Department during a medical issue when her husband died the evening of May 14, 2014. The letter specifically thanked staff for their personal assistance during this

ordeal. Mayor Rees commended staff for this effort during and after to provide support during her time of grief.

The meeting adjourned at 7:30 p.m.

APPROVED:

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

ATTEST:

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

DRAFT



## Proclamation

14-07

**Whereas**, Florida is bordered by the Gulf of Mexico and the Atlantic Ocean with approximately 12,000 square miles of coastline, Florida is surrounded and covered by water, making it the 3<sup>rd</sup> wettest state in the country. Water is everywhere outdoors and indoors, and

**Whereas**, drowning happens very quickly and silently; during 2013, Florida tragically lost 31 children to drowning, which is a preventable cause of death. Water safety awareness is key to avoid drowning; and

**Whereas**, the risk of drowning is increased by the lack of the ability to swim, lack of barriers to prevent unsupervised water access, lack of close supervision, failure to wear life jackets, and the use of alcohol; and

**Whereas**, water safety not only involves safe swimming and boating but also recognizing potential household hazards such as water-filled buckets, rain-filled flower pots, toilets, bathtubs, and water-filled coolers at gatherings. Identifying potential hazards in your community such as retention ponds, drainage ditches, canals, and neighboring pools is essential to water safety; and

**Whereas**, collaboration among alliances such as local, county, and state agencies, first responders, non-profit and business organizations to promote effective water safety awareness programs and the sharing of water safety information with families, in addition to raising community awareness about local water safety resources, aids in long-term prevention of occurrences of drowning in any community; and

**Whereas**, during the month of July, the Florida Department of Children and Families, along with the Orange County Health Department and the National Drowning Prevention Association, will be engaging communities throughout Orange County to help educate families about water safety.

**Therefore**, I, John Rees, Mayor of the City of Winter Garden, Florida, do hereby proclaim the month of July in the year of 2014 as

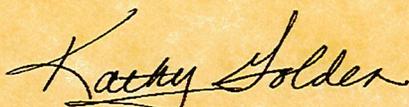
### **“WATER SAFETY AWARENESS MONTH”**

and encourage our citizens to support these efforts and remain vigilant regarding water safety in and around their homes and in our community.

**In witness whereof**, I have hereunto set my hand and caused the City Seal to be affixed this 26th day of July, 2014.

  
Mayor John Rees

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:** June 19, 2014

**Meeting Date:** June 26, 2014

**Subject:** 17901 Marsh Road (Annexation & FLU Amendment)  
**Baughman Property Annexation**  
**Ordinance 14-20**  
**Ordinance 14-21**  
**PARCEL ID# 06-23-27-4288-08-270**

**Issue:**

The applicant is requesting Annexation and Future Lands Use designation on property located at 17901 Marsh Road.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject properties make up a 3.412 ± acre enclave located on the north side of Marsh Road at the western boundary of Orange County. 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. (See attached Staff Report).

**Recommended Action:**

Staff recommends adoption of Ordinance 14-20 and Ordinance 14-21.

**Attachment(s)/References:**

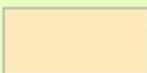
Location Map  
Ordinance 14-20  
Ordinance 14-21  
Staff Report

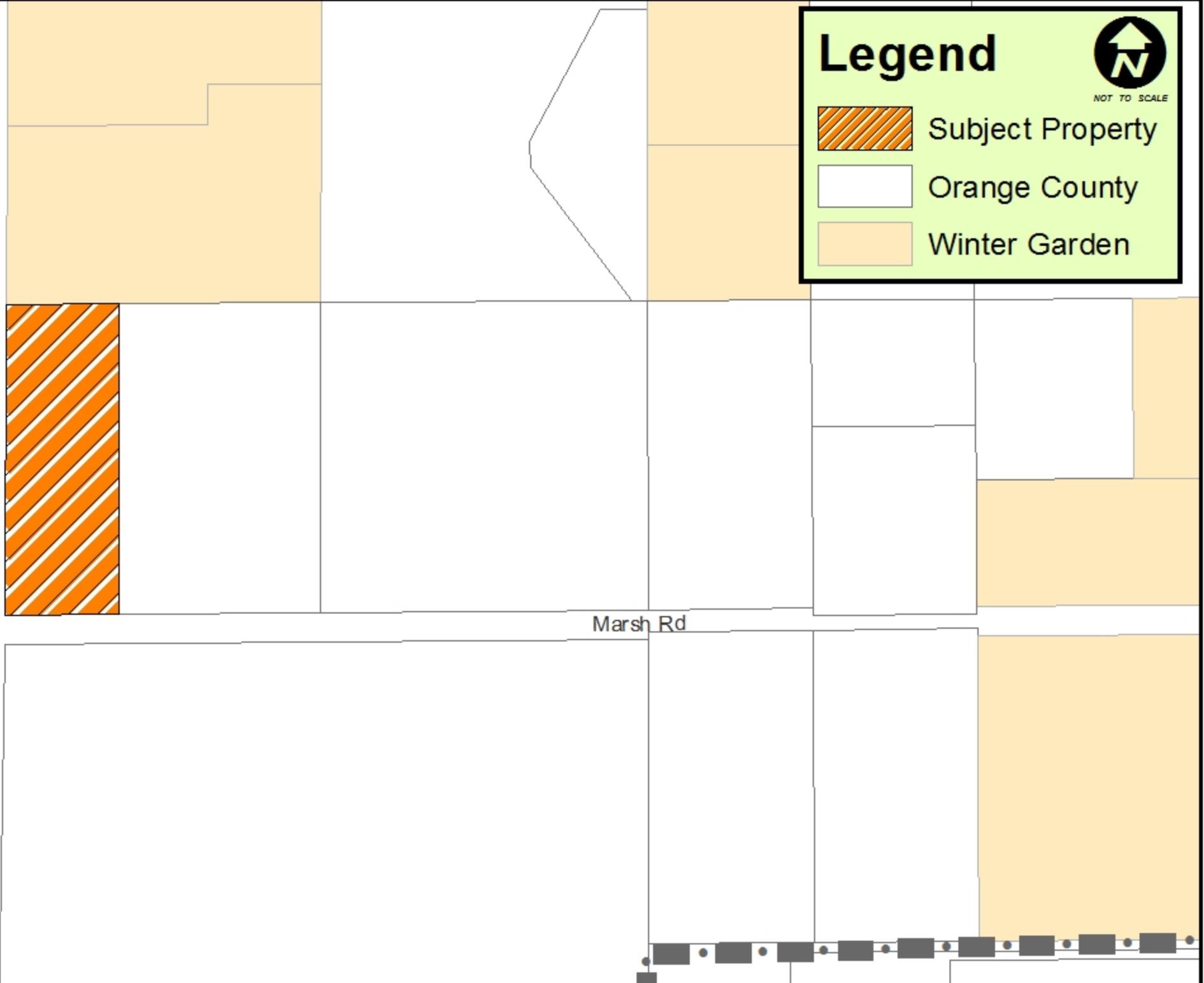
# Legend



 Subject Property

 Orange County

 Winter Garden



Marsh Rd

ORDINANCE 14-20

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.412 ± ACRES LOCATED AT 17901 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY 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 3.41 ± acres located at 17901 Marsh Road, on the north side of Marsh Road at the western boundary of Orange County 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:** \_\_\_\_\_, 2014.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2014.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014, 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#: 06-23-27-4288-08-270

LOT 27H (LESS THE EAST 415.00 FEET AND LESS THE SOUTH 15.00 FEET FOR ROAD RIGHT-OF-WAY), LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN N00°17'15"E ALONG THE WEST LINE OF SAID NORTHWEST 1/4, 30.00 FEET; THENCE RUN N89°28'15"E, 25.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 27H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N00°17'15"E ALONG SAID WEST LINE, 638.59 FEET TO THE NORTHWEST CORNER OF SAID LOT 27H; THENCE RUN N89°39'34"E ALONG THE NORTH LINE OF SAID LOT 27H, 231.51 FEET TO A POINT 415.00 WEST OF THE EAST LINE OF SAID LOT 27H; THENCE RUN S00°01'54"W PARALLEL TO SAID EAST LINE OF LOT 27H, 637.79 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MARSH ROAD; THENCE RUN S89°28'15"W ALONG SAID RIGHT-OF-WAY LINE, 234.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.412 ACRES, MORE OR LESS

ORDINANCE 14-21

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 3.412 ± ACRES OF LAND LOCATED AT 17901 MARSH ROAD ON THE NORTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE RURAL TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 3.41 ± acres of land located at 17901 Marsh Road on the north side of Marsh Road at the western boundary of Orange County, 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 Rural 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 City 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 14-20, 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:** \_\_\_\_\_, 2014.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2014.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014, 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#: 06-23-27-4288-08-070

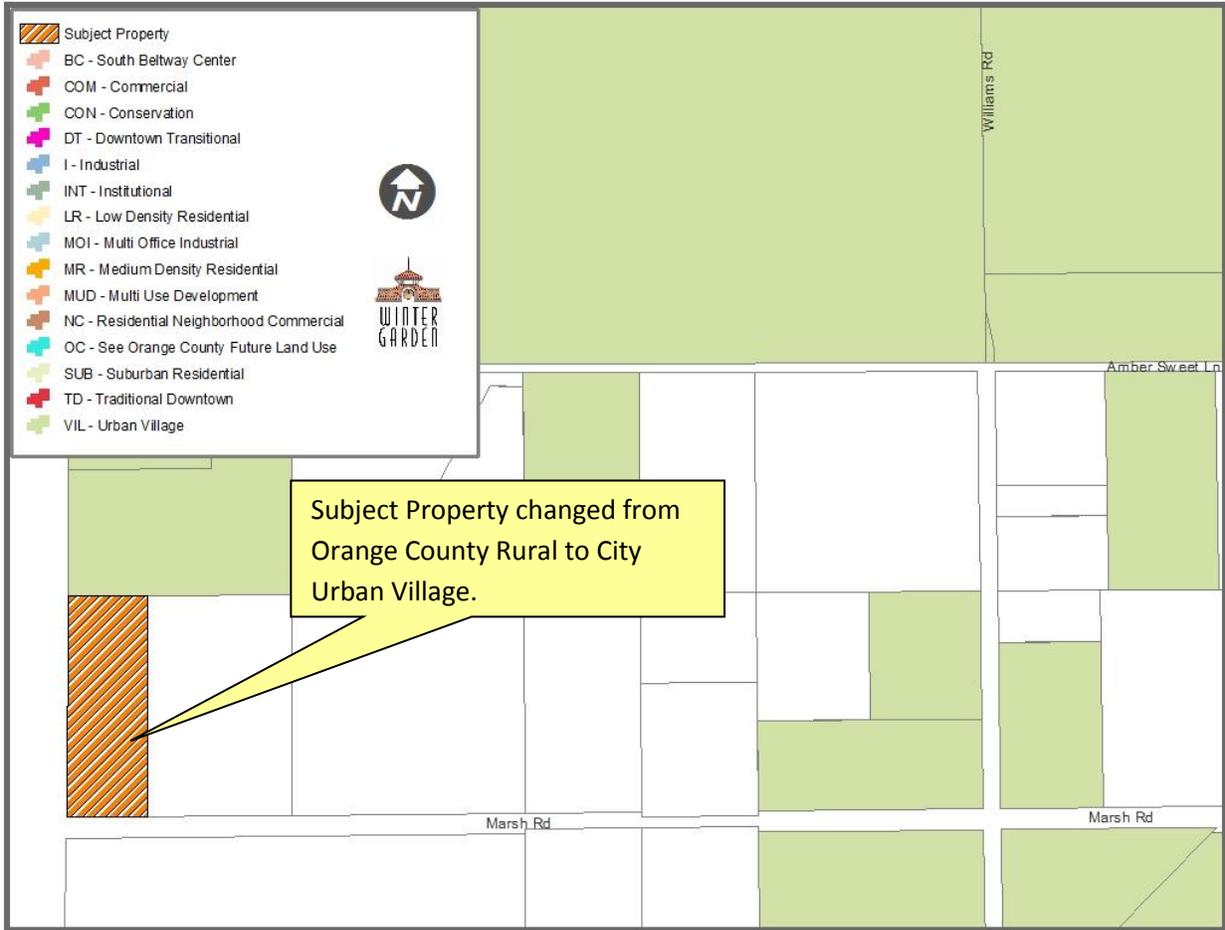
LOT 27H (LESS THE EAST 415.00 FEET AND LESS THE SOUTH 15.00 FEET FOR ROAD RIGHT-OF-WAY), LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN N00°17'15"E ALONG THE WEST LINE OF SAID NORTHWEST 1/4, 30.00 FEET; THENCE RUN N89°28'15"E, 25.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 27H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N00°17'15"E ALONG SAID WEST LINE, 638.59 FEET TO THE NORTHWEST CORNER OF SAID LOT 27H; THENCE RUN N89°39'34"E ALONG THE NORTH LINE OF SAID LOT 27H, 231.51 FEET TO A POINT 415.00 WEST OF THE EAST LINE OF SAID LOT 27H; THENCE RUN S00°01'54"W PARALLEL TO SAID EAST LINE OF LOT 27H, 637.79 FEET TO THE NORTH RIGHT-OF-WAY LINE OF MARSH ROAD; THENCE RUN S89°28'15"W ALONG SAID RIGHT-OF-WAY LINE, 234.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.412 ACRES, MORE OR LESS

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**17901 Marsh 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:** JUNE 2, 2014

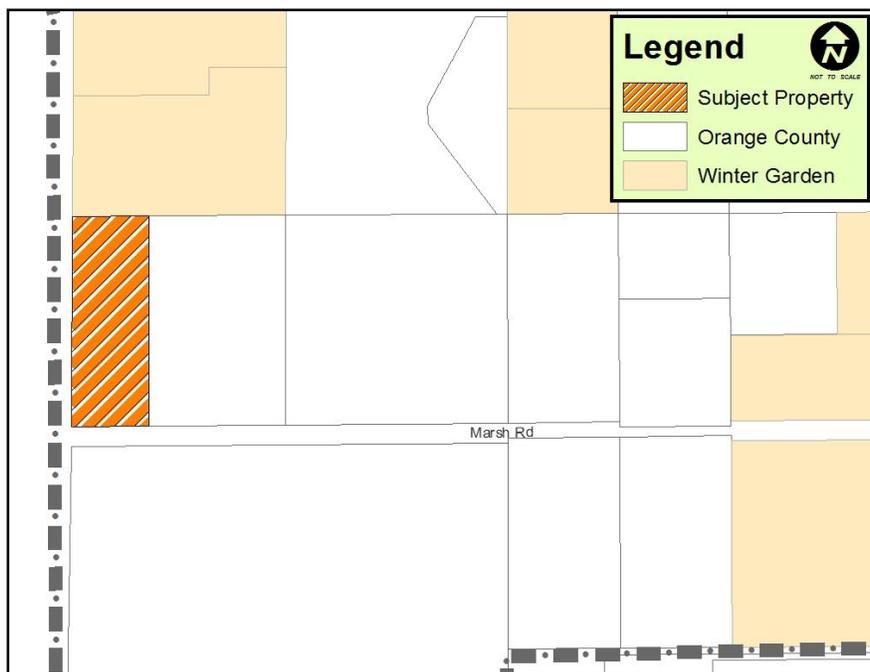
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**BAUGHMAN PROPERTY (3.412 +/- ACRES)**  
**Parcel ID # 06-23-27-4288-08-270 – 17901 Marsh Road**

**APPLICANT:** ALBERT & STEFFANI BAUGHMAN

### INTRODUCTION

The purpose of this report is to evaluate the proposed annexation and future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located on the north side of Marsh Road at the western boundary of Orange County and is approximately 3.412 +/- acres. The map below depicts the location of the property within the City's jurisdictional limits:



The applicant has requested annexation into the City and amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Urban Village.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include single family homes and churches and schools. The zoning classifications that are consistent with the Urban Village land use designation include Urban Village PUD 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..

The City's Comprehensive Plan policy for the future land use designation of Urban Village states:

**Policy 1-1.2.12:** Urban Village. Properties designated with the Urban Village land use category are required to be developed at a floor area ratio not greater than 0.3, and a residential density not greater than 4 dwelling units per acre, except in the Village Center where the residential density shall be not greater than 12 units per acre. This land use designation is limited to those 658 ± acres identified on Figure 1.2. These parcels are located within the JPA-6 area as shown on Exhibit —Bll of 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 and were formally part of the Horizon West development in unincorporated Orange County that proposed the same type of development. Development in this area shall be characterized by a community Village structure that includes a Village, Village Center, and neighborhoods that may vary in size to facilitate recreation and pedestrian traffic while preserving natural systems and shall follow the development program below:

Use	Acres	Amount
Residential	531 ±	2,140
Commercial	20 ±	115,000 Sq Ft
Natural	107 ±	N/A

Notes: All parcel acreages and natural delineations are estimated.

Actual determination of acreage shall be made at time of the PUD rezoning.

Development in this land use shall also be subject to the regulations found in the Urban Village PUD zoning designation. The zoning classifications that is consistent with the Urban Village land use designation is the Urban Village PUD and INT.

### **EXISTING USE**

The property is currently developed with a 6,063 square foot single-family house with a large pasture in the back yard that contains a palm tree nursery. The owner lives in the home, but rents it out for events such as: weddings, partys, and receptions (these events also use the open field in the back yard).

### **ADJACENT LAND USE AND ZONING**

To the north of the property is a property that contains orange groves, was recently annexed into the City, and has Urban Village Future Land Use. To the south is timber land in unincorporated Orange County with A-1 zoning. To the east is a single-family home with A-1 zoning, located in Orange County. To the west of the property is a single family house in Orange County with A-1 zoning.

### **PROPOSED USE**

The owners plan to continue using the home and property as a rental facility to hold events. When the owner decides to develop the property, they will be required to submit an application for Urban Village Planned Unit Development.

### **PUBLIC FACILITY ANALYSIS**

The property's primary point of transportation access is from Marsh Road. The existing property access is along Marsh Road, and any future connections will be analyzed when they submit for the UVPUD.

The City's potable water, reclaimed water, and sewer service can be installed by the property owner or a future owner when they want to develop in the future.

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 Fire Department under the First Response system.

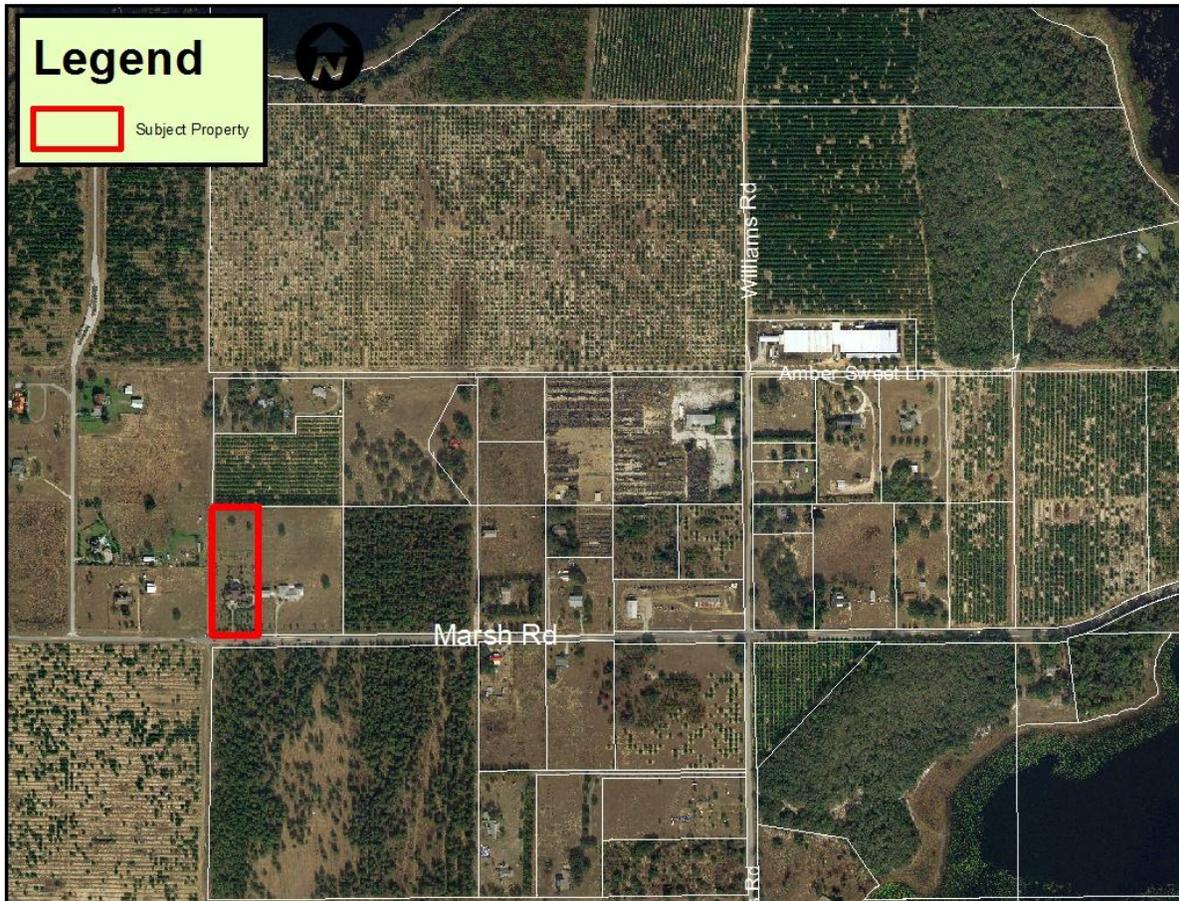
### **SUMMARY**

The City Planning Department has reviewed the proposed ordinances and recommends approval.

**MAPS**

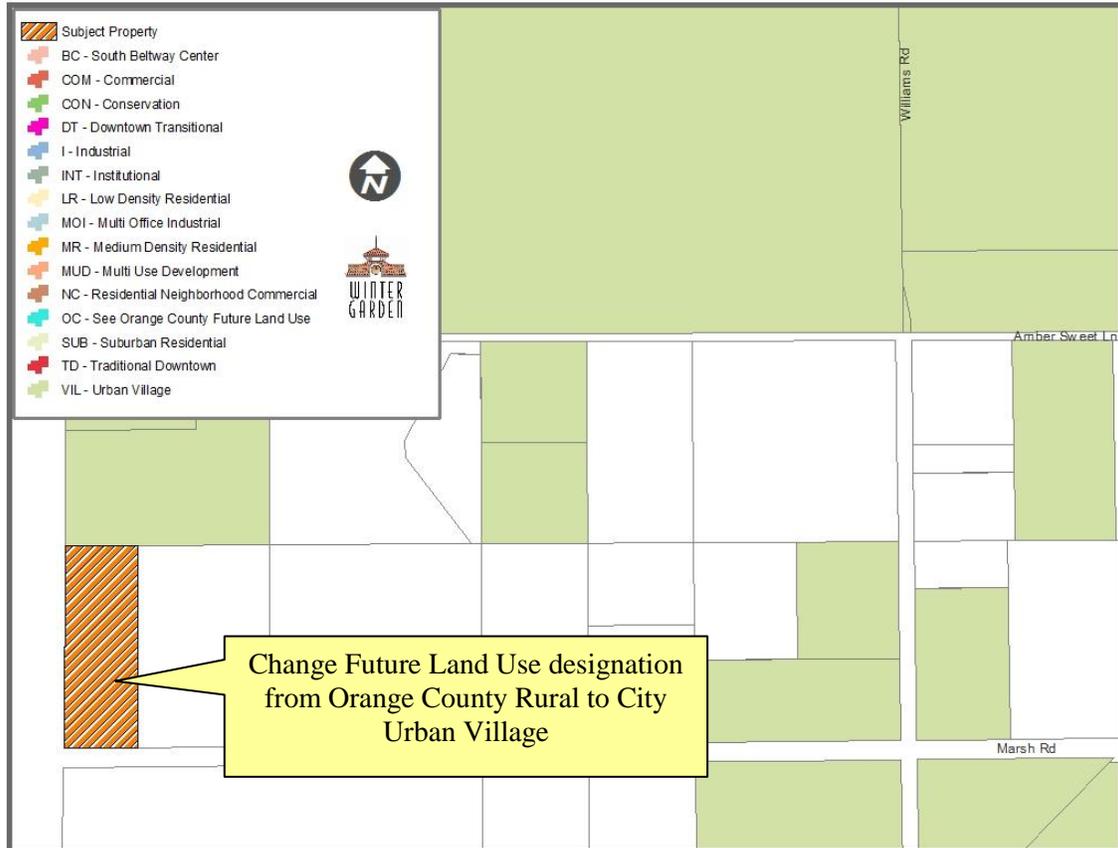
**AERIAL PHOTO**

**17901 Marsh Road**



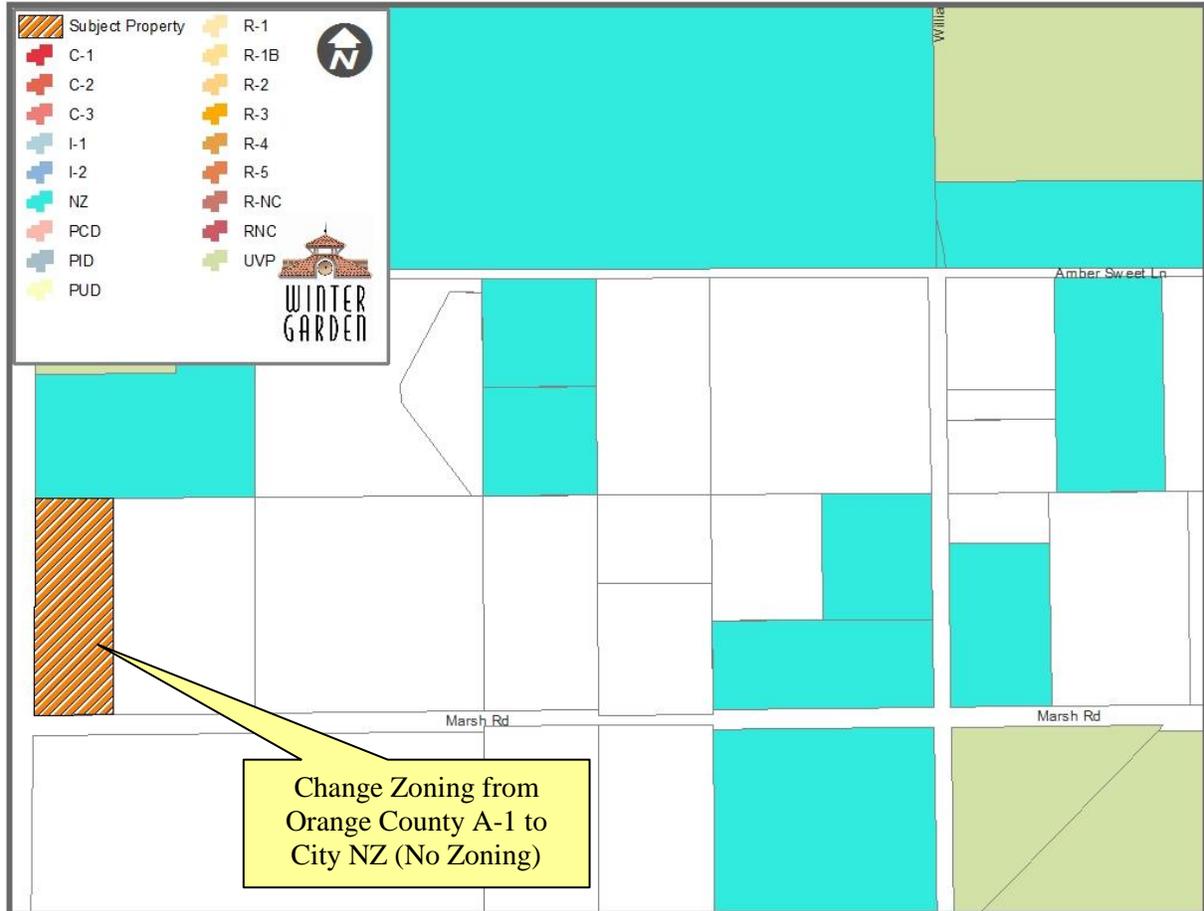
## WINTER GARDEN FUTURE LAND USE MAP

### 17901 Marsh Road



## WINTER GARDEN ZONING MAP

### 17901 Marsh 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:** June 20, 2014

**Meeting Date:** June 26, 2014

**Subject:** Ordinance 14-28 Request for Easement Vacation (2<sup>nd</sup> Reading)  
695 & 711 Garden Commerce Parkway  
PARCEL IDs # 24-22-27-9385-00-060 & 24-22-27-9385-00-070

**Issue:** Applicant requests vacating the 5' drainage and utility easement along the southern boundary of Lot 6 and the 5' drainage and utility easement along the northern boundary of Lot 7, minus the western 10 and eastern 5' thereof, in the Winter Garden Commerce Center Phase I Planned Industrial Development located at 695 & 711 Garden Commerce Parkway.

**Discussion:**

Winter Garden Commerce Center Phase I, a Planned Industrial Development, was platted with 5 foot drainage and utility easements located along the side property lines of the majority of lots. The owner of two lots in the subdivision would like to construct one warehouse/office building utilizing the lots' combined acreage. This development will be constructed over and across the side drainage easements that run between the two parcels. No impervious structures or surfaces are permitted to be constructed within the existing easements. The applicant requests that 5 feet of the southern easement on lot 6 and 5 feet of the northern easement on lot 7, minus the 10 westernmost feet and 5 easternmost feet thereof, be vacated to allow for the building, hardscape, and site features to encroach into the existing easements. Staff has reviewed the application and has no objection to vacating the easements as requested. In addition, the applicant has presented letters of "no objection" from all relevant utility companies.

**Recommended Action:**

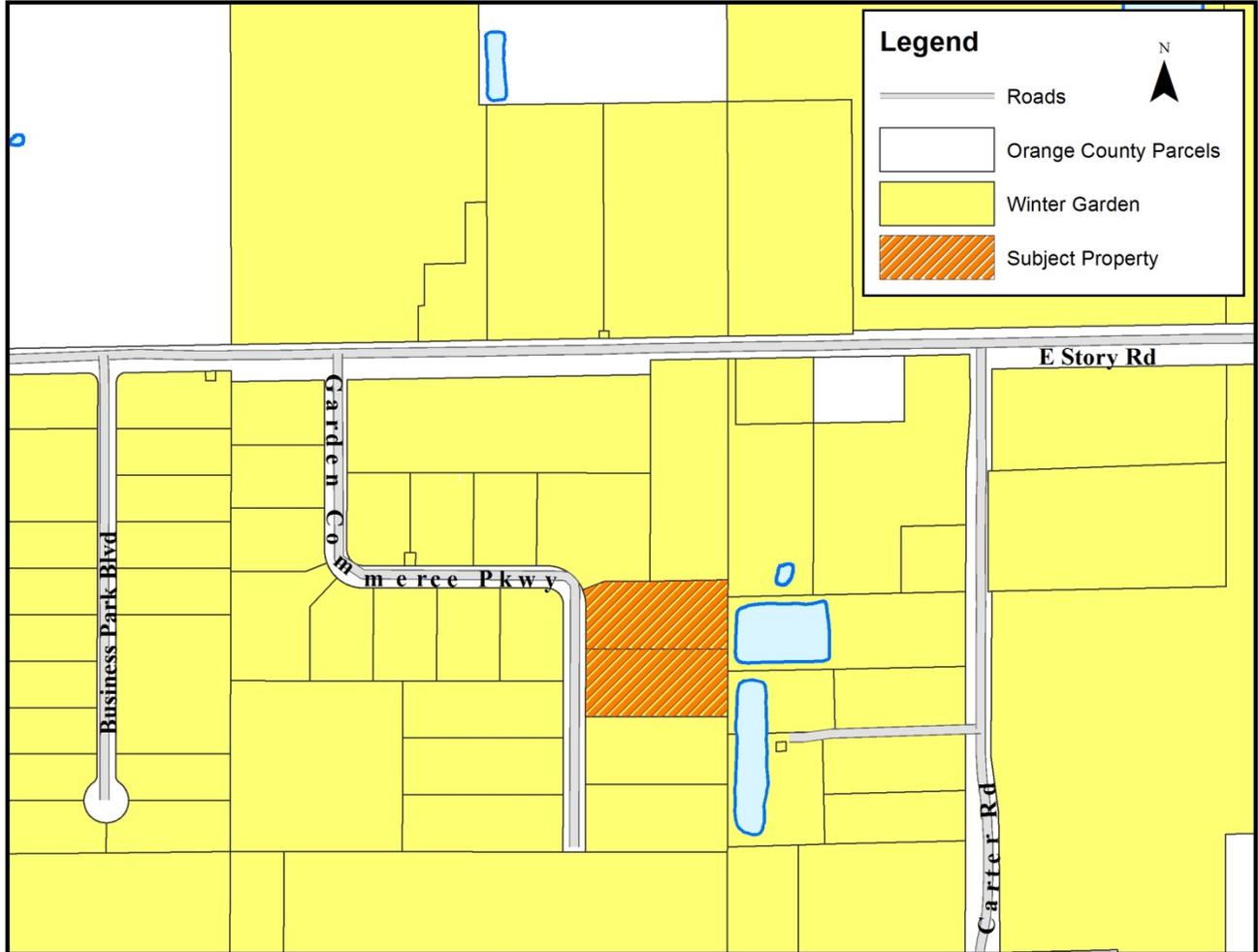
Staff recommends approval of the second reading and adoption of Ordinance 14-28.

**Attachments/References:**

Location Map  
Ordinance 14-28  
Survey showing easement to be vacated  
Letters of "No Objection"

# LOCATION MAP

695 & 711 Garden Commerce Parkway



**ORDINANCE NO. 14-28**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING DRAINAGE AND UTILITY EASEMENTS OVER THE SOUTHERN FIVE FEET OF LOT 6 AND THE NORTHERN FIVE FEET OF LOT 7, LESS THE WESTERN TEN FEET AND LESS THE EASTERN FIVE FEET THEREOF, WINTER GARDEN COMMERCE CENTER PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGES 133 AND 134 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 695 AND 711 GARDEN COMMERCE PARKWAY, WINTER GARDEN, FLORIDA) OWNED BY LOUIS L HUNTLEY ENTERPRISES, INC.; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING.**

**WHEREAS**, Louis L Huntley Enterprises, Inc. (the “Owner”) is the fee simple owner of two industrial lots located at 695 and 711 Garden Commerce Parkway, Winter Garden, Florida, which are legally described as Lots 6 and 7, Winter Garden Commerce Center Phase I, according to the plat thereof, as recorded in Plat Book 72, Pages 133 and 134, of the Public Records of Orange County, Florida; a copy of the survey of said lots is attached hereto as **Exhibit “A”** for reference (the “Lots”); and

**WHEREAS**, the Owner filed a petition requesting that the City of Winter Garden City Commission vacate the drainage and utility easements over the southern five feet of Lot 6 and the northern five feet of Lot 7, less the western ten feet and less the eastern five feet thereof, which was created by plat dedication; and

**WHEREAS**, the petition to vacate the drainage and utility easements over the southern five feet of Lot 6 and the northern five feet of Lot 7, less the western ten feet and less the eastern five feet thereof, was duly presented to the City Commission at a regular meeting; and

**WHEREAS**, it appears that the Owner is the fee simple owner of all of the above described industrial lots and the vacation of the drainage and utility easements over the southern five feet of Lot 6 and the northern five feet of Lot 7, less the western ten feet and less the eastern five feet thereof, will not affect the distribution of utility services to the public and public drainage needs; and

**WHEREAS**, the Winter Garden Commerce Center Owners Association, Inc. has consented to the vacation of the drainage and utility easements over the southern five feet of Lot

6 and the northern five feet of Lot 7, less the western ten feet and less the eastern five feet thereof; and

**WHEREAS**, the City has received letters of no objection to the vacation of the drainage and utility easements over the southern five feet of Lot 6 and the northern five feet of Lot 7, less the western ten feet and less the eastern five feet thereof, from Duke Energy, Bright House Networks, Lake Apopka Natural Gas, CenturyLink, surrounding property owners, and the City of Winter Garden staff; and

**WHEREAS**, it appears that all ad valorem taxes due and owing on said Lots have been paid, that due and proper notice of the Owner's easement vacation request has been given as required by law, and proof of publication of said notice has been received by the City; and

**WHEREAS**, the City of Winter Garden is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, as well as the provisions of the City Charter and other law and therefore the City has the authority to vacate easements dedicated to the City and public.

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

**SECTION 1. Recitals.** The above recitals are true and accurate and are incorporated herein.

**SECTION 2. Partial Vacation – Drainage and Utility Easements.** The drainage and utility easements over the southern five feet of Lot 6 and the northern five feet of Lot 7, less the western ten feet and less the eastern five feet thereof, located at 695 and 711 Garden Commerce Parkway, Winter Garden, Florida, which are legally described as Lots 6 and 7, Winter Garden Commerce Center Phase I, according to the plat thereof, as recorded in Plat Book 72, Pages 133 and 134, of the Public Records of Orange County, Florida, is hereby vacated and annulled. The other easements dedicated on the plat over, under and through the Lots shall continue to exist.

**SECTION 3. Effective Date.** This Ordinance shall take effect immediately.

**SECTION 4. Recording.** A certified copy of this Ordinance shall be recorded in the public records of Orange County, Florida by the City Clerk.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2014.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2014.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2014, by the City Commission of the City of Winter Garden, Florida.

**CITY OF WINTER GARDEN**

ATTEST:

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

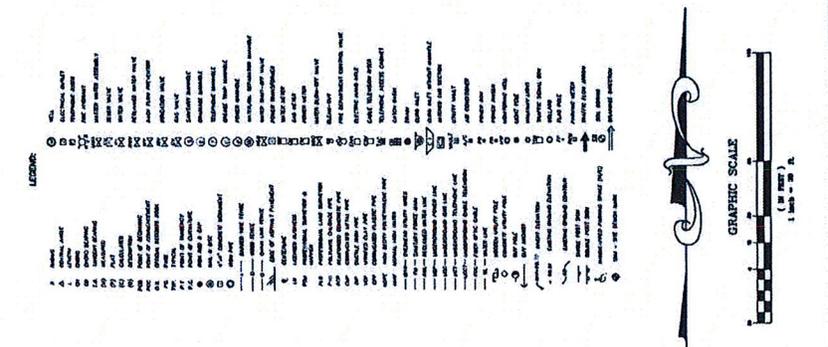
\_\_\_\_\_  
Kathy Golden, City Clerk

Exhibit "A" – Survey of the Lot (695 and 711 Garden Commerce Parkway)

# BOUNDARY SURVEY

DESCRIPTION  
 LOTS 4, 5, AND 6, WITH ADJACENT CORNER LOTS 1, 13, 12, 11, 7, 8, 13, AND 14, WITHIN PUBLIC RECORDS OF CHANGE COUNTY, FLORIDA, CONTAINING 1,779 ACRES, MORE OR LESS.

- REVISIONS:
1. INITIAL SURVEY OF THE ORIGINAL BOUNDARY OF LOT 4, 5, AND 6, WITH ADJACENT CORNER LOTS 1, 13, 12, 11, 7, 8, 13, AND 14, WITHIN PUBLIC RECORDS OF CHANGE COUNTY, FLORIDA, CONTAINING 1,779 ACRES, MORE OR LESS.
  2. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  3. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  4. ALL ADJACENT CORNER MONUMENTS ARE BASED ON THE FOLLOWING: THE BOUNDARY LINE OF LOT 4, 5, AND 6, WITH ADJACENT CORNER LOTS 1, 13, 12, 11, 7, 8, 13, AND 14, WITHIN PUBLIC RECORDS OF CHANGE COUNTY, FLORIDA, CONTAINING 1,779 ACRES, MORE OR LESS.
  5. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  6. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  7. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  8. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  9. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  10. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  11. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  12. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  13. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  14. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  15. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  16. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  17. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  18. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  19. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.
  20. LATEST CORNER MONUMENT NOT WITHIN THE BOUNDS OF ANY EASEMENT, ENCUMBRANCE, OR OTHER INSTRUMENT OF RECORD BY THIS FIRM.



- LEGEND:
- 1. BOUNDARY LINE
  - 2. CORNER MONUMENT
  - 3. EASEMENT
  - 4. ENCUMBRANCE
  - 5. ADJACENT PROPERTY
  - 6. VACATED AREA
  - 7. UNDEVELOPED LAND
  - 8. DEVELOPED LAND
  - 9. ROAD
  - 10. RAILROAD
  - 11. CANAL
  - 12. WATERWAY
  - 13. POWER LINE
  - 14. TELEPHONE LINE
  - 15. FENCE
  - 16. DITCH
  - 17. TRENCH
  - 18. PILE
  - 19. BENCH MARK
  - 20. SURVEY POINT
  - 21. ADJACENT PROPERTY
  - 22. UNDEVELOPED LAND
  - 23. DEVELOPED LAND
  - 24. ROAD
  - 25. RAILROAD
  - 26. CANAL
  - 27. WATERWAY
  - 28. POWER LINE
  - 29. TELEPHONE LINE
  - 30. FENCE
  - 31. DITCH
  - 32. TRENCH
  - 33. PILE
  - 34. BENCH MARK
  - 35. SURVEY POINT
  - 36. ADJACENT PROPERTY
  - 37. UNDEVELOPED LAND
  - 38. DEVELOPED LAND
  - 39. ROAD
  - 40. RAILROAD
  - 41. CANAL
  - 42. WATERWAY
  - 43. POWER LINE
  - 44. TELEPHONE LINE
  - 45. FENCE
  - 46. DITCH
  - 47. TRENCH
  - 48. PILE
  - 49. BENCH MARK
  - 50. SURVEY POINT



Construction Department  
3767 All American Blvd  
Orlando FL 32810



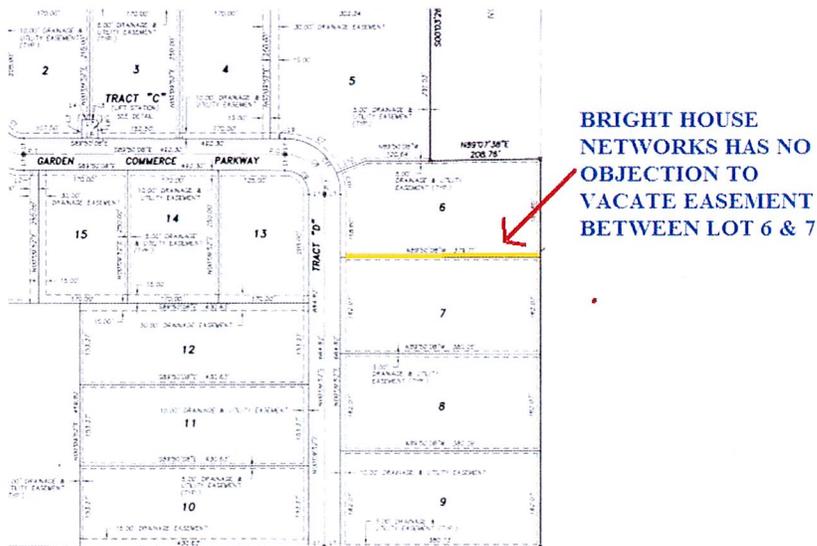
May 6, 2014

Mr. Wilson McDowell  
TSG Development, Inc.  
622 E. Washington St, Suite 300  
Orlando, FL 32801

Re: Request for Vacate of Easement for  
711 Garden Commerce Pkwy 24-22-27-9385-00-070

Dear Mr. McDowell:

Bright House Networks has reviewed your request and has **no objections** to vacate the 10ft drainage & utility easement between lot 6 & 7 of the Winter Garden Commerce Center Plat Book 72 page 133 as recorded in Orange County Fl. and as shown below on this drawing.



**BRIGHT HOUSE  
NETWORKS HAS NO  
OBJECTION TO  
VACATE EASEMENT  
BETWEEN LOT 6 & 7**

If you need and additional information, please contact me at my office 407-532-8511.

Sincerely,  
*Tracey Domostoy*

Tracey Domostoy  
Construction Supervisor  
Bright House Network

Cc: PJ King



452 East Crown Point Road  
Winter Garden, Florida 34787

o: 407 905 3380  
f: 407 905 3365

*Section 24, Township 22 South, Range 27 East, Orange County, Florida*

May. 1, 2014

Mr. Wilson McDowell  
TSG Development Inc.  
622 East Washington Street, Suite 300  
Orlando, FL 32801

**RE: *Duke Energy***  
***Vacation of Easement: Lots 6 & 7, WINTER GARDEN COMMERCE CENTER PHASE 1,***  
***according to the plat thereof as recorded in Plat Book 72, at Page 133, of the Public Records of***  
***Orange County, Florida.***

Dear Mr.McDowell:

The Duke Energy Distribution Department and Transmission Department have “no objection” to the vacation and abandonment of the 5’ Drainage and Utility Easement along each side of the common boundary lot line of Lots 6 and 7, WINTER GARDEN COMMERCE CENTER PHASE 1, according to the plat thereof as recorded in Plat Book 72, at Page 133, of the Public Records of Orange County, Florida, **LESS the West 10 feet thereof.**

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in cursive script that reads 'Erin L. Toth'.

Erin L. Toth  
Land Agent  
Distribution Right-of-Way

Enclosures



June 2,2014

Mr. Wilson McDowell  
Colliers International  
622 E. Washington St Suite 300  
Orlando Fl 32801

Re: Vacation of Easement 695&711 Garden Commerce PKWY.

Dear Mr. McDowell

Centurylink, Incorporated has reviewed the area described in your letter dated June 2,2014, and we have no facilities in the area.

Therefore, we have **no objections** to the said vacation.

If I can be of further assistance, please feel free to contact me at 814.5351.

Sincerely,

A handwritten signature in purple ink that reads "Michael Jernigan".

Michael Jernigan  
Engineer  
Winter Garden District  
Phone: 407.814.5351  
Fax: 407.814.5320



MAY 13, 2014

KELLY CARSON,

AT THIS TIME WE DO NOT HAVE SERVICE AT 711 & 695 GARDEN COMMERCE PKWY (COMMONS BLDG). THE NATURAL GAS SERVICE COULD BE BROUGHT IN IF FUTURE USE IS REQUESTED. PER MR EVERETT HOLMES IN OUR MARKETING DEPARTMENT HE WOULD BE GLAD TO HELP YOU IN THE FUTURE IF YOU DECIDE TO NEED NATURAL GAS RAN INTO THIS LOCATION.

THANK YOU,  
EVERETT HOLMES  
JAN SKIPPER

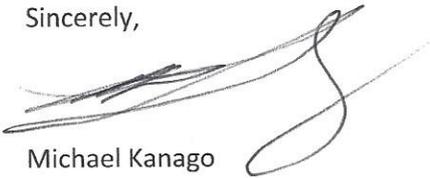
April 30, 2014

Mr. Wilson McDowell  
TSG Development, Inc.  
622 E. Washington St, Suite 300  
Orlando, FL 32801

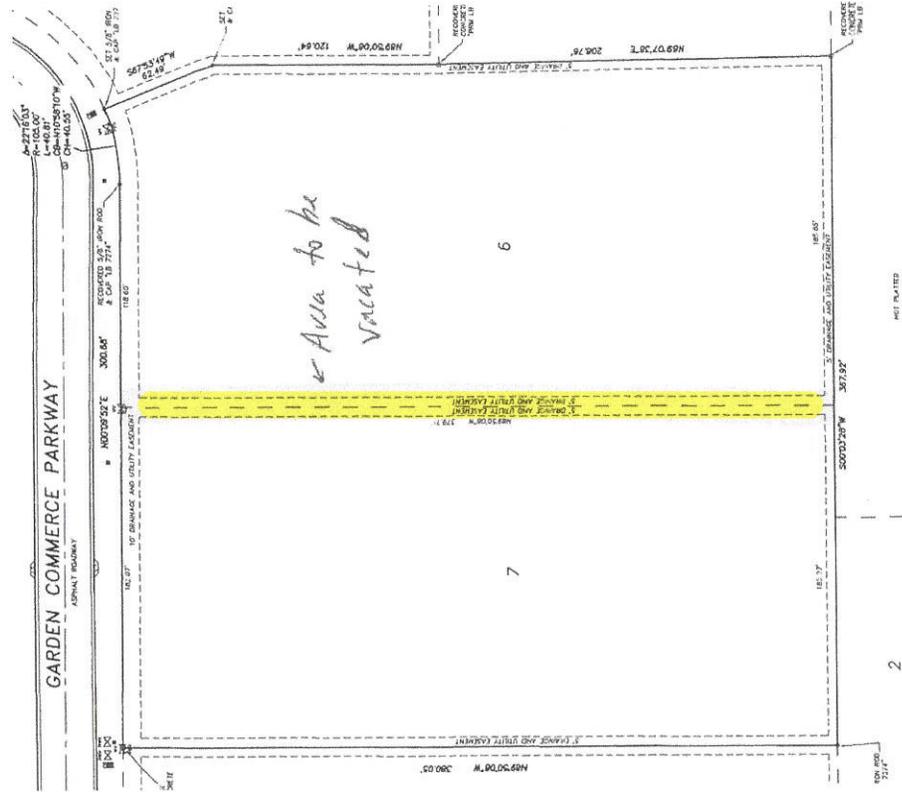
Dear Wilson,

Michael D and Kimberly P Kanago do not object to the proposed vacation of the existing easement and lot line between 695 and 711 Garden Commerce Pkwy, Winter Garden, FL 34787 in order to make the two lots one, as per the below image.

Sincerely,



Michael Kanago  
Owner



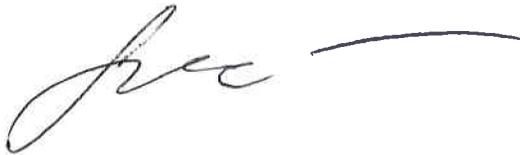
5/1/2014

Mr. Wilson McDowell  
TSG Development, Inc.  
622 E. Washington St, Suite 300  
Orlando, FL 32801

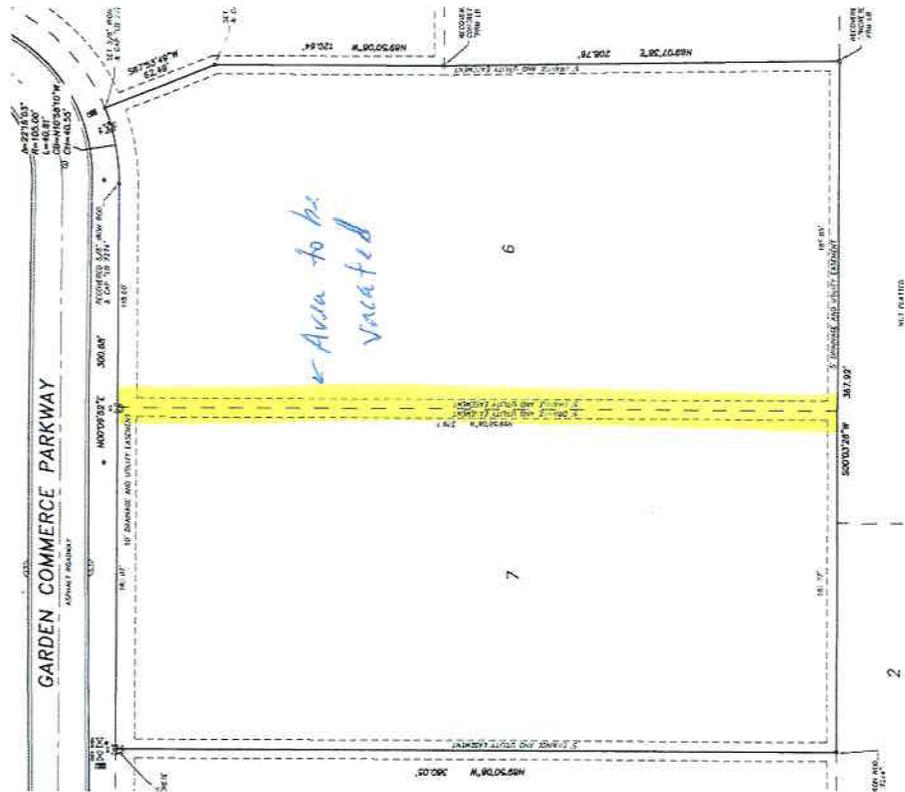
Dear Wilson,

LVS Project, LLC does not object to the proposed vacation of the existing easement and lot line between 695 and 711 Garden Commerce Pkwy, Winter Garden, FL 34787 in order to make the two lots one, as per the below image.

Sincerely,



Linas Statkus  
LVS Project, LLC  
Owner



April 30, 2014

Mr. Wilson McDowell  
TSG Development, Inc.  
622 E. Washington St, Suite 300  
Orlando, FL 32801

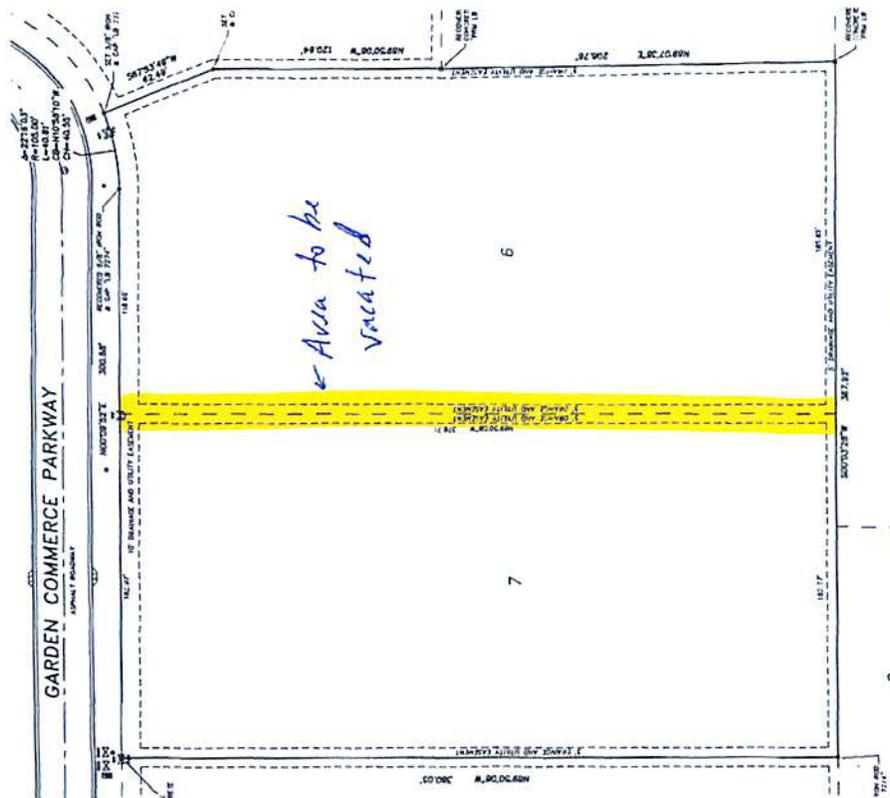
Dear Wilson,

TSM Industrial Park, LLC does not object to the proposed vacation of the existing easement and lot line between 695 and 711 Garden Commerce Pkwy, Winter Garden, FL 34787 in order to make the two lots one, as per the below image.

Sincerely,



Rick Strube  
TSM Industrial Park, LLC  
Manager



May 1, 2014

Mr. Wilson McDowell  
TSG Development, Inc.  
622 E. Washington St, Suite 300  
Orlando, FL 32801

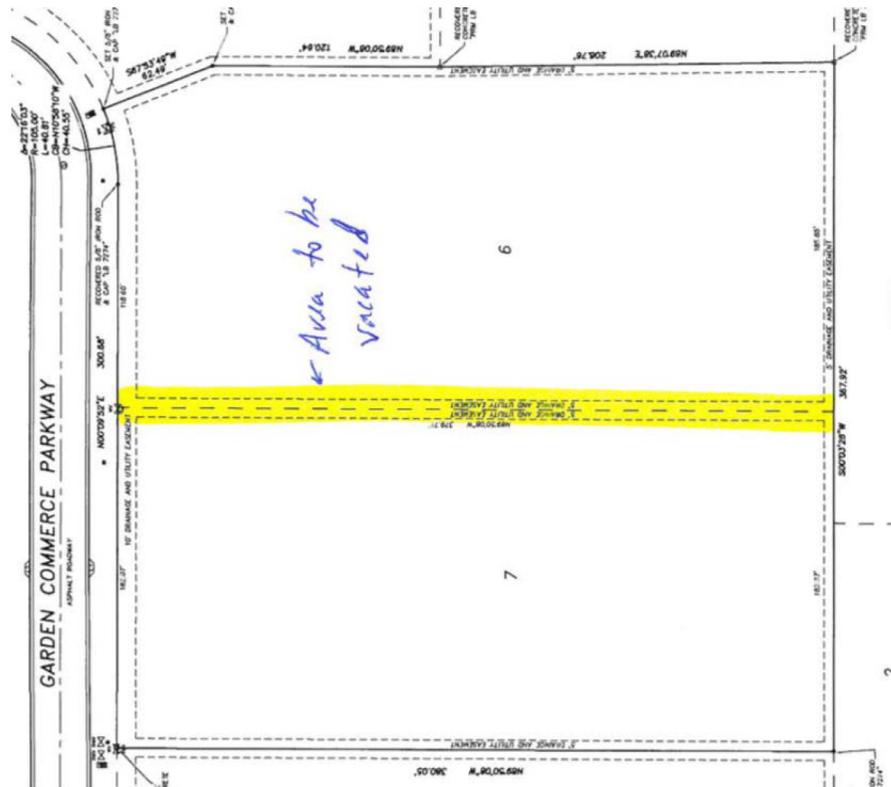
Dear Wilson,

Winter Garden Commerce Center Owners Association, Inc does not object to the proposed vacation of the existing easement and lot line between 695 and 711 Garden Commerce Pkwy, Winter Garden, FL 34787 in order to make the two lots one, as per the below image.

Sincerely,



Wilson McDowell  
Member



**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Don Cochran, Assistant City Manager – Public Services

**Via:** Mike Bollhoefer, City Manager

**Date:** June 18, 2014                      **Meeting Date:** June 26, 2014

**Subject:** Approve Bids and Award Contract for the Avalon Road and SR 50 Intersection Improvements Project

**Issue:** On June 13, 2014, the City of Winter Garden received the following two bids for the Avalon Road and SR 50 Intersection Improvements Project:

DeWitt Excavating, Inc.	\$174,792.50
Ranger Construction Industries, Inc.	\$180,472.62

According to the engineer of record's recommendation, DeWitt Excavating, Inc., is the apparent low bidder. The engineer's recommendation also states that based on his previous experience with the low bidder, the company appears to have the resources necessary to complete the project satisfactorily within the timeframe specified.

**Recommended Action:**

Approve the bids and award a contract for the Avalon Road and SR 50 Intersection Improvements Project to DeWitt Excavating, Inc., including a 10% contingency, bringing the total project amount to \$192,271.75.

**Attachments/References:**

- Engineer's letter of recommendation and bid tabulation



June 13, 2014

WGC-12938

Mr. Donald R. Cochran  
Assistant City Manager, Public Services  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787

**SUBJECT: BID # PN14-014  
Avalon Road (CR 545) and State Road 50 Intersection Improvements  
Recommendation of Award**

Dear Mr. Cochran:

On June 13, 2014, the City of Winter Garden received sealed construction bids for the referenced project from two (2) contractors. The attached tabulation of bids represents a summary of unit prices for the two (2) contractors. Mathematical errors, omitted items, or incorrect extensions, if any, are noted at the end of the summary. The bid tabulation shows DeWitt Excavating, Inc. as the apparent low bidder with a total bid price of \$174,792.50. The second apparent low bidder was Ranger Construction Industries, Inc., with a corrected total bid price of \$180,472.62.

The bid received from the apparent low bidder appears to be in proper form and is complete and properly executed. The apparent low bidder has submitted proposal to comply with other City bidding requirements. While these special requirements must be verified by the City, we believe that this bid proposal is in conformance in all material respects to the invitation for bids and is therefore a responsive bid.

Based on our previous experience, the apparent low bidder appears to possess the manpower, facilities, and equipment necessary to perform the classes of work contemplated within the time specified. Based on our review of the submittal from the apparent low bidder and our analysis of the bid tabulation, DeWitt Excavating, Inc. appears to be the responsive low bidder. If you have any questions or require additional information, please contact us.

Very truly yours,

**PEGASUS ENGINEERING, LLC**

A handwritten signature in blue ink that reads "Fursan Munjed".

Fursan S. Munjed, P.E.  
Principal / Project Manager

Attachment: Bid Tabulation

*"Engineering A Higher Standard"*

301 West State Road 434, Suite 309, Winter Springs, FL 32708 • 407-992-9160 • Fax 407-358-5155

www.pegasusengineering.net



**CITY OF WINTER GARDEN, FLORIDA**  
**SR 50 and Avalon Road**  
**Bid Tabulation**



Item No.	Description	Unit	Quantity	Unit Price	Total Price	DeWitt	Total Price	Ranger	Total Price
101-0	Permit Fees	LS	1	0	\$0.00	\$ 11,000.00	\$ 11,000.00	\$ 2,820.00	\$ 2,820.00
101-1	MOBILIZATION	LS	1	\$15,000.00	\$15,000.00	\$ 8,000.01	\$ 8,000.01	\$ 37,280.00	\$ 37,280.00
102-1	MAINTENANCE OF TRAFFIC	LS	1	\$15,000.00	\$15,000.00	\$ 39,493.50	\$ 39,493.50	\$ 16,700.00	\$ 16,700.00
102-99	PORTABLE CHANGEABLE MESSAGE SIGN (TEMPORARY)	ED	30	\$30.00	\$900.00	\$ 45.50	\$ 1,365.00	\$ 22.80	\$ 684.00
104-14	PREVENTION, CONTROL & ABATEMENT OF EROSION & WATER POLLUTION	LS	1	\$2,500.00	\$2,500.00	\$ 950.00	\$ 950.00	\$ 1,715.00	\$ 1,715.00
110-1-1	CLEARING AND GRUBBING	LS	1	\$8,000.00	\$8,000.00	\$ 4,500.00	\$ 4,500.00	\$ 2,545.00	\$ 2,545.00
120-98	EARTHWORK AND GRADING	LS	1	\$16,000.00	\$16,000.00	\$ 2,990.00	\$ 2,990.00	\$ 6,420.00	\$ 6,420.00
160-4	TYPE B STABILIZATION (LBR 40) (12")	SY	490	\$4.00	\$1,960.00	\$ 5.00	\$ 2,450.00	\$ 17.60	\$ 8,624.00
285-709	BASE GROUP 9- B-12.5 (6")	SY	390	\$18.00	\$7,020.00	\$ 44.20	\$ 17,238.00	\$ 31.30	\$ 12,207.00
327-70-6	MILLING EXISTING ASPHALT PAVEMENT (1.5" AVERAGE DEPTH)	SY	1,300	\$5.00	\$6,500.00	\$ 4.88	\$ 6,344.00	\$ 7.00	\$ 9,100.00
334-1-23	SUPERPAVE ASPHALTIC CONCRETE, TRAFFIC LEVEL C, (3"), PG76-22, PMA	SY	390	\$25.00	\$9,750.00	\$ 35.10	\$ 13,689.00	\$ 29.70	\$ 11,583.00
337-7-43	ASPHALTIC CONC. FRICTION COURSE, TRAFFIC LEVEL C, FC-12.5, PG76-22, PM	SY	1,690	\$15.00	\$25,350.00	\$ 17.55	\$ 29,659.50	\$ 12.60	\$ 21,294.00
425-1-351	INLETS (CURB TYPE P-5) (<10')	EA	2	\$4,000.00	\$8,000.00	\$ 2,788.00	\$ 5,576.00	\$ 4,495.00	\$ 8,990.00
425-11	MODIFY EXISTING DRAINAGE STRUCTURES	EA	1	\$2,500.00	\$2,500.00	\$ 1,585.00	\$ 1,585.00	\$ 2,435.00	\$ 2,435.00
430-11-325	CONCRETE PIPE CULVERT (SS, CLASS III) (18")	LF	116	\$50.00	\$5,800.00	\$ 64.69	\$ 7,504.04	\$ 78.75	\$ 9,135.00
520-1-10	CONCRETE CURB & GUTTER (TYPE F)	LF	300	\$20.00	\$6,000.00	\$ 19.00	\$ 5,700.00	\$ 26.70	\$ 8,010.00
522-1	CONCRETE SIDEWALK (4")	SY	120	\$35.00	\$4,200.00	\$ 25.00	\$ 3,000.00	\$ 49.60	\$ 5,952.00
527-2	DETECTABLE WARNINGS	SF	60	\$30.00	\$1,800.00	\$ 45.00	\$ 2,700.00	\$ 46.75	\$ 2,805.00
570-1-2	PERFORMANCE TURF (SOD)	SY	800	\$3.00	\$2,400.00	\$ 4.40	\$ 3,520.00	\$ 8.90	\$ 7,120.00
999-99	ADJUST EXISTING WATER VALVE	EA	1	\$500.00	\$500.00	\$ 400.00	\$ 400.00	\$ 542.60	\$ 542.60
700-1-11	SINGLE POST SIGN (FURNISH & INSTALL) (UP TO 12 SF)	AS	4	\$400.00	\$1,600.00	\$ 237.50	\$ 950.00	\$ 235.00	\$ 940.00
700-1-50	SINGLE POST SIGN (RELOCATE)	AS	2	\$200.00	\$400.00	\$ 106.25	\$ 212.50	\$ 97.00	\$ 194.00
700-1-60	SINGLE POST SIGN (REMOVE)	AS	1	\$50.00	\$50.00	\$ 18.75	\$ 18.75	\$ 23.00	\$ 23.00
706-3	RETRO-REFLECTIVE PAVEMENT MARKER	EA	24	\$5.00	\$120.00	\$ 7.50	\$ 180.00	\$ 4.40	\$ 105.60
711-16-111	THERMOPLASTIC PAVEMENT MARKINGS (STANDARD) (WHITE) (6" SOLID)	NM	0.122	\$4,800.00	\$585.60	\$ 9,750.00	\$ 1,189.50	\$ 5,420.00	\$ 661.24
711-16-123	THERMOPLASTIC PAVEMENT MARKINGS (STANDARD) (WHITE) (12" SOLID)	LF	400	\$3.00	\$1,200.00	\$ 3.75	\$ 1,500.00	\$ 2.40	\$ 960.00
711-16-125	THERMOPLASTIC PAVEMENT MARKINGS (STANDARD) (WHITE) (24" SOLID)	LF	55	\$6.00	\$330.00	\$ 8.44	\$ 464.20	\$ 6.00	\$ 330.00
711-16-151	THERMOPLASTIC PAVEMENT MARKINGS (STANDARD) (WHITE) (6") (GUIDELINES)	LF	334	\$2.00	\$668.00	\$ 3.00	\$ 1,002.00	\$ 1.05	\$ 350.70
711-16-170	THERMOPLASTIC PAVEMENT MARKINGS (STANDARD) (WHITE) (ARROWS)	EA	4	\$100.00	\$400.00	\$ 125.00	\$ 500.00	\$ 82.15	\$ 328.60
711-16-211	THERMOPLASTIC PAVEMENT MARKINGS (STANDARD) (YELLOW) (6" SOLID)	NM	0.114	\$4,800.00	\$547.20	\$ 9,750.00	\$ 1,111.50	\$ 5,420.00	\$ 617.88
663-4-99	ADJUST EXISTING DETECTION ZONES	EA	1	\$1,500.00	\$1,500.00	\$ -	\$ -	\$ -	\$ -
<b>Grand Total</b>					<b>\$146,580.80</b>		<b>\$ 174,792.50</b>		<b>\$ 180,472.62</b>

Engineer's Estimate

DeWitt

Ranger

**Corrected**