



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

REGULAR MEETING

October 9, 2014

6:30 p.m.

CALL TO ORDER

Determination of a Quorum

Moment of Silence and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Budget Hearings and Regular Meeting of September 25, 2014

2. **OATH OF OFFICE FOR NEW DEPUTY FIRE CHIEF** – Fire Chief McGrew

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

A. **Ordinance 14-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE 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 14-40:** 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 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 14-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 23, 2014** – Community Development Director Williams

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

- A. **Ordinance 14-22:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 38.655 ± ACRES LOCATED AT 17806 MARSH ROAD ON THE SOUTH 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 14-23:** 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 38.655 ± ACRES LOCATED AT 17806 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
- C. **Ordinance 14-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 9.527 ± ACRES LOCATED ON THE SOUTH SIDE OF SEIDNER 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
- D. **Ordinance 14-25:** 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 9.527 ± ACRES LOCATED ON THE SOUTH SIDE OF SEIDNER ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Community Development Director Williams

5. **PUBLIC HEARING MATTERS**

- A. Consider condemning property located at 227 10th Street, Winter Garden, Florida;
Owner: FP Consultants LLC as Trustee for Land Trust 227-10 (*Postponed 9/25/2014*) – Code Enforcement Manager Pash
- B. Consider condemning property located at 301 Center Street, Winter Garden, Florida;
Owner: 28.51 Orange III, LLC – Code Enforcement Manager Pash
- C. Consider condemning property located at 281 Center Street, Winter Garden, Florida;
Owners: Emmit Charles Haggins and Edward Lee Johnson – Code Enforcement Manager Pash

6. **MATTERS FROM PUBLIC** (*Limited to 3 minutes per speaker*)
7. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman
8. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
9. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on October 23, 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.

Persons in attendance at the City Commission meeting are invited to stand during the moment of silence and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in or rise for any moment of silence that is offered or to rise for or recite the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the moment of silence or Pledge of Allegiance if you do not wish to participate in or witness same in accordance with Resolution 14-05.

	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.
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CITY OF WINTER GARDEN

CITY COMMISSION BUDGET WORKSHOP AND COMMUNITY REDEVELOPMENT AGENCY REGULAR MEETING MINUTES

September 25, 2014

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

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

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Assistant City Clerk Angee Grimmage, 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, and West Orange Times Reporter Peter M. Gordon

1. **PRESENTATION**

Pastor Scott Billue specially thanked the City of Winter Garden for their cooperation and shared a video presentation describing the completion of six Matthew's Hope homes on W. Morgan Street.

BUDGET HEARINGS

2. **SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2014/2015**

A. **Ordinance 14-34:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015

City Attorney Ardaman read Ordinance 14-34 by title only.

Mayor Rees thanked Finance Director Zielonka for providing answers to all his questions.

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

Motion by Commissioner Buchanan to adopt Ordinance 14-34. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 14-35:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015

City Attorney Ardaman read Ordinance 14-35 by title and read the following excerpt from Ordinance 14-35:

Collection of Ad Valorem	\$ 8,985,856
Revenue other than Ad Valorem	<u>19,116,460</u>
TOTAL REVENUES	\$28,102,316
Appropriations from Fund Balance	<u>11,102</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$28,113,418

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

Motion by Commissioner Sharman to adopt Ordinance 14-35. Seconded by Commissioner Olszewski and carried unanimously 5-0.

- C. **Ordinance 14-36:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015

City Attorney Ardaman read Ordinance 14-36 by title and read the following excerpt from Ordinance 14-36:

Collection of Ad Valorem	\$ 310,992
Revenue other than Ad Valorem	<u>324,512</u>
TOTAL REVENUES	\$ 635,504
TOTAL AVAILABLE FOR EXPENDITURES	\$ 635,504

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

Motion by Commissioner Olszewski to adopt Ordinance 14-36. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 14-37**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2014-15 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Ardaman read Ordinance 14-37 by title only.

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

Motion by Commissioner Olszewski to adopt Ordinance 14-37. Seconded by Commissioner Sharman and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING

3. **APPROVAL OF MINUTES**

Commissioner Buchanan noted a change to the September 5, 2014 minutes, page 4; correction of the seconder of the motion from Commissioner Sharman to Commissioner Makin.

Motion by Commissioner Olszewski to approve Special Meeting of September 5, 2014, Budget Workshop and Regular Meeting of September 11, 2014 with corrections as noted and stated. Seconded by Commissioner Sharman and carried unanimously 5-0.

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

- A. **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 9TH STREET FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON-SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 14-26 by title only. Community Development Director Williams noted that this is the second reading on a proposed rezoning for a planned unit development. As discussed at the last meeting, this property under the conventional existing zoning can get approximately 88 units; under this plan they will get 77 units. There is additional recreation, open space, and provided protection of the wetland areas. The biggest issue was the inability to fix all Beard Road's deficiencies of the road. The applicant is widening a portion of the road and providing sidewalks. However, at Beard Road's intersection at Daniels Road, the problem is the curve heading

in an easterly direction. Staff believes the conditions as proposed are absolutely the best that can be provided under the circumstances. The City does not have the ability to build other roads to the south or to the north due to the presence of structures. Therefore, the Planning and Zoning Board and staff recommend approval subject to conditions.

Mayor Rees shared that this past weekend a tow truck was pulling a car out of the ditch at the S-turn on this road. He expressed that this is a problem for which the City has no answer.

Commissioner Sharman asked if there had been any more discussion from the adjoining neighborhood. City Manager Bollhoefer responded, and City Planner Pash affirmed, that the City is in the process of coordinating meeting.

Mr. Williams stated that the fact that conditions are set does not mean that the City will not continue to explore other options. He reiterated that at this time this is the best option, but the City will continue to keep working on the problem.

Mr. Bollhoefer noted that the City will make this top priority. Impact fees paid there can be set aside and the City can possibly work with the County as it definitely needs to be fixed.

Mayor Rees addressed the adjoining neighborhood and the City taking over their roads if they should agree to allow this option. He questioned the likelihood of the HOA voting to do this. Mr. Williams noted that there are advantages to both properties; the question is whether there are enough advantages for the two. This would be a very good situation from a traffic standpoint; it takes the traffic off of Beard Road and creates the possibility of installation of a future traffic signal at the subdivision on Daniels Road. This would help both projects to get in and out safely.

City Manager Bollhoefer stated that what the City would do in this eventuality is negotiate with that neighborhood. The lifespan of a road is generally 15 to 20 years depending on the drainage; this community is almost 15 years old. The City would propose setting aside a fair share amount that would have been contributed to this road had it been a public road all this time. Then the neighborhood would be able to put in their funds to cover costs when the road needs repaving.

Commissioner Olszewski stated that he wanted to reiterate his stance from the last meeting. He feels that this is a public safety issue and adding the additional traffic is a real concern.

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

Motion by Commissioner Sharman to adopt Ordinance 14-26. Seconded by Commissioner Makin and carried 3-2; opposed by Mayor Rees and Commissioner Olszewski.

5. **PUBLIC HEARING MATTERS**

- A. Consider condemning property located at 159 9th Street, Winter Garden, Florida;
Owners: George M. Morgan and Carrie M. Clark

Code Enforcement Manager Pash stated that this property is located at 159 9th Street and is a single family home. The City has had Code Enforcement actions on this house since 2006 to the present. In 2010, the house was boarded up, abandoned, and has remained in this condition since. He referred to photos provided to the City Commission for review, stating that the home is in extremely poor condition. Code Enforcement as well as the Building Official have examined the home and found it to be dilapidated and in a state of decay. He noted that it is felt that it presents harm to the surrounding properties. Staff recommends condemnation of the property and the authorization to move forward with demolition.

Commissioner Olszewski noted that this is the heart of District 3 in East Winter Garden. He wanted to let the Mayor and Commissioners know that one of the top constituent concerns routinely heard is the beautification and dealing with the abandoned homes in East Winter Garden. He noted that the fact that this is before the City Commission for consideration is making a lot of the people in East Winter Garden very happy. He thanked Code Enforcement Manager Stephen Pash, City Manager Michael Bollhoefer, City Attorneys Kurt Ardaman and Dan Langley for all of their efforts. He noted that he knows that this has been well over a year to get to where we are today.

Commissioner Olszewski asked for clarification stating that the condemnation of a property does not mean the City is taking someone's property; the owner still owns the property rights. The City is only knocking down a blight or eyesore so as to better the community. The City then liens the property so that when the owner of the property eventually sells, the lien on the property will allow the citizens of Winter Garden to recoup their investment in beautifying this property. **City Attorney Ardaman** agreed, stating that these are two different things. Eminent domain is an action where the City agrees to take some property interest. He noted that this is as Commissioner Olszewski described in that it is a separate process. Even though it is called condemnation, it is attempting to eliminate a nuisance. It corrects a nuisance and problems that have been cited by the City. He affirmed that the process Commissioner Olszewski described is accurate.

Code Enforcement Manager Pash confirmed that the process is a long one. The City advertised in the newspaper for four weeks and followed all notification requirements for this process as required in Chapter 18 of the City Code.

Mayor Rees opened the public hearing.

T.J. Travis, 423 Sand Lime Road, Winter Garden, Florida, asked if he could see some of the photos mentioned for this property. A copy was provided.

Cynthia Oakley, Angela Gadson, and Lorenzo Morgan identified themselves as the children of the owner Georgia Morgan.

Ms. Oakley stated that there are several people that own the property as listed on the deed; this has been causing the problem. She has been in contact with the nursing home and this property is wanted by Medicare for her mother's care.

Commissioner Olszewski assured that this is still her property and the City is not touching the ownership of her property at all. **Mayor Rees** also reassured that the property will still be hers.

Ms. Gadson shared that the intent was to rehab this property but the numerous owners made this difficult. She described her efforts in trying to contact the owners. She explained that the nursing home needed to know the value of the land as it would be used for her mother's care. She expressed that they are not concerned with the property; only as it pertains to their mother's care.

Commissioner Olszewski thanked them for their comments and attendance. He stated that he could not express enough that the City is not taking the property and explained that they may do with it as they will but the building is not inhabitable. No matter what they do with this property, the building structure will have to come down. He stated that this is all the City is doing at this point. He reassured that they did not need to worry about losing that right. He told them that their mothers care has nothing to do with the City and this would be between them and Medicare. **Ms. Gadson** stated that she understands what he is saying and this would be left up to them; but regarding the property lien, she spoke with someone in the City who said that once the demolition of the building has taken place, the lien would be placed on the property. She stated that bids on the costs for demolition would be sought and the lien would be on the property for the amount it cost the City to demolish the building. She noted that the value of the land is only about \$7,000. She suggested that it would be better that the City just take the property. **City Manager Bollhoefer** noted that the City would always seek the lowest bid and offered that should there be a buyer for this property one could come back to the City Commission to negotiate a settlement amount. He stressed that there is no jeopardy of losing the house or of the City trying to foreclose.

Mayor Rees suggested that they stay in contact with City staff to be informed the demolition cost. He also reassured her that when the property is ready to be sold, if the lien is still on it, they can come back to the City Commission.

Ms. Gadson asked for the City to provide any paperwork on this issue so that they may present it to the nursing home. **City Manager Bollhoefer** advised that Code Enforcement Manager Pash would get with them.

Ms. Oakley asked about accrued interest and penalties on this lien. **Mayor Rees** assured her that in the event interest were to compound and a willing buyer was found who would come and clean up the property, she would be pleasantly surprised at how favorable the City Commission would be regarding this issue.

Mayor Rees closed the public hearing.

Commissioner Sharman expressed that the City Commission's goal is the beautification of the neighborhood. When it eventually comes time to sell, the City has negotiated down on these costs. He expressed that we want you, the property owner, to be able to sell and have someone build a nice home on this property and bring the community back.

Motion by Commissioner Olszewski to find property located at 159 9th Street, Winter Garden, Florida in violation of Chapter 18, Division 5 and to condemn the structures on the property and grant the City staff the authority to demolish and remove all structures and charge the cost and expense thereof as a lien against the property. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. Consider condemning property located at 227 10th Street, Winter Garden, Florida; **Owner:** FP Consultants LLC as Trustee for Land Trust 227-10

Code Enforcement Manager Pash stated that the next property is located at 227 10th Street and consists of an abandoned commercial building known as the Macedonia Lodge. Code Enforcement has had violations on this property since 2009. There is currently a \$90,800 lien against the property on those violations. He referred the City Commission to photos provided and stated that the building is falling apart and is in a bad condition. He stated that due to the condition of the building the City's Code Enforcement and Building Official have determined it to be in a state of disrepair and is dilapidated and decaying and creates a danger to the surrounding area.

Mr. Pash stated that this property has followed all the advertisement requirements, as well as the requirements of City Code Chapter 18. Staff recommends condemnation on this property and the authorization of its demolition.

Commissioner Olszewski noted that the owner was found through a Land Trust. He asked that being that this is a commercial property what makes this different from the previous hearing. **Mr. Pash** answered that a commercial building is what it was originally and noted that the owners were present. **Commissioner Olszewski** remembered that a year ago there were fines. **Mr. Pash** noted that the City could not fine

forever and the current owner bought the tax deed approximately three days before the City ran the advertisements.

Mayor Rees opened the public hearing.

Robert Crager and Michael LaFay approached the podium and identified themselves as it related to speaking for this property.

Robert Crager, 2004 E. Harding Street, Orlando, Florida, stated that they bought the property at a tax deed sale. He shared that it is their intent to fix this property up. He requested a postponement on any decisions tonight so they have time to speak with Code Enforcement Manager Pash to review all options. He noted that condemnation does nothing to help their situation and they are hoping to avoid it right now.

There was discussion on whether this item should be tabled and it was noted that this was the old Masonic Lodge.

Commissioner Buchanan noted that this building has been cited as far back as 2005 when he was Code Enforcement Manager and the building official at that time inspected the building and said it was not one that could be rehabilitated. He questioned whether this has changed since then and wondered if a building official has since reviewed this property and made a recommendation about this building. **City Manager Bollhoefer** stated that we have actually had two building officials since then and they both said it has to be condemned. **Commissioner Buchanan** stated that he did not know what they wanted to rehab when it has been condemned.

Mr. Pash noted conversations just before this meeting with Mr. Crager indicated there may be interest in tearing down the building to build another home there.

Mr. Pash shared that he had talked with City Attorney Langley and this can be tabled to a date certain and bring it back to another meeting without having to run through another series of ads. This would give staff a chance to sit down with them to see what their proposal would be.

Commissioner Buchanan stated that if the City Commission went ahead with condemnation proceedings tonight, they could then come back to the City Commission before the actual structure was demolished. **City Attorney Ardaman** stated that the proposed motion just gives staff the power but does not require that it be torn down. **Mr. Pash** stated that staff would wait 30 days before they would take any action anyways.

Mayor Rees noted that if we have someone here willing to do what we intended anyways, 30 days will not make a difference to him. He noted that either way with the motion, as long as the City gets the project started.

Commissioner Olszewski agreed with Commissioner Buchanan and stated that these are the constituents in his district. He shared that he is looking forward to working with them. He shared that this is an important piece of property that has historic value in that community. He confirmed the RNC zoning with Mr. Pash and stated that there is a lot of opportunity for it. He does not think the building is salvageable and wanted to know how tearing down the building would affect them in an adverse situation. **Mayor Rees** and **Commissioner Sharman** noted that the owners would want to control that cost. **Mr. Crager** confirmed that this is the business he is in and any cost the City could get, he is pretty sure he can beat. Tearing it down does not increase the value of the property at this point and it is still a block building that was built by the mason's and feels that it is a well-built building. He noted that he has not seen any reports that say this is not structurally sound. He noted that obviously the roof is dilapidated but they have only had the property a little over 30 days and they have not had the time to get to make any of those decisions.

Mr. LaFay stated that they were pulling a roofing permit within the 30 days of them owning it. If they can't fix it up then they want to take it down. He expressed that they are just asking for a couple of weeks.

Commissioner Olszewski asked the City Attorney Ardaman if the City Commission votes to condemn this building tonight it does not mean that the building is coming down; it just gives staff the authority to work with them. They could bring back a plan and the City could decide not to tear it down. **Mr. Ardaman** responded that if the motion used in the prior hearing is used in this case, it clearly states that the City moves to find it in violation, which it is, and give staff the authority. It does not say you must do that. **Commissioner Olszewski** stressed that he wanted this clarification because for him as representative of this district and his constituents, he feels that he has to condemn this building. He noted that the City does want to work with the owners to find a solution to where this could possibly not come down. He noted that as it sits before him today, he thinks he would be making a motion to condemn the building.

Mr. Crager asked how long the building had been sitting in this state and guessed about 10 to 12 years. He stated that the City has not condemned it to this point, and asked what's the problem with giving them 30 days to have their conversations. He pleaded why tonight, when he has only had it for 35 or 40 days and the City has had the property sitting in the community for 15 years and have done nothing about it up to this point. **City Manager Bollhoefer** stated that the City has been trying to do a lot about it but there have been several issues. He noted complaints and criticisms from the neighbors because the City has not been able to do anything about it. **Mr. Crager** responded that they have met all the neighbors who are excited that they want to do something with it.

City Attorney Ardaman stated that if the City Commission approves the motion to find it in violation and authorize the staff to demolish it and remove it, staff can still work with them. He advised that if they have the funding and they have desire, they can

actually engage with staff to let them know what they are doing. If they can satisfy the staff with what they are going to do, it does not require the City move forward with its authority and tear it down. He asked what would be the difference to them.

Mr. LaFay explained that they are not sure, but condemnation does not help them. **City Attorney Ardaman** expressed that it certainly gives everyone an incentive to work quickly and fast. **Mr. Crager** noted that they were willing to move quickly and fast when they pulled the permit on the property. He voiced that they are not trying to delay; they are here with the same goals.

Commissioner Buchanan noted that the City does not want to wait 30 days and find out that we have to do the entire process all over. **Commissioner Sharman** noted that the City does not have to tear it down in 30 days. **Commissioner Buchanan** expressed that the City does not have to do anything as long as staff feels that the owners are working on it. He noted that at least if the City Commission puts it in motion that if nothing is done the demolition can move forward, then we have done our part. Then it would be required of them to come back in 30 to 60 days with some kind of plan of what they wish to do. At least the City Commission now has the opportunity to go ahead with this if they do not.

Mr. LaFay expressed that he is looking at this much like a car which would now be reading as a salvage which he thinks would show as a blemish on the chain of title. **Mr. Bollhoefer** noted that these tax deed type purchases are done in an “as is” and assume that risk.

Mayor Rees stated that he believes that if any of us were in their shoes we would be asking the same thing. He noted that the City could review the cost on the condemnation whichever way the vote goes on this issue. **Mr. Crager** pleaded that he does not see how 30 days hurts the City since it has been 15 years sitting in this state and asked to be given a chance.

City Attorney Ardaman indicated that they would be given a chance either way. They would just need to be diligent with the staff to make sure you are working, should the City Commission vote this way.

Donald James “Jimmy” Carter Jr., 1601 Fullers Cross Road, Winter Garden, Florida, shared that he had his house condemned after Hurricane Andrew and recounted the rebuilding process and costs. He pleaded for the City Commission to give these guys four to six months to come up with something and then condemn the property; it is just paperwork.

T. J. Travis, 423 Sand Lime Road, Winter Garden, Florida, stated that he does not see why the City can’t even give them to the next meeting to go over this as they have only

owned this for 30 days and are trying to work with you. He stated that they are trying to beautify your City on their own dime; just give them a little time.

Commissioner Olszewski stated that he wanted to share for the record, that no one on the dais is not giving them as much time as they need. All that the City is doing is something that the constituents have consistently asked for. He stated that he is confused as to why they are coming in and trying to dictate how this legal process has worked for well over a year. He stated that he has asked what their plans are for the property and how they will rehab the building and nothing was said. He stated that the City is giving you time, we can condemn this building and then you can have plenty of time if you work with the Planning department. He stated that it does not hurt them in any way to do that but we are answering our citizens who live here, who vote for all of us, and have asked repeatedly that this building be taken care of when he came into office. He stated that he feels he has an obligation to do that and asked again what would they like to do to the building that the City can't work with them after possibly condemning the building.

Mr. Crager responded that with all due respect, they are not trying to dictate but are honestly here with their hats in their hands. He stated that they need an opportunity. They saw that this building had a bad roof and thought to control the damage by repairing the roof. They feel that it is structurally sound because of the brick and stone and the walls were in good condition so they were going to just repair the roof. He noted now that they have not really had a chance to assess.

Commissioner Olszewski again asked their plan for the building. **Mr. Crager** responded that they would rehab; then rent or resell.

Commissioner Makin asked if the RNC zoning would allow for two dwellings on one property. **City Manager Bollhoefer** answered that he did not believe so. Mr. Pash informed that this lot is quite small. **Commissioner Makin** shared that he has walked this property and looked at it himself. He shared that he is in the construction real estate industry and does this all day long. He understands their concerns from their standpoint in just buying the property and attending this meeting. He noted that pulling a permit for a roof tells him that they intend to rehab the building, otherwise why put the money into a roof. He asked them if the permit was to replace the roof or fix the roof. He noted that it would need trusses and everything. **Mr. Crager** expressed that the permit was for a replacement of the roof. **Commissioner Makin** shared that his thinking for their rehabilitation of this building is that it may be a duplex or some type of rental. **Mr. Crager** shared that he knows it is a small lot and if torn down he would need variances in order to build anything there. He stated there is a building there that they could renovate into something; they are open to anything whether a renovation for the purpose of a business or it could be renovated for the purpose of a house. It is a solid block building that already exists. **Commissioner Makin** agreed that the masons do a great job at building structures. He made references that under today's code a lot of money is

required to rehab the existing structure. He shared that it might be more cost effective to tear it down and start over.

Commissioner Makin asked when they bought the tax deed. **Mr. Crager** answered 8/18/2014 at 10:41 a.m. He stated that the City started the proceedings on 8/27.

Commissioner Makin expressed that he understands their need to feel a sense of security when leaving this meeting that they have time to properly evaluate this building and figure out their costs and that they could possibly control costs of demolition and things like that. He asked that they see from the City Commission side of things and explained that even before he was a City Commissioner he had heard the complaints about this building. **Mr. Crager** expressed that he does not like the building either and is requesting to fix it.

City Manager Bollhoefer stated that from staff's perspective there is no objection. He suggested waiting the two weeks and then bring it back before the City Commission.

Motion by Commissioner Olszewski to POSTPONE the consideration for condemnation of property located at 227 10th Street until October 9, 2014 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.

6. REGULAR BUSINESS

A. Recommendation to approve blocking Plant St. and Park Ave. to accommodate the West Orange High School Homecoming Parade on October 9, 2014

Recreation Director Conn stated that this is a request from West Orange High School to hold their annual Homecoming Parade. It is again blocking Plant Street and Park Avenue on October 9, 2014 at 6:00 p.m. He noted that the Merchant's Association of downtown Winter Garden has approved the event. Staff recommends approval.

Mayor Rees asked clarification on the blocked streets from Plant Street and Park Avenue. Mr. Conn replied that it is all the way down to Veterans Park.

Motion by Commissioner Buchanan to approve blocking Plant Street and Park Avenue to accommodate the West Orange High School Homecoming Parade on October 9, 2014. Seconded by Commissioner Makin and carried unanimously 5-0.

B. Appointment to the General Employees' Pension Board for the seat previously held by Ms. Kennington and declined appointment by Matthew Moore due to employment conflict; term expires September 30, 2015

Commissioner Makin nominated Dan Keel.

Motion by Commissioner Makin to appoint Dan Keel to the General Employees' Pension Board for the seat previously held by Ms. Kennington and declined appointment by Matthew Moore; term expiring September 30, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. City Manager Contract

City Manager Bollhoefer stated that he has submitted the contract which is the same used the last two times, no differences.

Mayor Rees stated that he thinks Mike has done a great job for the City and appreciates all he has done and has enjoyed working with him over the years.

Motion by Commissioner Buchanan to renew the City Manager contract. Seconded by Commissioner Sharman and carried unanimously 5-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency (CRA) at 7:32 p.m.

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

D. Recommendation to approve Façade Matching Grant Application for 18 and 20 E. Plant Street

Economic Director Gerhartz stated that this Façade grant application has been approved by City staff, the Architectural Review and Historic Preservation Board, and Community Redevelopment Advisory Board (CRAAB). The property is located at 18 and 20 E. Plant Street. She stated that the applicant and property owner is Betty Bryant. The tenants for this space are Wolf Gang Bakery and West End Safe and Lock. The CRAAB recommended approval of a matching grant of up to \$3,500 for improvements which Ms. Gerhartz listed.

CRA Member Cappleman stated that the advisory board did review this and there was some uncertainty about the cost and this is the reason they are going up to \$3,500.

Motion by CRA Member Cappleman to approve Façade Matching Grant Application for 18 and 20 E. Plant Street. Seconded by CRA Member Buchanan and carried unanimously 6-0.

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 7:34 p.m.

7. **MATTERS FROM PUBLIC** - There were no items.

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

9. **MATTERS FROM CITY MANAGER**

Christmas Parade

City Manager Bollhoefer noted that the City is planning for set up of this year's Christmas parade. He addressed the issue of the Christmas Parade being too long and taking too long. He offered two options for the City Commission's consideration. First option is cutting the number of participants. This option requires determining what criteria to use in cutting down the number of participants. Staff needed to be sure that the City Commission was willing to go with this position as it may upset some people. Mayor Rees suggested offering themes for the parade. Mr. Bollhoefer stated that the City could do this and say that it must be themed Christmas, but questioned where the line would be drawn. Commissioner Olszewski stated that he has not heard a complaint. Mayor Rees stated that the biggest complaint was the large gaps. Mr. Bollhoefer responded item number two which is the easiest one to fix eliminates that part, as it is the performance in front of the stage that draws this out. He suggested giving participants a limit of 10 to 15 seconds for their performance. Commissioner Makin asked that the City Manager make some recommendations for the City Commission to review. Mr. Bollhoefer recommended minimizing the amount of time to 15 seconds for performance in front of the stage. He asked if the City Commission wanted to look at the type of groups to eliminate. Commissioner Makin answered no. Mr. Bollhoefer stated that he would bring back a different package for the next meeting.

Stone Crest Fence

City Manager Bollhoefer stated that staff has been working on the Stone Crest fence issue. The last time it was discussed at the City Commission, a sound study was to be performed determining if a fence would have any effect on the sound from the adjacent road. The cost for the sound study would have been \$7,000, which he felt could be used for the cost of the fence. He asked staff to review finding a sound fence that is less expensive than the one placed around the homes on the east end. He stated that if this same fence was placed around the other homes it would have been approximately \$220,000 to \$230,000, which would have come out of impact fees. They have found a comparable fence, sound wise, and it costs \$70,000, which is one-third of the cost of the other fence and a little more than twice the cost of a regular PVC fence. Staff recommends going with this in-between fence for a cost of approximately \$70,000. This fence would go along that 1,400 linear foot section.

Commissioner Makin asked about the composition of the fence. Mr. Bollhoefer described that it is actually made out of a double wall PVC with foam in the post and a recycled top material in between. This panel is one piece, so there are no cracks. He stated that everybody loves this fence; it is great quality and will last for 30 years. He also noted some other uses for this type fence.

Commissioner Sharman noted the color of the fence as the only discrepancy for the neighborhoods. Mr. Bollhoefer shared that he has spoken with those needing to agree on the color and it has been a challenge but thinks it is an issue he can get settled.

Commissioner Makin asked who would maintain this fence. Mr. Bollhoefer replied that the fence is being maintained by the hospital as part of the PUD.

Commissioner Olszewski asked Commissioner Sharman that since this is his district, if the residents are happy with the structured quality and the sound proof quality of the wall. Commissioner Sharman responded yes, and noted that from the emails he has seen everyone is in favor of going with this option.

Motion by Commissioner Sharman to approve the recommendation of the City Manager purchasing the alternative fence for a cost of approximately \$70,000. Seconded by Commissioner Makin and carried unanimously 5-0.

ICMA Award

City Manager Bollhoefer announced that the City of Winter Garden is number one in improvement of mobility out of 500 communities surveyed. He stated that this is quite an achievement and thanked Public Services and staff for working on our roads.

Courtlea Park Homeowner's Association (HOA)

City Manager Bollhoefer addressed District 1 - Courtlea Park HOA. He stated that one of the rules in the City of Winter Garden is that in communities the developer pays for the street lights when up to approximately 75 percent of the Certificates of Occupancy (CO) are pulled. After that point, it is switched over to the residents and the City covers the normal cost of lights. If there are upgraded lights, then the HOA is responsible for the difference. The City ordinance requires that at the point of the 75 percent CO's, the HOA is to notify the City in order that they may receive reimbursement. Not all property managers send the letter and the residents end up paying the impact for light fees that they should not have paid. In Courtlea Park that letter was not sent for almost three years. He stated that legally the City is not obligated to do so, as the code is very specific. However, he feels that he would hate to penalize the residents and requests that the City pay approximately \$13,000 for the years 2008, 2009, 2010 and 2011.

Commissioner Makin asked if they have a property management company. Mr. Bollhoefer noted that they do have a property management company now. They had one before, but the problem is that the prior management company did not do the correct thing in sending the letter. He added that the HOA companies rely on their property management companies.

Commissioner Makin approved reimbursement of approximately \$13,000 to the Courtlea Park Homeowners Association for reimbursement costs missed in 2008, 2009, 2010, and 2011. Seconded by Commissioner Sharman and carried unanimously 5-0.

City Manager Bollhoefer thanked the City Commission for his contract renewal.

10. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Olszewski personally thanked the Winter Garden Police Department for a recent effort and specifically named Officers Cameron and Hudson.

Commissioner Sharman stated that he attended the recent car show. He announced that Andy Bruns would be collecting for the Toys for Tots at the next two car shows. He noted that the distribution time for the toys would be too late for the December car show. He encouraged bringing an unwrapped, used toy.

Mayor Rees shared that he may not be in attendance at the next scheduled meeting.

The meeting adjourned at 7:45 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: October 2, 2014

Meeting Date: October 9, 2014

Subject: 1030 VINELAND ROAD
ANNEXATION
ORDINANCE 14-39
ORDINANCE 14-40
ORDINANCE 14-41
PARCEL ID# 23-22-27-8199-00-140

Issue: The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 1030 Vineland Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.24 ± acre enclave located on the west side of Vineland Road, south of West Morgan Street and north of West Colonial Drive. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial, and initial Zoning of R-NC. (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 14-39, Ordinance 14-40, and Ordinance 14-41.

Attachment(s)/References:

Location Map
Ordinance 14-39
Ordinance 14-40
Ordinance 14-41
Staff Report

Legend



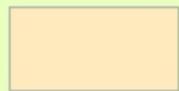
NOT TO SCALE



Subject Property



Orange County



Winter Garden

S PARK AVE

7th St

Legend



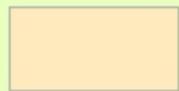
NOT TO SCALE



Subject Property



Orange County



Winter Garden

4th St

Main St

3rd St

2nd St

1st St

Walker St

W Morgan St

W Morgan St

Water St

1st St

W Colonial Dr

W C

ORDINANCE 14-39

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE 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 0.24 ± acres located at 1030 Vineland Road on the west side of Vineland Road, south of West Morgan Street and north of West Colonial Drive 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#: 23-22-27-8199-00-140

Lot 14, SOUTHERN BOULEVARD subdivision, according to the map or plat thereof, as recorded in Plat Book J, Page 13, public records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Lot 13 of said SOUTHERN BOULEVARD subdivision; thence South 12°01'16" West 60.00 feet to the Northeast corner of Lot 14 of said SOUTHERN BOULEVARD subdivision and the POINT OF BEGINNING; thence South 12°01'16" West 60.00 feet to the Southeast corner of said Lot 14; thence North 78°05'56" West 175.00 feet to the Southwest corner of said Lot 14; thence North 12°01'16" East 60.00 feet to the Northwest corner of said Lot 14; thence South 78°05'56" East 175.00 feet to the POINT OF BEGINNING.

Containing 0.241 acres, more or less

ORDINANCE 14-40

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 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land located at 1030 Vineland Road on the west side of Vineland Road south of West Morgan Street and north of West Colonial Drive, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Density to City Residential Neighborhood Commercial; 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 Residential Neighborhood Commercial 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 14-39, 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#: 23-22-27-8199-00-140

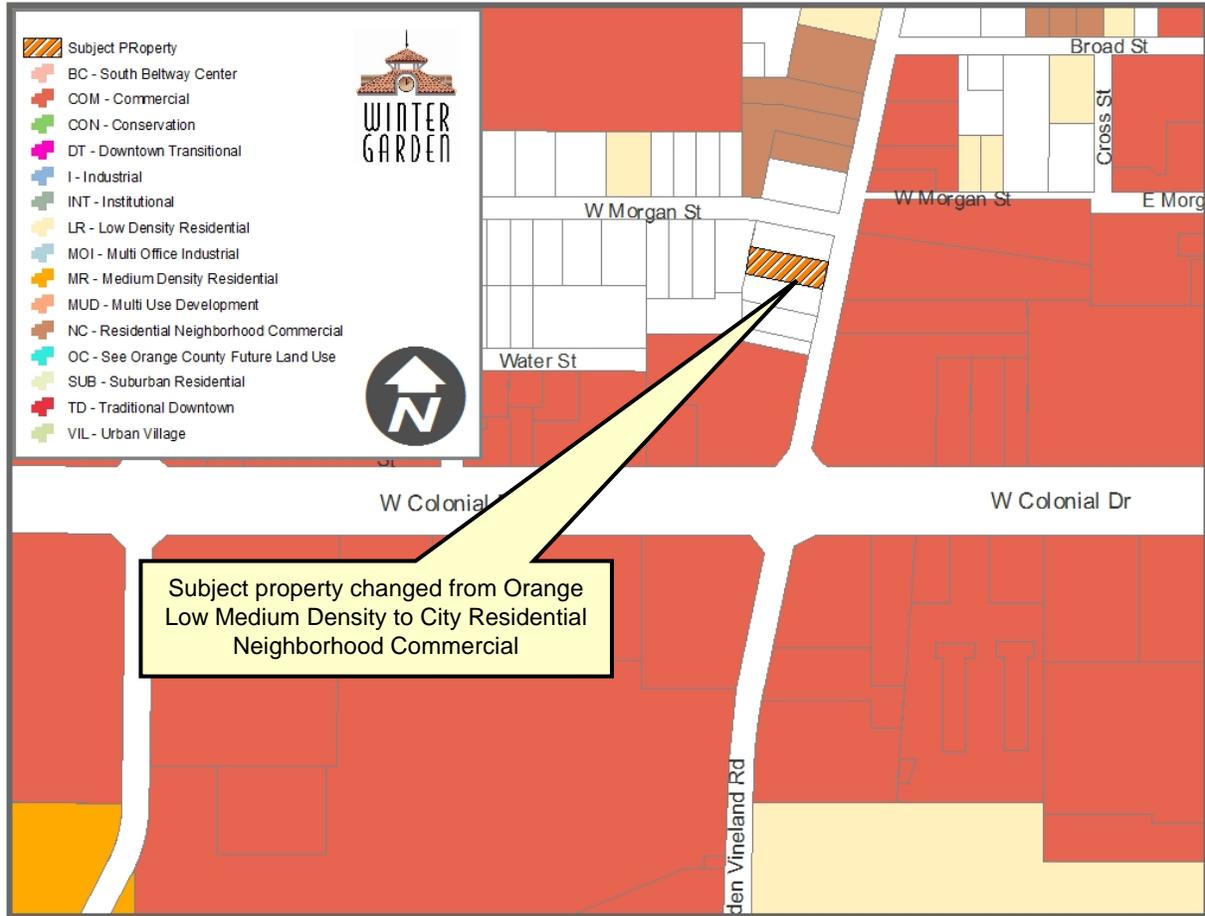
Lot 14, SOUTHERN BOULEVARD subdivision, according to the map or plat thereof, as recorded in Plat Book J, Page 13, public records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Lot 13 of said SOUTHERN BOULEVARD subdivision; thence South 12°01'16" West 60.00 feet to the Northeast corner of Lot 14 of said SOUTHERN BOULEVARD subdivision and the POINT OF BEGINNING; thence South 12°01'16" West 60.00 feet to the Southeast corner of said Lot 14; thence North 78°05'56" West 175.00 feet to the Southwest corner of said Lot 14; thence North 12°01'16" East 60.00 feet to the Northwest corner of said Lot 14; thence South 78°05'56" East 175.00 feet to the POINT OF BEGINNING.

Containing 0.241 acres, more or less

ATTACHMENT "B"

FUTURE LAND USE MAP

1030 Vineland Road



ORDINANCE 14-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1030 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD SOUTH OF WEST MORGAN STREET AND NORTH OF WEST COLONIAL DRIVE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land located at 1030 Vineland Road on the west side of Vineland Road south of West Morgan Street and north of West Colonial Drive, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s RN-C Residential Neighborhood Commercial District zoning classification, therefore; and

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

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

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City RN-C Residential Neighborhood Commercial District in the City of Winter Garden, Florida.

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

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

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 14-40 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 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#: 23-22-27-8199-00-140

Lot 14, SOUTHERN BOULEVARD subdivision, according to the map or plat thereof, as recorded in Plat Book J, Page 13, public records of Orange County, Florida, being more particularly described as follows: COMMENCE at the Northeast corner of Lot 13 of said SOUTHERN BOULEVARD subdivision; thence South 12°01'16" West 60.00 feet to the Northeast corner of Lot 14 of said SOUTHERN BOULEVARD subdivision and the POINT OF BEGINNING; thence South 12°01'16" West 60.00 feet to the Southeast corner of said Lot 14; thence North 78°05'56" West 175.00 feet to the Southwest corner of said Lot 14; thence North 12°01'16" East 60.00 feet to the Northwest corner of said Lot 14; thence South 78°05'56" East 175.00 feet to the POINT OF BEGINNING.

Containing 0.241 acres, more or less

The property is currently zoned R-2 in Orange County and carries a Future Land Use designation of Low Medium Density Residential. The existing zoning and land use allow single-family detached and attached dwellings.

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial, and initial zoning of R-NC. This zoning and land use is consistent with the surrounding area.

Properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification is RNC and INT.

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

EXISTING USE

The subject property is currently developed and used as a single-family house.

ADJACENT LAND USE AND ZONING

The properties located to the north, south, and west are developed as single-family homes, located in Orange County with R-2 zoning. The property located to the east is developed with an auto service company, zoned C-2 and located in the City.

PROPOSED USE

The applicant intends to annex the property, continue using the single-family home, and later convert the home into an office. Converting the house into an office can be done through Special Exception process.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

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

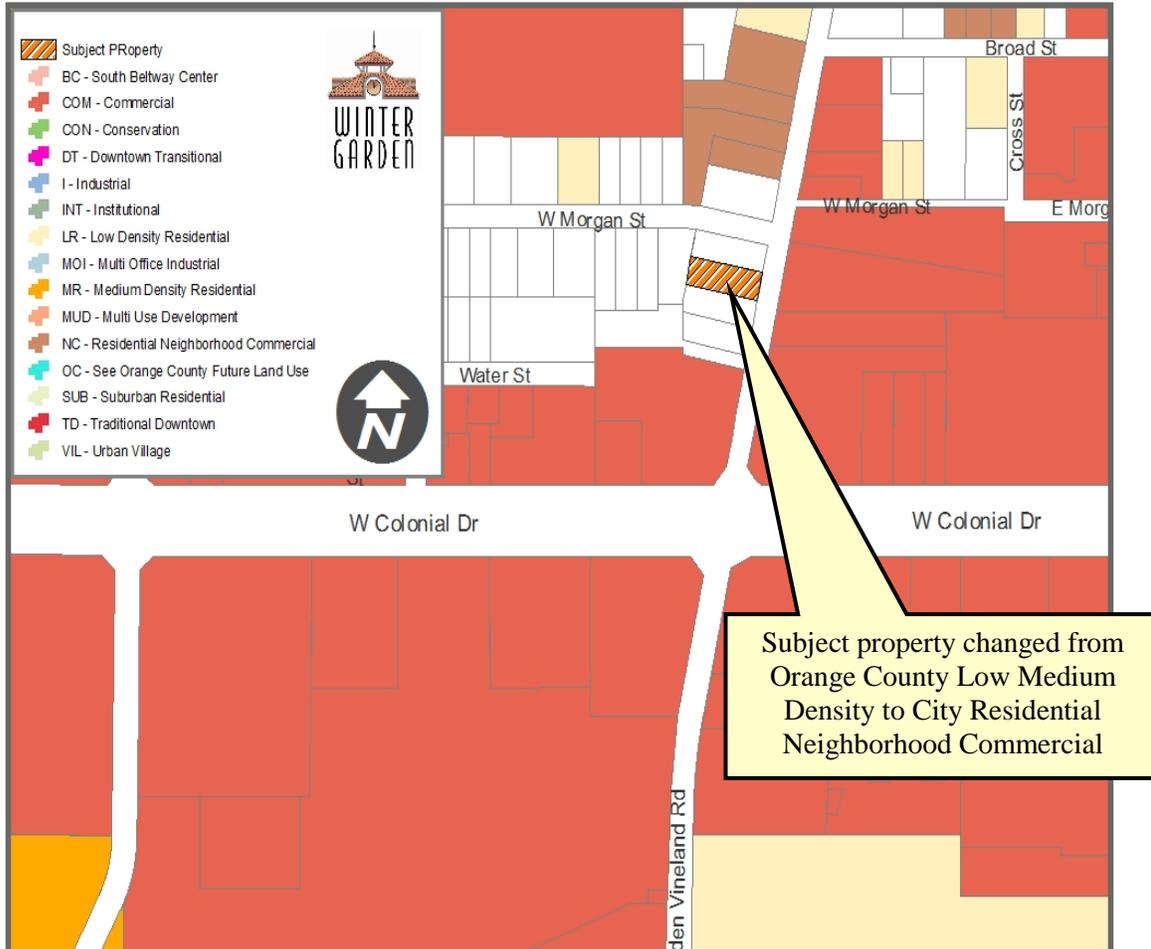
MAPS

AERIAL PHOTO

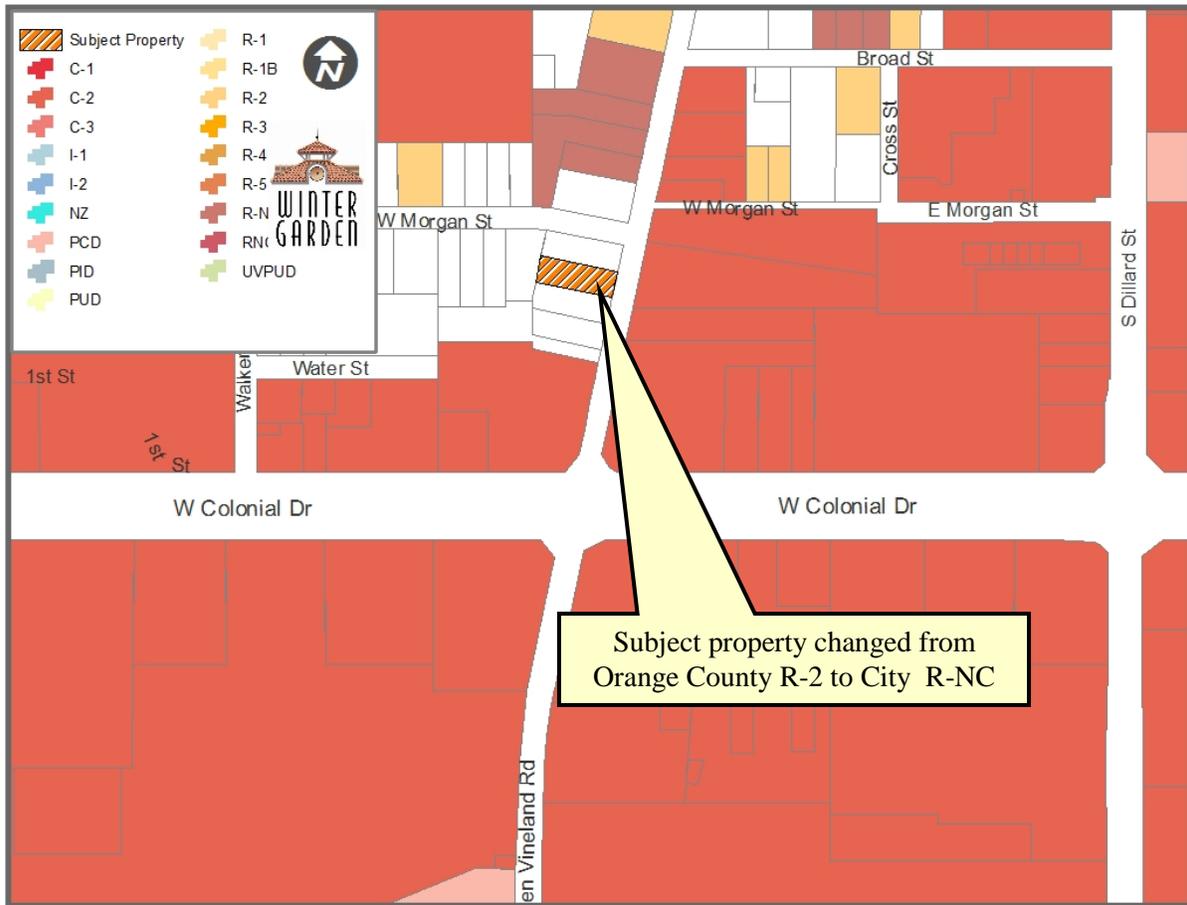
1030 Vineland Road



FUTURE LAND USE MAP 1030 Vineland Road



ZONING MAP
950 Vineland 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: October 2, 2014

Meeting Date: October 9, 2014

Subject: 17806 Marsh Road (Annexation & FLU Amendment)
Fischer Spears Property Annexation
Ordinance 14-22
Ordinance 14-23
PARCEL ID# 06-23-27-4288-08-350

Issue:

The applicant is requesting Annexation and Future Lands Use designation on property located at 17806 Marsh Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject properties make up a 38.655 ± acre enclave located on the south 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:

The first reading was heard on July 10, 2014 and now that staff has received comments from the Florida Department of Economic Opportunity the second reading of these ordinances can occur. Staff recommends approval of Ordinance 14-22 and Ordinance 14-23.

Attachment(s)/References:

Location Map
Ordinance 14-22
Ordinance 14-23
Staff Report

Legend



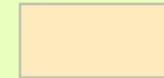
NOT TO SCALE



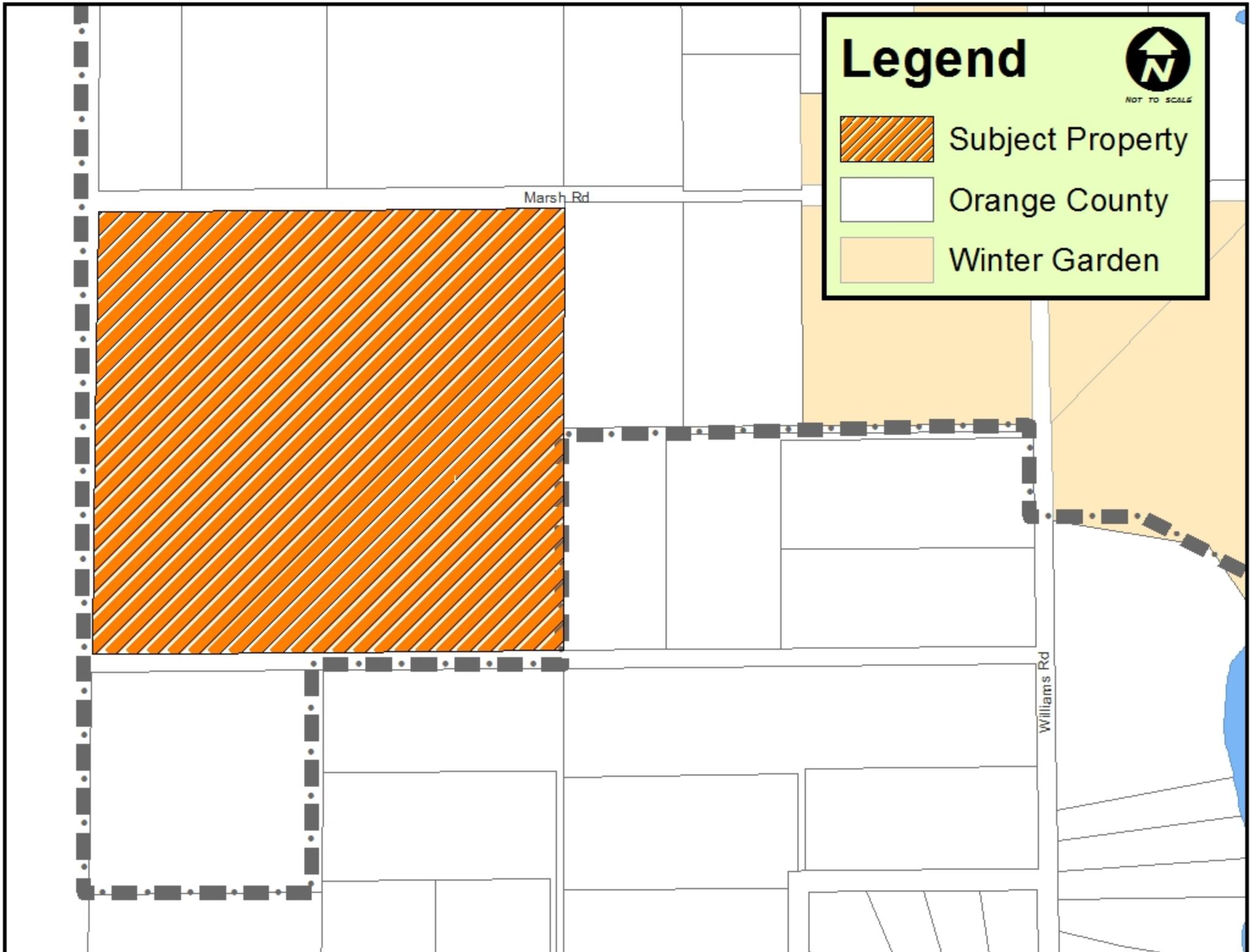
Subject Property



Orange County



Winter Garden



ORDINANCE 14-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 38.655 ± ACRES LOCATED AT 17806 MARSH ROAD ON THE SOUTH 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 38.655 ± acres located at 17806 Marsh Road on the south 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

DESCRIPTION:

LOTS 35H THROUGH 38H, LESS THE NORTH 15 FEET OF LOTS 35H AND 36H 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 NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S00°50'50"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 30.01 FEET; THENCE LEAVING SAID WEST LINE RUN N89°28'15"E, 25.01 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 36H, 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 CONTINUE N89°28'15"E ALONG THE SOUTH LINE OF MARSH ROAD, 1324.45 FEET TO THE EAST LINE OF LOT 35H OF SAID LAKE AVALON GROVES REPLAT; THENCE RUN S00°03'00"W 1261.65 FEET TO THE SOUTHEAST CORNER OF LOT 38H OF SAID LAKE AVALON GROVES REPLAT; THENCE RUN S89°21'12"W 1342.08 FEET TO THE SOUTHWEST CORNER OF LOT 37H OF SAID LAKE AVALON GROVES REPLAT; THENCE RUN N00°50'50"E 1264.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 38.655 ACRES, MORE OR LESS.

ORDINANCE 14-23

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 38.655 ± ACRES LOCATED AT 17806 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 38.655 ± acres located at 17806 Marsh Road on the south 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 Village to City Urban Village; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to 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 14-22, 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

DESCRIPTION:

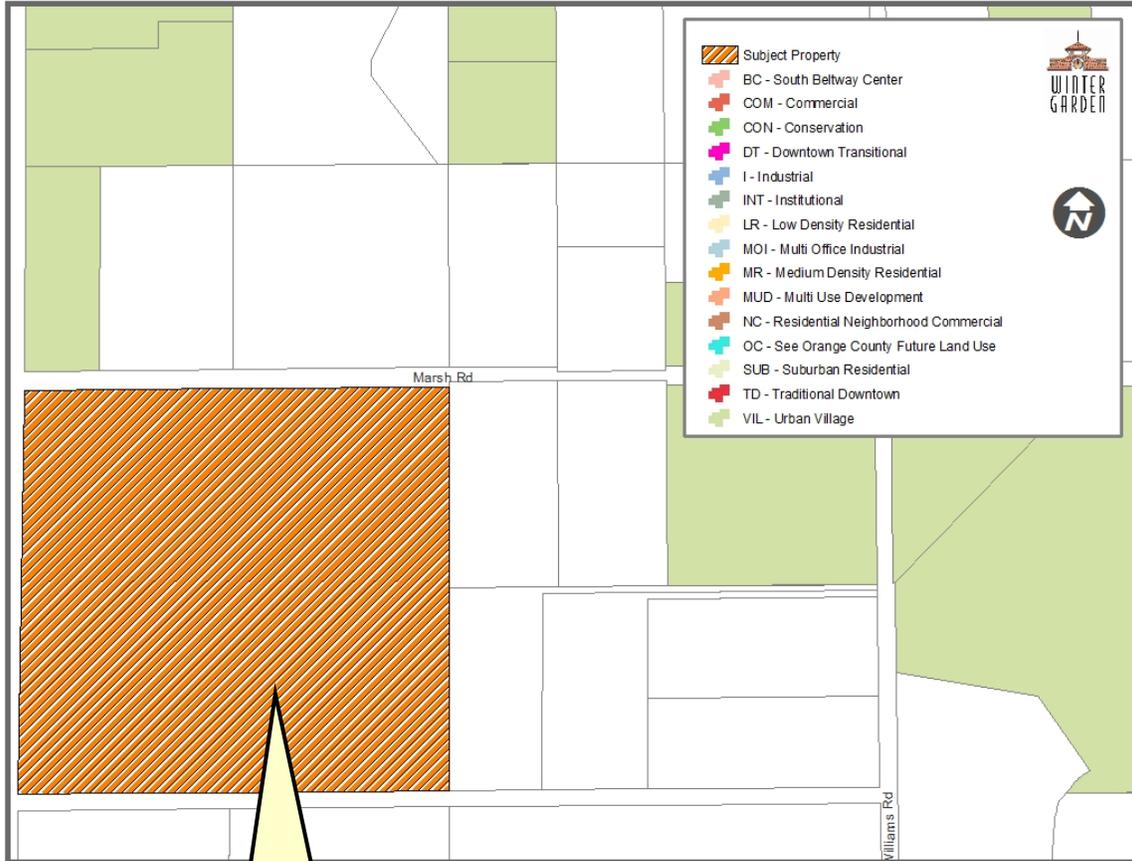
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CONTAINING 38.655 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

17806 Marsh Road



Subject property changed from Orange County Village to City Urban Village

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: July 7, 2014

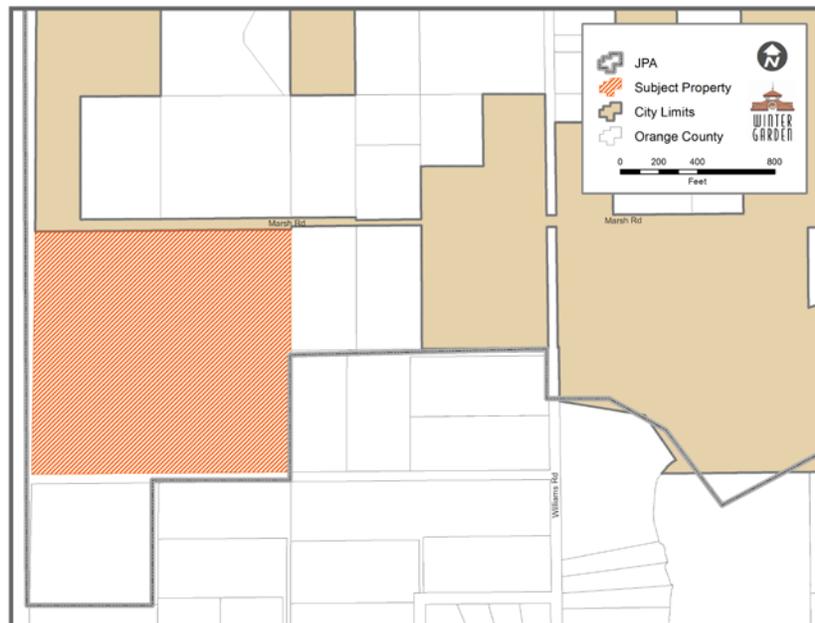
SUBJECT: ANNEXATION/FUTURE LAND USE MAP AMENDMENT
FISCHER SPEARS PROPERTY (38.655 +/- ACRES)
Parcel ID # 06-23-27-4288-08-350 – 17806 Marsh Road

APPLICANT: Fischer Everette H Family Limited Partnership 2/3 Int, Spears Charles E
Spears Ann 1/3 Int

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 south side of Marsh Road at the western boundary of Orange County and is approximately 38.655 +/- 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 —B|| 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 mainly planted pines and has been used for agricultural uses.

ADJACENT LAND USE AND ZONING

To the north of the property are two properties that are developed as single family homes, one of

which was recently annexed into the City and another property that is planted pines. To the south is a property with an orange grove (being annexed into the City of Winter Garden) and a lot with a single family home in unincorporated Orange County with A-1 zoning. To the east are two lots with single family homes, zoned A-1, and located in unincorporated Orange County. To the west of the property is an orange grove, located in Lake County.

PROPOSED USE

There is no current proposal to develop the property and the agricultural use will remain. 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 in several locations along Marsh Road, and any future connections will be analyzed when they submit for the UVPUD.

The City will provide potable water, reclaimed water, and sewer service to the property. When the property is developed, the owners will be required to install these facilities to the property.

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.

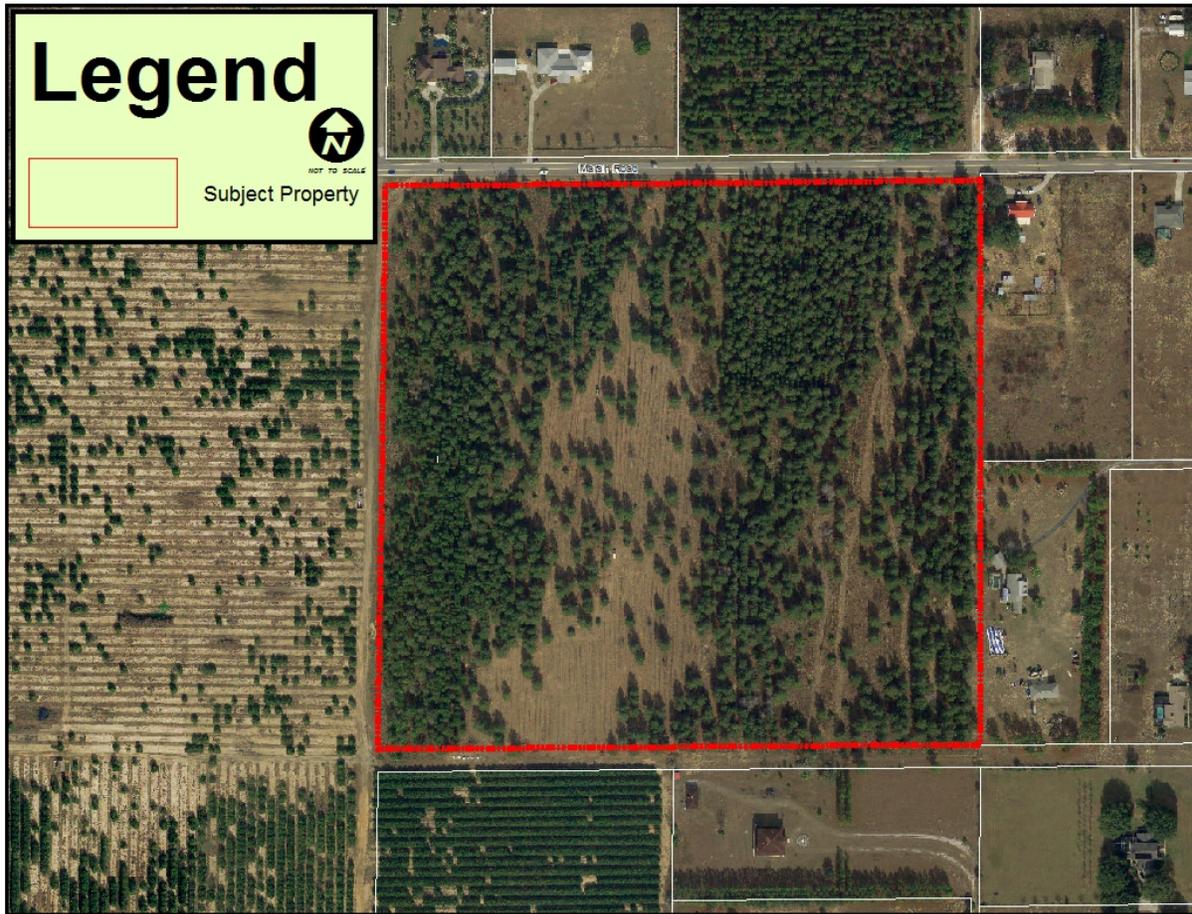
SUMMARY

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

MAPS

AERIAL PHOTO

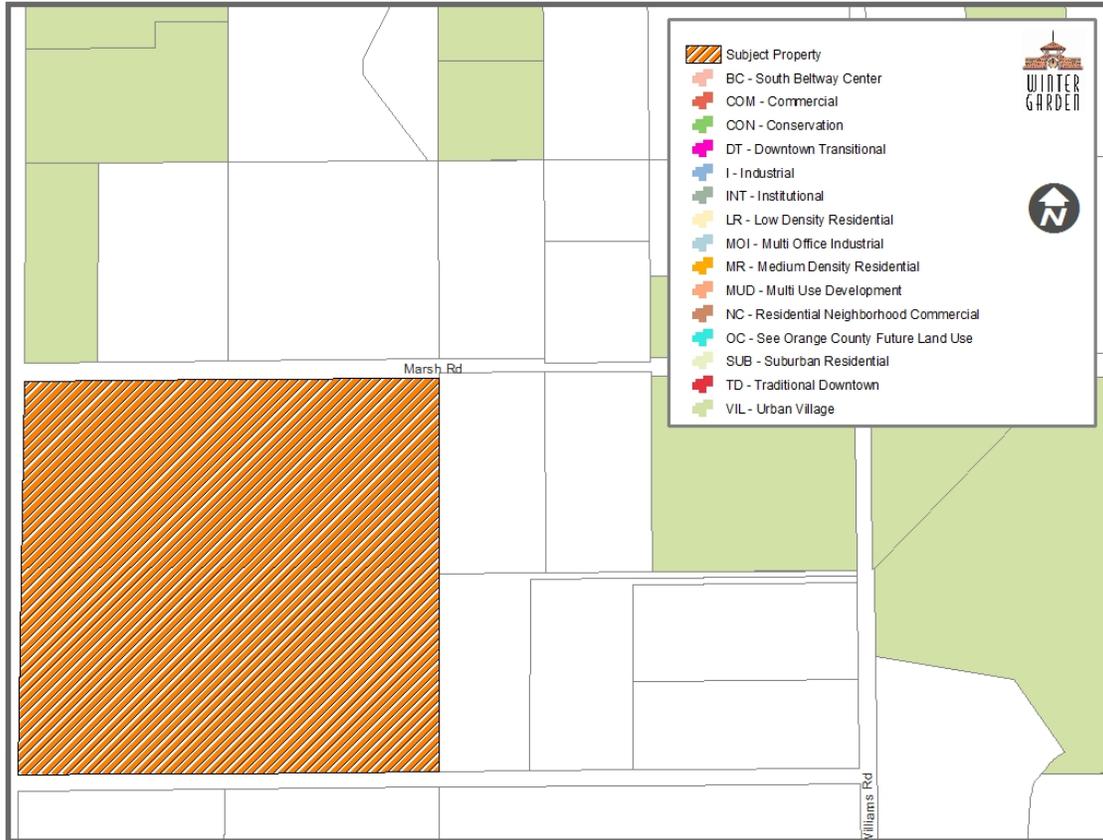
17806 Marsh Road



**WINTER GARDEN
FUTURE LAND USE MAP**

EXISTING

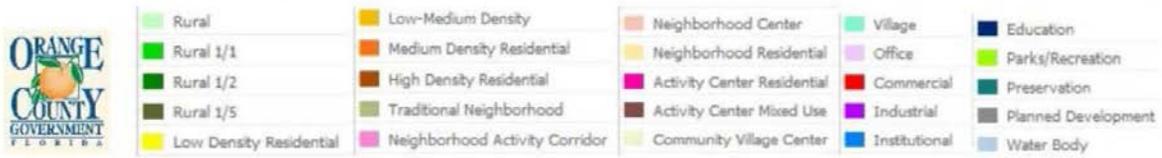
17806 Marsh Road



**ORANGE COUNTY
 FUTURE LAND USE MAP**

EXISTING

16846, 17000, & 17166 Marsh Road

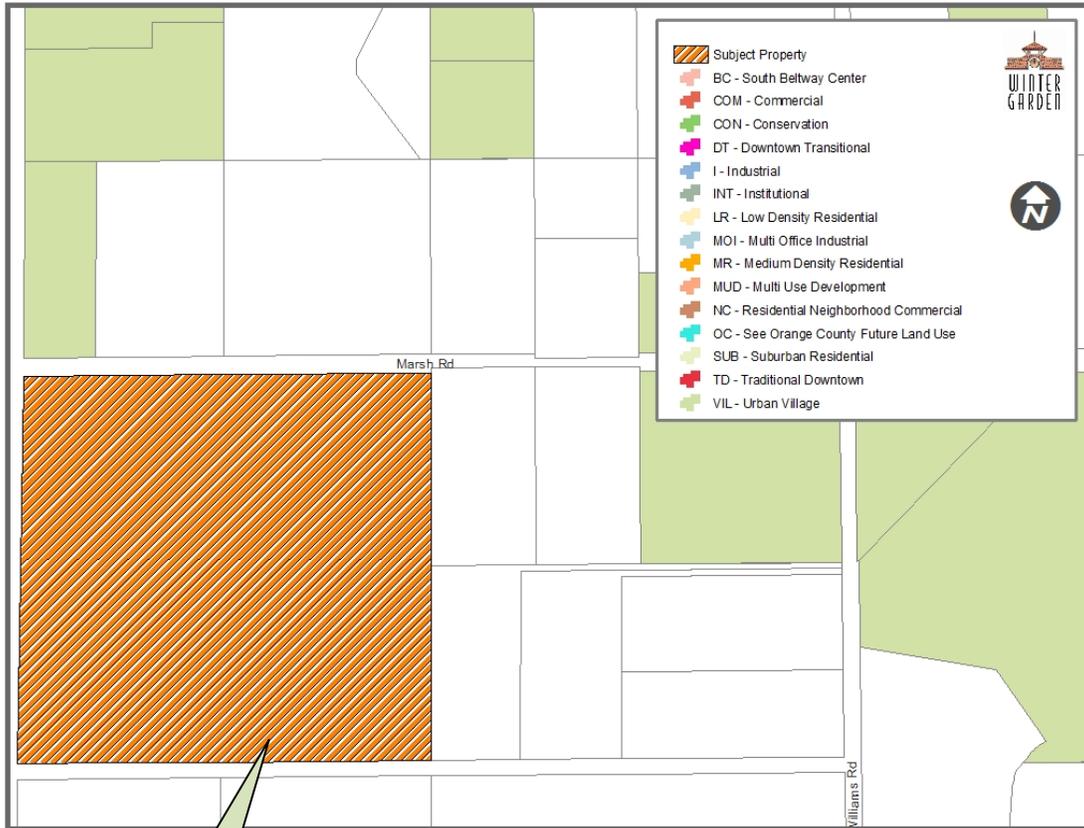


WINTER GARDEN

FUTURE LAND USE MAP

PROPOSED

17806 Marsh Road



Proposed Urban
Village Land Use
Designation

**WINTER GARDEN
ZONING MAP**

CURRENT

17806 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: October 2, 2014

Meeting Date: October 9, 2014

Subject: Seidner Road (Annexation & FLU Amendment)
McKinnon Groves – Seidner Road Annexation
Ordinance 14-24
Ordinance 14-25
PARCEL ID# 06-23-27-4288-08-600

Issue:

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

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject properties make up a 9.527 ± acre enclave located on the south side of Seidner 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:

The first reading was heard on July 10, 2014 and now that staff has received comments from the Florida Department of Economic Opportunity concerning the property to the north the second reading of these ordinances can occur. Staff recommends approval of Ordinance 14-24 and Ordinance 14-25.

Attachment(s)/References:

Location Map
Ordinance 14-24
Ordinance 14-25
Staff Report

Legend



NOT TO SCALE



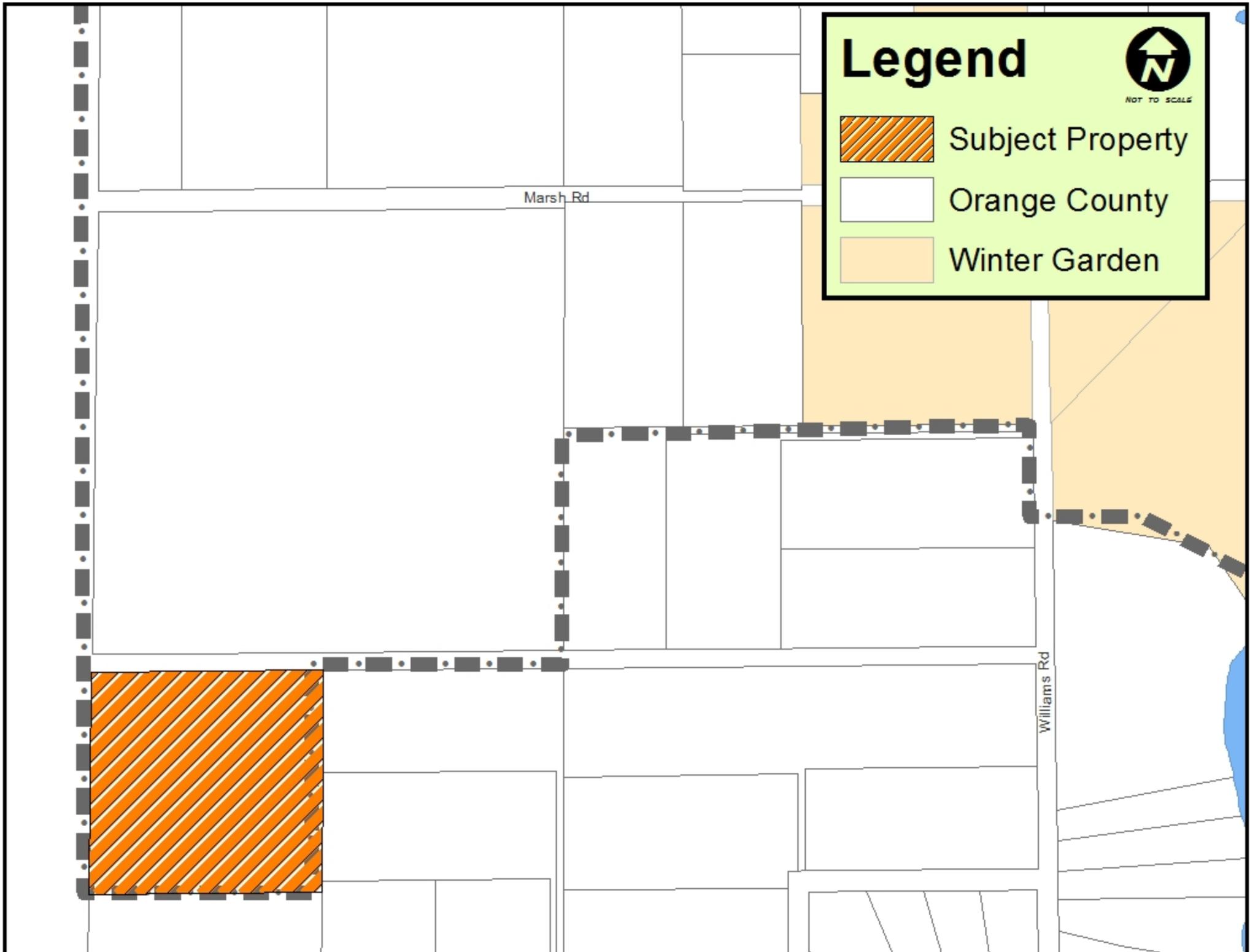
Subject Property



Orange County



Winter Garden



ORDINANCE 14-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 9.527 ± ACRES LOCATED ON THE SOUTH SIDE OF SEIDNER 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 9.527 ± acres located on the south side of Seidner 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

DESCRIPTION:

LOT 60H, 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 NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S00°50'50"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 1344.78 FEET; THENCE LEAVING SAID WEST LINE RUN N89°21'12"E, 25.01 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 60H, 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 CONTINUE N89°21'12"E, 658.86 FEET TO THE NORTHEAST CORNER OF SAID LOT 60H; THENCE RUN S00°26'49"W, 628.48 FEET TO THE SOUTHEAST CORNER OF SAID LOT 60H; THENCE RUN S89°27'04"W, 663.22 FEET TO THE SOUTHWEST CORNER OF SAID LOT 60H; THENCE RUN N00°50'50"E, 627.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.527 ACRES, MORE OR LESS.

ORDINANCE 14-25

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 9.527 ± ACRES LOCATED ON THE SOUTH SIDE OF SEIDNER ROAD AT THE WESTERN BOUNDARY OF ORANGE COUNTY FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 9.527 ± acres located on the south side of Seidner 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 Village to City Urban Village; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to 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 14-24, 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

DESCRIPTION:

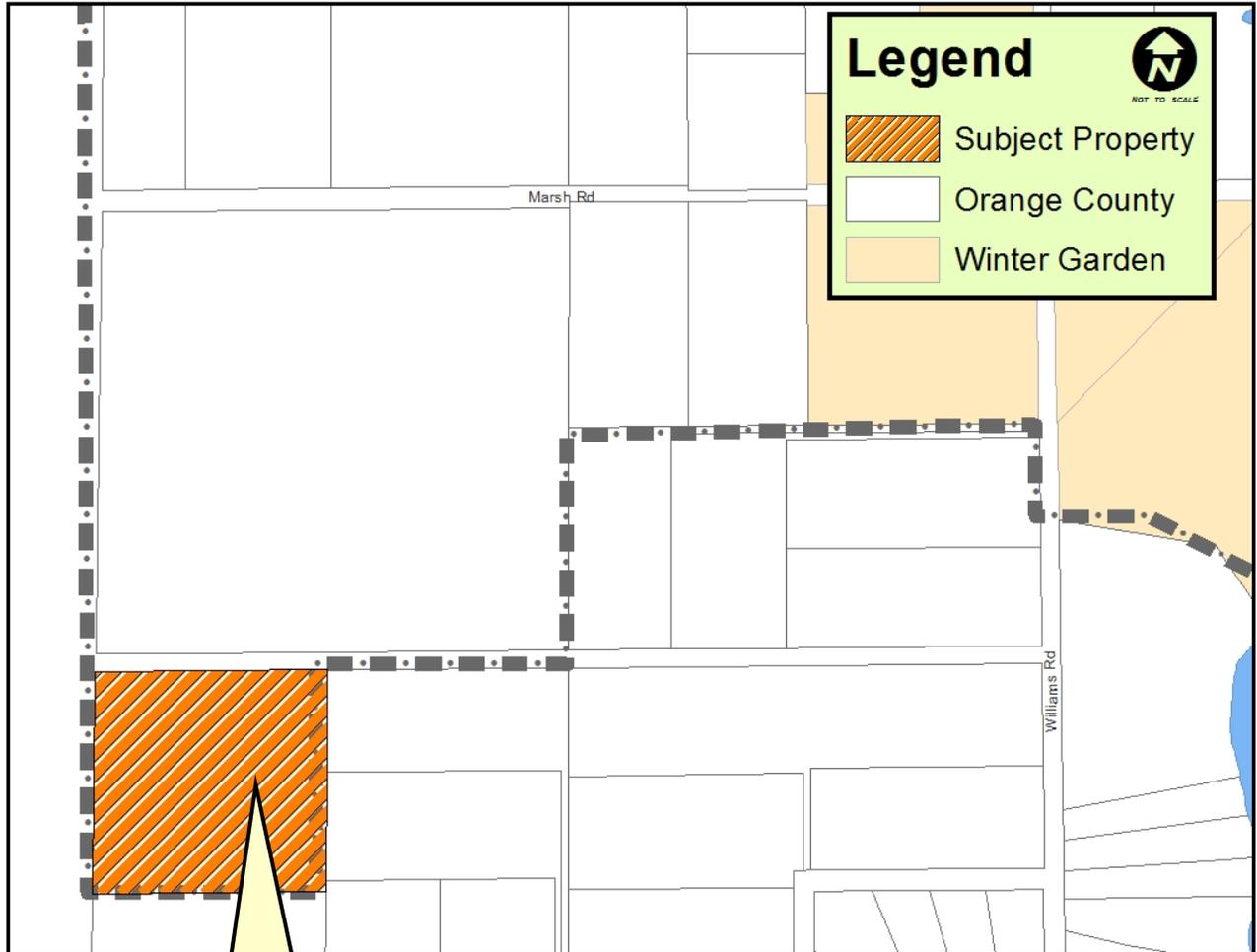
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CONTAINING 9.527 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

Seidner Road



Subject property changed from Orange County Village to City Urban Village

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: JULY 7, 2014

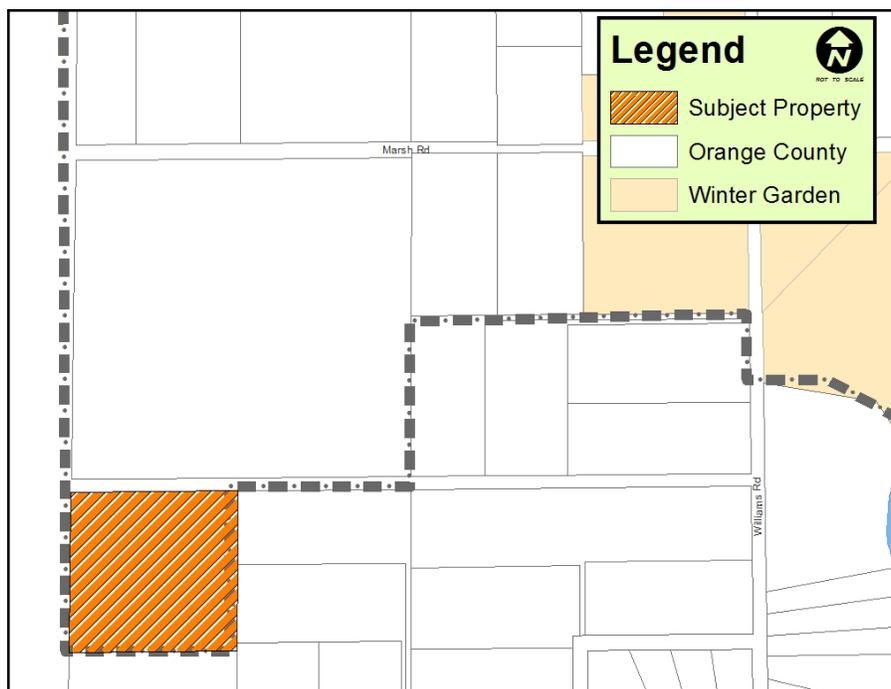
SUBJECT: ANNEXATION/FUTURE LAND USE MAP AMENDMENT
MCKINNON GROVES – SEIDNER ROAD (9.527 +/- ACRES)
Parcel ID # 06-23-27-4288-08-600 – Seidner Road

APPLICANT: MCKINNON GROVES, LLLP

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 south side of Seidner Road at the western boundary of Orange County and is approximately 9.527 +/- 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 —B|| 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 agricultural land that is planted with citrus trees.

ADJACENT LAND USE AND ZONING

To the north of the property is a property that contains planted pines, is being annexed into the City, and is proposed to have Urban Village Future Land Use. To the south is agricultural 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 agricultural land located in Lake County.

PROPOSED USE

The owners plan to continue using the property as a citrus farm. 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 existing property access is along Seidner, 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.

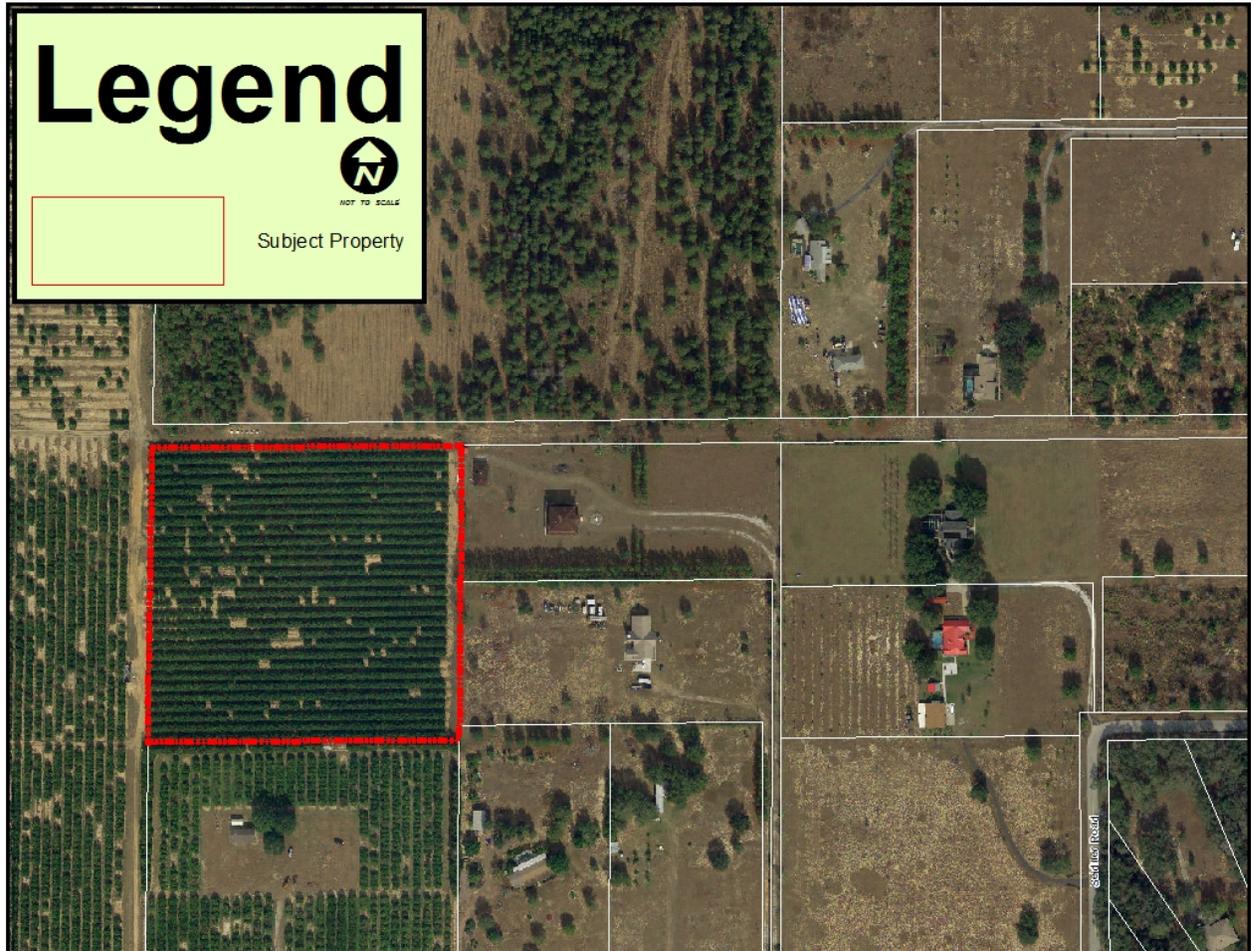
SUMMARY

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

MAPS

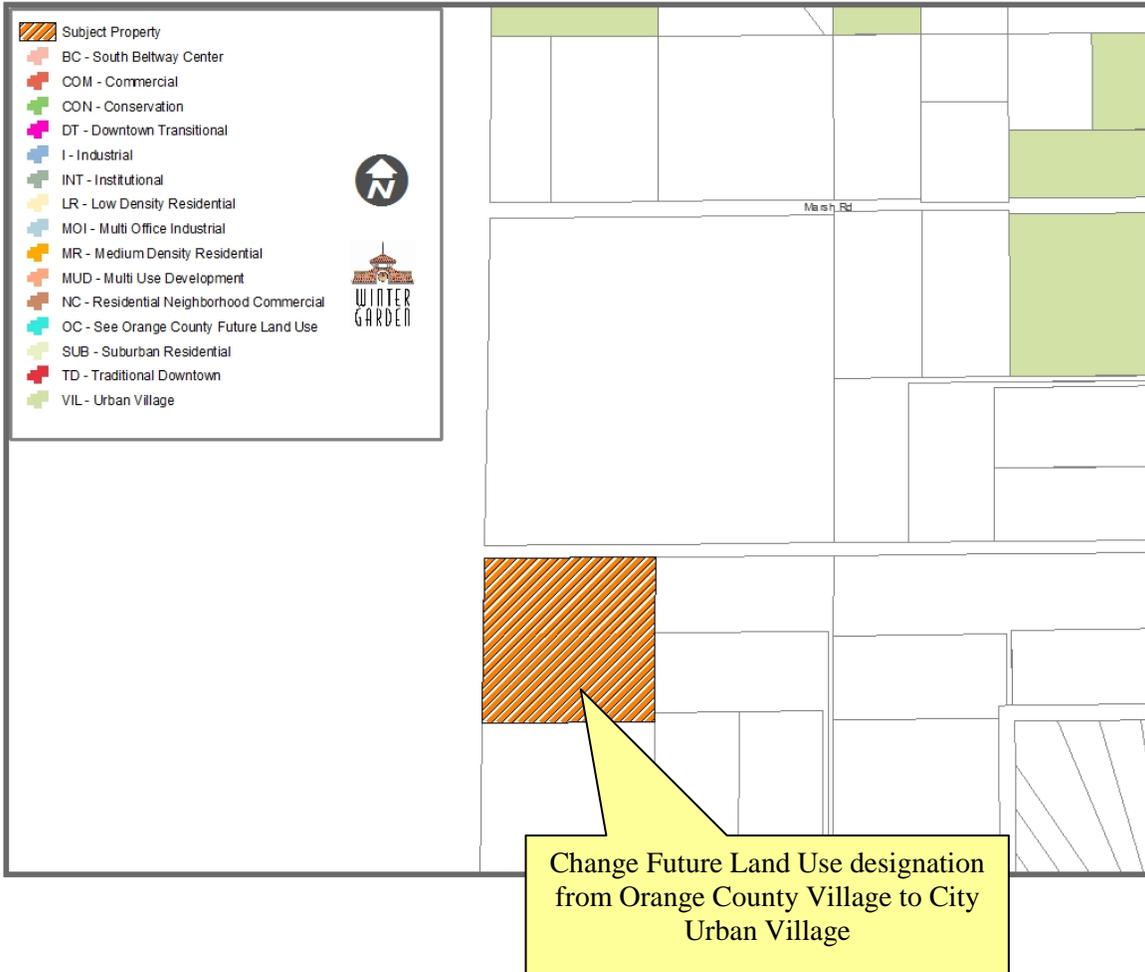
AERIAL PHOTO

Seidner Road



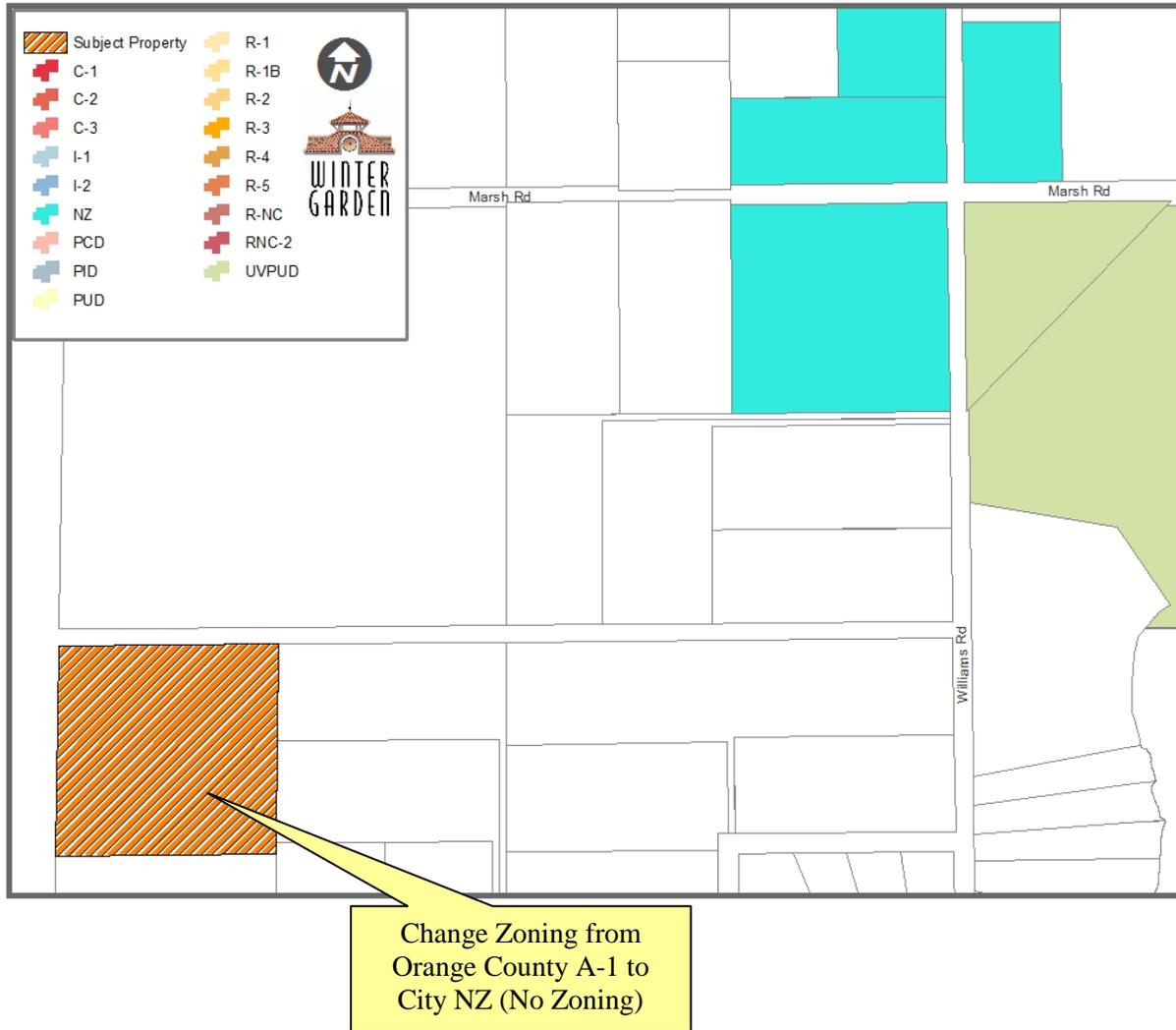
WINTER GARDEN FUTURE LAND USE MAP

Seidner Road



WINTER GARDEN ZONING MAP

Seidner Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Code Enforcement Manager

Via: City Manager Mike Bollhoefer

Date: October 2, 2014 **Meeting Date:** October 9, 2014

Subject: **227 10th Street
Condemnation**

Issue: The building located at 227 10th Street has been vacant with the windows boarded up for a number of years. Staff has inspected the property and determined that the building is dilapidated, decayed, and that it creates a safety hazard to surrounding properties.

Recommended Action:

Staff recommends condemnation of the building and moving forward with demolishing the building.

Attachment(s)/References:

Location Map
Notice of Condemnation
Memo to the Building Official
Summons

Legend



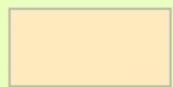
NOT TO SCALE



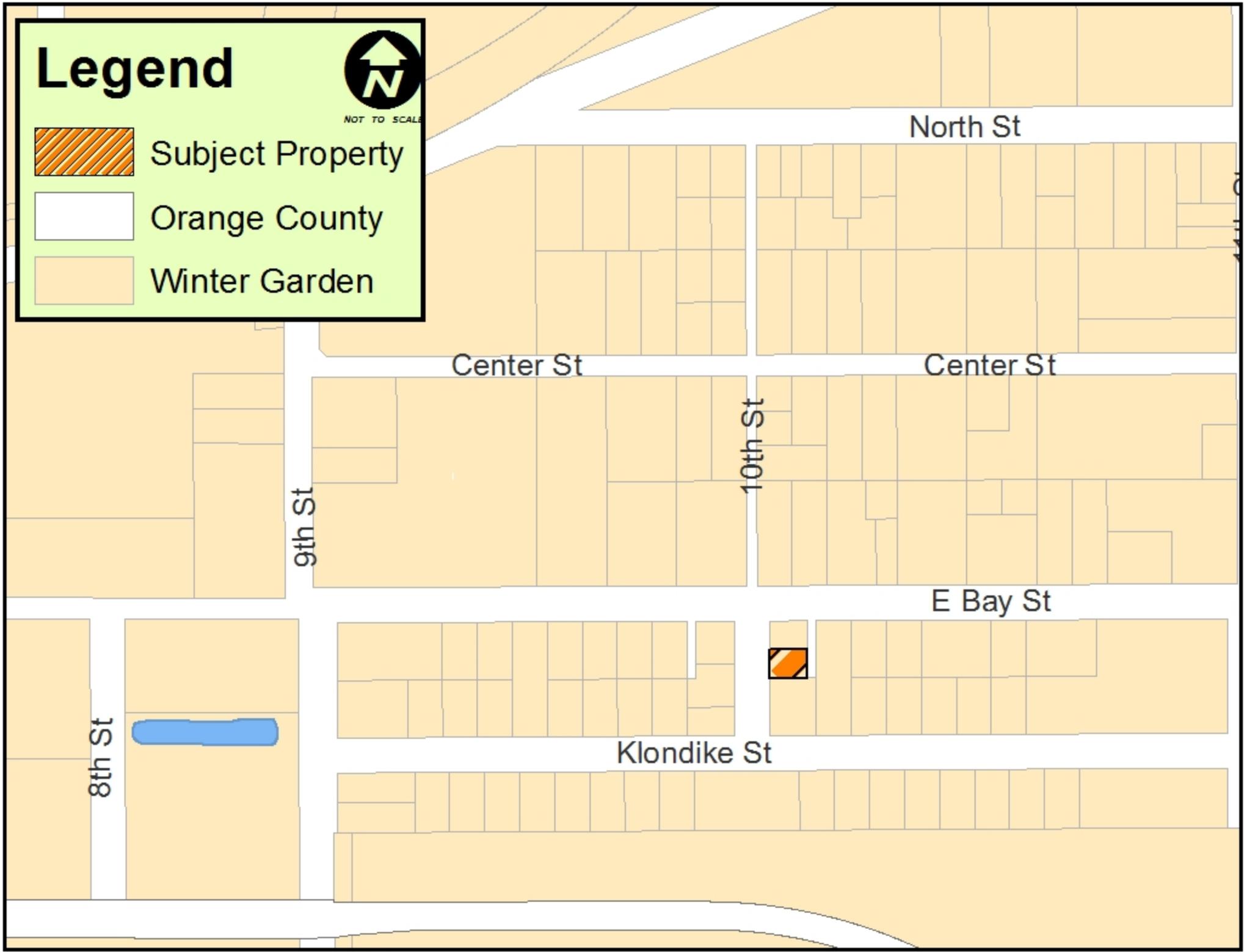
Subject Property



Orange County



Winter Garden



North St

Center St

Center St

9th St

10th St

E Bay St

8th St

Klondike St





CITY OF WINTER GARDEN

COMMUNITY DEVELOPMENT DEPARTMENT

Planning & Zoning Division

300 WEST PLANT STREET

WINTER GARDEN, FLORIDA 34787

TELEPHONE: (407) 656-4111 • FACSIMILE: (407) 654-1258

MEMORANDUM

Date: August 25, 2014
To: Mark Jones, Building Official
CC: Ed Williams, Community Development Director
From: Steve Pash, Code Compliance Manager

Subject: 227 10th Street – Condemnation
Code Case # 14-141

Street Address: 227 10th Street
Winter Garden, Florida 34787

Tax Parcel Identification No.: 24-22-27-5256-02-030

Legal Description: Lots three (3) and four (4) of block "B", of 1st addition to J.S. Loveless Subdivision, according to plat thereof, recorded in plat book "C", page 114, Public Records of Orange County, Florida.

Record Fee Owner FP Consultants LLC as Trustee for Land Trust 227-10
(Per Orange County Tax Collector)

Per Chapter 18, Division 5. Dilapidated, Dangerous, Decayed Structures and Appurtenances of the City Code, the Code Enforcement Department is making a recommendation to condemn the structures located at 227 10th Street.

The building is currently vacant and the building is dilapidated, decayed, and creates a danger to surrounding properties.

Once the building is condemned, Code Enforcement plans to demolish the building.



CITY OF WINTER GARDEN
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
F: 407.656.0839

WWW.WINTERGARDEN-FL.GOV

NOTICE OF CONDEMNATION

DATE ISSUED: August 27, 2014

WINTER GARDEN CODE ENFORCEMENT CASE#: 14-141

PROPERTY OWNER(S) NAME: Land Trust 227-10

MAILING ADDRESS:
FP Consultants LLC as Trustee for Land
Trust 227-10
P.O. Box 568276
Orlando, FL 34787

DATE OF SERVICE:
HAND DELIVERED – AUGUST 27, 2014

SENT VIA CERTIFIED MAIL RECEIPT
7013 2250 0001 7280 0972

RE: CITY OF WINTER GARDEN NOTICE OF CONDEMNATION

LEGAL DESCRIPTION: Lots three (3) and four (4) of block “B”, of 1st addition to J.S. Loveless
Subdivision, according to plat thereof, recorded in plat book “C”, page
114, Public Records of Orange County, Florida.

**STREET ADDRESS AND
TAX PARCEL ID # :** 227 10th Street
Winter Garden, FL 34787
24-22-27-5256-02-030

DEAR PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT AN INSPECTION OF YOUR PROPERTY HAS REVEALED CAUSE TO CONDEMN THE STRUCTURES LOCATED THEREON AS SET FORTH IN ARTICLE II, SECTION 18 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN. VIOLATIONS OF THE FOLLOWING SECTIONS(S) OF THE WINTER GARDEN CODE OF ORDINANCES APPLY AS TO YOUR PROPERTY:

VIOLATION(S):

CHAPTER 18- DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES

SECTION 18-151. STANDARD CODE ADOPTED.

THERE IS ADOPTED BY THE CITY FOR THE PURPOSES OF ESTABLISHING RULES AND REGULATIONS PERTAINING TO OR IN ANY WAY RELATED TO ANY AND ALL BUILDINGS, STRUCTURES, ELECTRICAL, GAS, MECHANICAL OR PLUMBING SYSTEMS WHICH ARE UNSAFE, UNSANITARY, OR DO NOT PROVIDE ADEQUATE EGRESS, OR WHICH CONSTITUTE A FIRE HAZARD, OR ARE OTHERWISE DANGEROUS TO HUMAN LIFE, OR WHICH IN RELATION TO EXISTING USE, CONSTITUTE A HAZARD TO SAFETY OR HEALTH, ARE CONSIDERED UNSAFE BUILDINGS OR

NOTICE OF CONDEMNATION

UNSAFE SERVICES SYSTEMS AS SET FORTH IN THE STANDARD UNSAFE BUILDING ABATEMENT CODE AS PUBLISHED BY THE SBCCI, AND AS SUCH MAY BE AMENDED, MODIFIED OR UPDATED BY THE SBCCI (THE "ABATEMENT CODE"). THE ABATEMENT CODE IS ADOPTED AND FULLY INCORPORATED HEREIN AS IF FULLY SET OUT AT LENGTH IN THIS SECTION, SAVE AND EXCEPT SUCH PORTIONS ARE DELETED, ADDED, MODIFIED OR AMENDED IN THIS ARTICLE. ONE COPY OF THE ABATEMENT CODE IS ON FILE IN THE OFFICE OF THE BUILDING OFFICIAL. ALL SUCH UNSAFE BUILDINGS, STRUCTURES OR SERVICE SYSTEMS ARE HEREBY DECLARED ILLEGAL AND SHALL BE ABATED BY REPAIR AND REHABILITATION OR BY DEMOLITION IN ACCORDANCE WITH THE PROVISIONS OF THE ABATEMENT CODE, OR OTHER PROVISIONS OF THE BUILDING AND PROPERTY MAINTENANCE REGULATIONS OF THE CITY. ALL REPAIRS SHALL BE PERFORMED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.

SECTION 18-159. PUBLIC NUISANCES.

PUBLIC NUISANCES ARE DEFINED IN SECTION 18-155. WHEN NUISANCE CONDITIONS OR HAZARDS DEGENERATE OR CUMULATIVELY IMPACT ON STRUCTURES DWELLINGS, OR OTHER BUILDINGS REGULATED BY THIS CODE, TO THE EXTENT THAT REPAIR, REMOVAL, SECURING OR DEMOLITION IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE, THEN THE BUILDING OFFICIAL OR HIS DESIGNEE IS AUTHORIZED TO ORDER THE PROPERTY OWNER OR CITY AGENTS TO REPAIR, REMOVE, SECURE, VACATE OR DEMOLISH SUCH STRUCTURES ACCORDING TO PROCEDURES OUTLINED IN THE ABATEMENT CODE OR AS OTHERWISE PROVIDED FOR IN THE CODE. THESE POWERS ARE HEREBY DECLARED TO BE REMEDIAL AND ESSENTIAL FOR THE PUBLIC INTEREST, AND IT IS INTENDED THAT SUCH POWERS BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES STATED HEREIN.

CHAPTER 18-155. CONDITIONS CONSTITUTING HAZARDS—NOTICE.

WHEN THERE MAY BE FOUND TO EXIST ANY CONDITION OF ANY BUILDING, LAND OR PREMISES OR ANY CONDITION IN, UPON OR ABOUT ANY BUILDING, LAND OR PREMISES WHICH CONSTITUTES OR IS LIKELY TO CONSTITUTE A FIRE HAZARD OR A HAZARD TO THE HEALTH, SAFETY OR WELFARE OF THE OCCUPANTS OR THE PUBLIC (I.E., A PUBLIC NUISANCE). . . .

REASONS FOR CONDEMNATION:

THE BUILDING IS DILAPIDATED, DECAYED, AND CREATES A DANGER TO SURROUNDING PROPERTIES.

DATE OF HEARING:

SEPTEMBER 25, 2014

PURSUANT TO SECTION 18-157 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, YOU ARE ENTITLED TO A HEARING ON THE CONDEMNATION TO BE HELD ON THE DATE STATED HEREIN. THE CITY COMMISSION SHALL HEAR THE CAUSES AND MAY SUSTAIN, REJECT OR MODIFY THE ACTION AND RECOMMENDATIONS OF THE OFFICER OR EMPLOYEE MAKING AND FILING THE NOTICE WITH RESPECT TO THE HAZARDOUS CONDITION AND SHALL ORDER THE REMOVAL, DESTRUCTION, OTHER DISPOSITION OR REPAIR OF ANY SUCH BUILDING OR SHALL ORDER SUCH OTHER MATTERS OR THINGS TO BE DONE AS MAY BE NECESSARY TO REMOVE OR CORRECT SUCH HAZARDOUS CONDITION, AND SHALL ORDER THAT SUCH BE DONE WITHIN SUCH TIME AS THE CITY COMMISSION MAY DETERMINE.

SINCERELY,

**STEPHEN PASH
CODE COMPLIANCE MANAGER**

SUMMONS AND NOTICE OF HEARING
NOTICE OF CONDEMNATION

CITY OF WINTER GARDEN,
a Florida Municipal Corporation,

Petitioner,

CASE NO.: 14-141

Address: 227 10th St, Winter Garden, FL 34787

Date: August 27, 2014

vs.

FP CONSULTANTS AS TRUSTEE FOR LAND TRUST 227-10

Respondents.

SUMMONS AND NOTICE OF HEARING

Land Trust 227-10
C/O Fp Consultants LLC Trustee
Po Box 568276
Orlando, FL 32856-8276

Re: City of Winter Garden Notice of Condemnation

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, ON THE 25th DAY OF SEPTEMBER 2014, AT 6:30 P.M. AT THE CITY OF WINTER GARDEN COMMISSION CHAMBERS, 300 WEST PLANT STREET, WINTER GARDEN, FLORIDA 34787.

The purpose of the hearing is for the City Commission of the City of Winter Garden to make a determination regarding the condemnation of the property described herein. Upon investigation, it has been determined that the property violates provisions of the Code of Ordinances of the City of Winter Garden as set forth in the Notice of Condemnation served concurrently herewith.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the scheduled hearing. You may also have other rights as are set forth in the City of Winter Garden Code of Ordinances. Any person appealing a decision made by the City Commission of the City of Winter Garden must ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made. The City of Winter Garden does not provide this record. Anyone requiring accommodations in order to participate under the Americans with Disabilities Act should contact the A.D.A. Coordination at 407-656-4111 five days prior to the hearing.

DATED on this 27th day of August, 2014.

City of Winter Garden
Community Development Department

By: _____
Its: _____

AFFIDAVIT OF SERVICE

STATE OF FLORIDA
COUNTY OF ORANGE

Service of Summons, Notice of Hearing, and Notice of Condemnation was made on
Posted on Door at 227 10th Street, Winter Garden, FL 34787 (resident, occupant, or owner's
name) (Age and Relationship to Respondent(s)), at _____ A.M. / P.M., on
_____, 2014, by Stephen Pash.

N/A – Not Occupied
Respondent/Occupant Signature

Officer Signature
My signature validates proper service per
section 162.12, Florida Statutes.

Per section 162.12(c)-(d), Florida Statutes, valid service includes:

Leaving the notice at the Respondent's usual place of residence with any person residing therein
who is above 15 years of age and informing such person of the contents of the notice; or

In the case of commercial premises, leaving the notice with the manager or other person in
charge.

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Code Enforcement Manager

Via: City Manager Mike Bollhoefer

Date: October 2, 2014 **Meeting Date:** October 9, 2014

Subject: **301 Center Street
Condemnation**

Issue: All but one of the four (4) buildings located at 301 Center Street have been vacant for a number of years. Staff has inspected the property and determined that the buildings are dilapidated, decayed, and that they create a safety hazard to surrounding properties.

Recommended Action:

Staff recommends condemnation of all four buildings and moving forward with demolishing the four buildings.

Attachment(s)/References:

Location Map
Notice of Condemnation
Memo to the Building Official
Summons



MEMORANDUM

Date: September 9, 2014
To: Mark Jones, Building Official
CC: Ed Williams, Community Development Director
From: Steve Pash, Code Compliance Manager

Subject: 301 Center Street – Condemnation
Code Case # 14-145

Street Address: 301 Center Street
Winter Garden, Florida 34787

Tax Parcel Identification No.: 13-22-27-5260-00-115

Legal Description: The South 50 feet of Lots 11 and 12, less the West 60 feet of Lot 11, all in the J.S. Loveless Addition to Winter Garden, according to the plat thereof as recorded in plat book D, page 90, public records of Orange County, Florida.

Record Fee Owner 28.51 Orange III LLC

Per Chapter 18, Division 5. Dilapidated, Dangerous, Decayed Structures and Appurtenances of the City Code, the Code Enforcement Department is making a recommendation to condemn the structures located at 301 Center Street.

The buildings are currently vacant and the buildings are dilapidated, decayed, and create a danger to surrounding properties.

Once the buildings are condemned, Code Enforcement plans to demolish the buildings.



CITY OF WINTER GARDEN
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
F: 407.656.0839

WWW.WINTERGARDEN-FL.GOV

NOTICE OF CONDEMNATION

DATE ISSUED: September 10, 2014

WINTER GARDEN CODE ENFORCEMENT CASE#: 14-145

PROPERTY OWNER(S) NAME: 28.51 Orange III LLC

MAILING ADDRESS: 4630 South Kirkman Road, Unit 242
Orlando, Florida 32811-2898

RE: CITY OF WINTER GARDEN NOTICE OF CONDEMNATION

LEGAL DESCRIPTION:

The South 50 feet of Lots 11 and 12, less the West 60 feet of Lot 11, all in the J.S. Loveless Addition to Winter Garden, according to the plat thereof as recorded in plat book D, page 90, public records of Orange County, Florida.

**STREET ADDRESS AND
TAX PARCEL ID # :**

301 Center Street
Winter Garden, FL 34787
13-22-27-5260-00-115

DATE OF SERVICE:

HAND DELIVERED – SEPTEMBER 10, 2014

SENT VIA CERTIFIED MAIL RECEIPT
7013 2250 0001 7280 0248

DEAR PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT AN INSPECTION OF YOUR PROPERTY HAS REVEALED CAUSE TO CONDEMN THE STRUCTURES LOCATED THEREON AS SET FORTH IN ARTICLE II, SECTION 18 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN. VIOLATIONS OF THE FOLLOWING SECTION(S) OF THE WINTER GARDEN CODE OF ORDINANCES APPLY AS TO YOUR PROPERTY:

VIOLATION(S):

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NOTICE OF CONDEMNATION

UNSAFE SERVICES SYSTEMS AS SET FORTH IN THE STANDARD UNSAFE BUILDING ABATEMENT CODE AS PUBLISHED BY THE SBCCI, AND AS SUCH MAY BE AMENDED, MODIFIED OR UPDATED BY THE SBCCI (THE "ABATEMENT CODE"). THE ABATEMENT CODE IS ADOPTED AND FULLY INCORPORATED HEREIN AS IF FULLY SET OUT AT LENGTH IN THIS SECTION, SAVE AND EXCEPT SUCH PORTIONS ARE DELETED, ADDED, MODIFIED OR AMENDED IN THIS ARTICLE. ONE COPY OF THE ABATEMENT CODE IS ON FILE IN THE OFFICE OF THE BUILDING OFFICIAL. ALL SUCH UNSAFE BUILDINGS, STRUCTURES OR SERVICE SYSTEMS ARE HEREBY DECLARED ILLEGAL AND SHALL BE ABATED BY REPAIR AND REHABILITATION OR BY DEMOLITION IN ACCORDANCE WITH THE PROVISIONS OF THE ABATEMENT CODE, OR OTHER PROVISIONS OF THE BUILDING AND PROPERTY MAINTENANCE REGULATIONS OF THE CITY. ALL REPAIRS SHALL BE PERFORMED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.

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CHAPTER 18-155. CONDITIONS CONSTITUTING HAZARDS—NOTICE.

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REASONS FOR CONDEMNATION:

THE BUILDINGS ARE CURRENTLY VACANT AND THE BUILDINGS ARE DILAPIDATED, DECAYED, AND CREATE A DANGER TO SURROUNDING PROPERTIES

DATE OF HEARING:

OCTOBER 9, 2014

PURSUANT TO SECTION 18-157 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, YOU ARE ENTITLED TO A HEARING ON THE CONDEMNATION TO BE HELD ON THE DATE STATED HEREIN. THE CITY COMMISSION SHALL HEAR THE CAUSES AND MAY SUSTAIN, REJECT OR MODIFY THE ACTION AND RECOMMENDATIONS OF THE OFFICER OR EMPLOYEE MAKING AND FILING THE NOTICE WITH RESPECT TO THE HAZARDOUS CONDITION AND SHALL ORDER THE REMOVAL, DESTRUCTION, OTHER DISPOSITION OR REPAIR OF ANY SUCH BUILDING OR SHALL ORDER SUCH OTHER MATTERS OR THINGS TO BE DONE AS MAY BE NECESSARY TO REMOVE OR CORRECT SUCH HAZARDOUS CONDITION, AND SHALL ORDER THAT SUCH BE DONE WITHIN SUCH TIME AS THE CITY COMMISSION MAY DETERMINE.

SINCERELY,

**STEPHEN PASH
CODE COMPLIANCE MANAGER**

SUMMONS AND NOTICE OF HEARING
NOTICE OF CONDEMNATION

CITY OF WINTER GARDEN,
a Florida Municipal Corporation,

Petitioner,

CASE NO.: 14-145

Date: September 10, 2014

vs.

28.51 Orange III LLC,

Respondents.

SUMMONS AND NOTICE OF HEARING

28.51 Orange III LLC
4630 South Kirkman Road Unit 242
Orlando, Florida 32811-2898

Re: City of Winter Garden Notice of Condemnation

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, ON THE 9th DAY OF OCTOBER 2014, AT 6:30 P.M. AT THE CITY OF WINTER GARDEN COMMISSION CHAMBERS, 300 WEST PLANT STREET, WINTER GARDEN, FLORIDA 34787.

The purpose of the hearing is for the City Commission of the City of Winter Garden to make a determination regarding the condemnation of the property described herein. Upon investigation, it has been determined that the property violates provisions of the Code of Ordinances of the City of Winter Garden as set forth in the Notice of Condemnation served concurrently herewith.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the scheduled hearing. You may also have other rights as are set forth in the City of Winter Garden Code of Ordinances. Any person appealing a decision made by the City Commission of the City of Winter Garden must ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made. The City of Winter Garden does not provide this record. Anyone requiring accommodations in order to participate under the Americans with Disabilities Act should contact the A.D.A. Coordination at 407-656-4111 five days prior to the hearing.

DATED on this 10th day of September, 2014.

City of Winter Garden
Community Development Department

By: _____
Its: _____

AFFIDAVIT OF SERVICE

STATE OF FLORIDA
COUNTY OF ORANGE

Service of Summons, Notice of Hearing, and Notice of Condemnation was made on
Posted on the Door at 301 Center Street, Winter Garden, FL 34787 (resident, occupant, or
owner's name) (Age and Relationship to Respondent(s)), at 3:25 P.M., on September 10, 2014,
by Stephen Pash.

N/A – Vacant Property
Respondent/Occupant Signature

Officer Signature
My signature validates proper service per
section 162.12, Florida Statutes.

Per section 162.12(c)-(d), Florida Statutes, valid service includes:

Leaving the notice at the Respondent's usual place of residence with any person residing therein
who is above 15 years of age and informing such person of the contents of the notice; or

In the case of commercial premises, leaving the notice with the manager or other person in
charge.



WARNING
AVOID
CALL 911

78287

Red sign with blue text on the yellow house wall.



244



244

NOTICE

NOTICE



NOTICE
This property is subject to a
lien for unpaid taxes.
If you are the owner, please
contact the tax collector's
office at (813) 274-1234
to arrange for payment.







295



THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Code Enforcement Manager

Via: City Manager Mike Bollhoefer

Date: October 2, 2014 **Meeting Date:** October 9, 2014

Subject: **281 Center Street
Condemnation**

Issue: The four (4) buildings located at 281 Center Street have been vacant for a number of years. Staff has inspected the property and determined that the buildings are dilapidated, decayed, and that they create a safety hazard to surrounding properties.

Recommended Action:

Staff recommends condemnation of the four buildings and moving forward with demolishing the four buildings.

Attachment(s)/References:

Location Map
Notice of Condemnation
Memo to the Building Official
Summons



MEMORANDUM

Date: September 9, 2014
To: Mark Jones, Building Official
CC: Ed Williams, Community Development Director
From: Steve Pash, Code Compliance Manager

Subject: 281 Center Street – Condemnation
Code Case # 14-144

Street Address: 281 Center Street
Winter Garden, Florida 34787

Tax Parcel Identification No.: 13-22-27-5260-00-116

Legal Description: The West 60 feet of the South ½ of Lot 11, all in the J.S. Loveless Addition to Winter Garden, according to the plat thereof as recorded in plat book D, page 90, Public Records of Orange County, Florida.

Record Fee Owner Emmitt Charles Haggins; Edward Lee Johnson

Per Chapter 18, Division 5. Dilapidated, Dangerous, Decayed Structures and Appurtenances of the City Code, the Code Enforcement Department is making a recommendation to condemn the structures located at 281 Center Street.

The buildings are currently vacant and the buildings are dilapidated, decayed, and create a danger to surrounding properties.

Once the buildings are condemned, Code Enforcement plans to demolish the buildings.



CITY OF WINTER GARDEN
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
F: 407.656.0839

WWW.WINTERGARDEN-FL.GOV

NOTICE OF CONDEMNATION

DATE ISSUED: September 10, 2014

WINTER GARDEN CODE ENFORCEMENT CASE#: 14-144

PROPERTY OWNER(S) NAME: Emmitt Charles Haggins; Edward Lee Johnson

MAILING ADDRESS: 301 Center Street
Winter Garden, Florida 34787

RE: CITY OF WINTER GARDEN NOTICE OF CONDEMNATION

LEGAL DESCRIPTION: The West 60 feet of the South ½ of Lot 11, all in the J.S. Loveless Addition to Winter Garden, according to the plat thereof as recorded in plat book D, page 90, Public Records of Orange County, Florida.

STREET ADDRESS AND TAX PARCEL ID # : 281 Center Street
Winter Garden, FL 34787
13-22-27-5260-00-116

DEAR PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT AN INSPECTION OF YOUR PROPERTY HAS REVEALED CAUSE TO CONDEMN THE STRUCTURES LOCATED THEREON AS SET FORTH IN ARTICLE II, SECTION 18 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN. VIOLATIONS OF THE FOLLOWING SECTIONS(S) OF THE WINTER GARDEN CODE OF ORDINANCES APPLY AS TO YOUR PROPERTY:

VIOLATION(S):

CHAPTER 18- DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES

SECTION 18-151. STANDARD CODE ADOPTED.

THERE IS ADOPTED BY THE CITY FOR THE PURPOSES OF ESTABLISHING RULES AND REGULATIONS PERTAINING TO OR IN ANY WAY RELATED TO ANY AND ALL BUILDINGS, STRUCTURES, ELECTRICAL, GAS, MECHANICAL OR PLUMBING SYSTEMS WHICH ARE UNSAFE, UNSANITARY, OR DO NOT PROVIDE ADEQUATE EGRESS, OR WHICH CONSTITUTE A FIRE HAZARD, OR ARE OTHERWISE DANGEROUS TO HUMAN LIFE, OR WHICH IN RELATION TO EXISTING USE, CONSTITUTE A HAZARD TO SAFETY OR HEALTH, ARE CONSIDERED UNSAFE BUILDINGS OR UNSAFE SERVICES SYSTEMS AS SET FORTH IN THE STANDARD UNSAFE BUILDING ABATEMENT CODE AS

DATE OF SERVICE:

HAND DELIVERED – SEPTEMBER 10, 2014

**SENT VIA CERTIFIED MAIL RECEIPT
7013 2250 0001 7280 0255**

NOTICE OF CONDEMNATION

PUBLISHED BY THE SBCCI, AND AS SUCH MAY BE AMENDED, MODIFIED OR UPDATED BY THE SBCCI (THE "ABATEMENT CODE"). THE ABATEMENT CODE IS ADOPTED AND FULLY INCORPORATED HEREIN AS IF FULLY SET OUT AT LENGTH IN THIS SECTION, SAVE AND EXCEPT SUCH PORTIONS ARE DELETED, ADDED, MODIFIED OR AMENDED IN THIS ARTICLE. ONE COPY OF THE ABATEMENT CODE IS ON FILE IN THE OFFICE OF THE BUILDING OFFICIAL. ALL SUCH UNSAFE BUILDINGS, STRUCTURES OR SERVICE SYSTEMS ARE HEREBY DECLARED ILLEGAL AND SHALL BE ABATED BY REPAIR AND REHABILITATION OR BY DEMOLITION IN ACCORDANCE WITH THE PROVISIONS OF THE ABATEMENT CODE, OR OTHER PROVISIONS OF THE BUILDING AND PROPERTY MAINTENANCE REGULATIONS OF THE CITY. ALL REPAIRS SHALL BE PERFORMED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.

SECTION 18-159. PUBLIC NUISANCES.

PUBLIC NUISANCES ARE DEFINED IN SECTION 18-155. WHEN NUISANCE CONDITIONS OR HAZARDS DEGENERATE OR CUMULATIVELY IMPACT ON STRUCTURES DWELLINGS, OR OTHER BUILDINGS REGULATED BY THIS CODE, TO THE EXTENT THAT REPAIR, REMOVAL, SECURING OR DEMOLITION IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE, THEN THE BUILDING OFFICIAL OR HIS DESIGNEE IS AUTHORIZED TO ORDER THE PROPERTY OWNER OR CITY AGENTS TO REPAIR, REMOVE, SECURE, VACATE OR DEMOLISH SUCH STRUCTURES ACCORDING TO PROCEDURES OUTLINED IN THE ABATEMENT CODE OR AS OTHERWISE PROVIDED FOR IN THE CODE. THESE POWERS ARE HEREBY DECLARED TO BE REMEDIAL AND ESSENTIAL FOR THE PUBLIC INTEREST, AND IT IS INTENDED THAT SUCH POWERS BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES STATED HEREIN.

CHAPTER 18-155. CONDITIONS CONSTITUTING HAZARDS—NOTICE.

WHEN THERE MAY BE FOUND TO EXIST ANY CONDITION OF ANY BUILDING, LAND OR PREMISES OR ANY CONDITION IN, UPON OR ABOUT ANY BUILDING, LAND OR PREMISES WHICH CONSTITUTES OR IS LIKELY TO CONSTITUTE A FIRE HAZARD OR A HAZARD TO THE HEALTH, SAFETY OR WELFARE OF THE OCCUPANTS OR THE PUBLIC (I.E., A PUBLIC NUISANCE). . . .

REASONS FOR CONDEMNATION:

THE BUILDINGS ARE CURRENTLY VACANT AND THE BUILDINGS ARE DILAPIDATED, DECAYED, AND CREATE A DANGER TO SURROUNDING PROPERTIES.

DATE OF HEARING:

OCTOBER 9, 2014

PURSUANT TO SECTION 18-157 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, YOU ARE ENTITLED TO A HEARING ON THE CONDEMNATION TO BE HELD ON THE DATE STATED HEREIN. THE CITY COMMISSION SHALL HEAR THE CAUSES AND MAY SUSTAIN, REJECT OR MODIFY THE ACTION AND RECOMMENDATIONS OF THE OFFICER OR EMPLOYEE MAKING AND FILING THE NOTICE WITH RESPECT TO THE HAZARDOUS CONDITION AND SHALL ORDER THE REMOVAL, DESTRUCTION, OTHER DISPOSITION OR REPAIR OF ANY SUCH BUILDING OR SHALL ORDER SUCH OTHER MATTERS OR THINGS TO BE DONE AS MAY BE NECESSARY TO REMOVE OR CORRECT SUCH HAZARDOUS CONDITION, AND SHALL ORDER THAT SUCH BE DONE WITHIN SUCH TIME AS THE CITY COMMISSION MAY DETERMINE.

SINCERELY,

**STEPHEN PASH
CODE COMPLIANCE MANAGER**

SUMMONS AND NOTICE OF HEARING
NOTICE OF CONDEMNATION

CITY OF WINTER GARDEN,
a Florida Municipal Corporation,

Petitioner,

CASE NO.: 14-144

Date: September 10, 2014

vs.

EMMIT CHARLES HAGGINS and
EDWARD LEE JOHNSON,

Respondents.

SUMMONS AND NOTICE OF HEARING

Emmit Charles Haggins
301 Center Street
Winter Garden, Florida 34787

Edward Lee Johnson
301 Center Street
Winter Garden, Florida 34787

Re: City of Winter Garden Notice of Condemnation

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, ON THE 9th DAY OF OCTOBER 2014, AT 6:30 P.M. AT THE CITY OF WINTER GARDEN COMMISSION CHAMBERS, 300 WEST PLANT STREET, WINTER GARDEN, FLORIDA 34787.

The purpose of the hearing is for the City Commission of the City of Winter Garden to make a determination regarding the condemnation of the property described herein. Upon investigation, it has been determined that the property violates provisions of the Code of Ordinances of the City of Winter Garden as set forth in the Notice of Condemnation served concurrently herewith.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the scheduled hearing. You may also have other rights as are set forth in the City of Winter Garden Code of Ordinances. Any person appealing a decision made by the City Commission of the City of Winter Garden must ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made. The City of Winter Garden does not provide this record. Anyone requiring accommodations in order to participate under the Americans with Disabilities Act should contact the A.D.A. Coordination at 407-656-4111 five days prior to the hearing.

DATED on this 10th day of September, 2014.

City of Winter Garden
Community Development Department

By: _____
Its: _____

AFFIDAVIT OF SERVICE

STATE OF FLORIDA
COUNTY OF ORANGE

Service of Summons, Notice of Hearing, and Notice of Condemnation was made on Posted on Door at 281 Center Street, Winter Garden, FL 34787 (resident, occupant, or owner’s name) (Age and Relationship to Respondent(s)), at 3:15 P.M., on September 10, 2014, by Stephen Pash.

N/A – Vacant Property
Respondent/Occupant Signature

Officer Signature
My signature validates proper service per section 162.12, Florida Statutes.

Per section 162.12(c)-(d), Florida Statutes, valid service includes:

Leaving the notice at the Respondent’s usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

In the case of commercial premises, leaving the notice with the manager or other person in charge.





NOTICE
PROPERTY OF
CITY OF
MAYOR
CITY CLERK
CITY OF

Blue and white notice or document.



2
8
7

NOTICE
...
...





285

NOTICE

287



NOTICE

NOTICE
This property is for sale.
Call [phone number]