

ORDINANCE 2010-02

AN ORDINANCE OF THE TOWN COUNCIL OF WINDERMERE, ORANGE COUNTY, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING THE ADOPTED TOWN OF WINDERMERE COMPREHENSIVE PLAN, FUTURE LAND USE MAP DESIGNATION FOR 10 ACRES OF REAL PROPERTY (LOCATED AT 9501 CONROY WINDERMERE ROAD) FROM AGRICULTURAL TO SINGLE FAMILY RESIDENTIAL PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; SUPERSEDING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, M. Maciel & Associates, LLC, as agent for fee simple owners Sue R. Prosser and Mildred R. Williams as Trustees, requested a Future Land Use Map (“FLUM”) amendment on March 8, 2010 for 10 acres of property located within the town from agricultural to single family residential.

WHEREAS, on June 8, 2010, the Town Council, sitting as the Land Planning Agency, considered this proposed FLUM amendment and recommended approval and adoption to the Town Council.

WHEREAS, the Town Council has determined the FLUM, small-scale amendment, as defined by Section 163.3187(1)(c), Florida Statutes, complies with applicable law and is consistent with the goals, objectives, and policies of the town’s comprehensive plan. *Now, therefore,*

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Adoption of the comprehensive plan amendment. The FLUM, small-scale amendment for 10 acres of real property located at 9501 Conroy Windermere Road owned in fee simple by Sue R. Prosser and Mildred R. Williams as Trustees, described below and depicted by map in Exhibit “A” is hereby amended from the FLUM designation of Agricultural to Single Family Residential:

Parcel ID # 09-23-28-0000-00-035

That part of the East 607.50 feet of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ lying Southwest of the lake. (LESS road right of way on the South) Section 9, Township 23 South, Range 28 East, Orange County, Florida, more particularly described as follows:

From the Southeast corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 9,

Township 23 South, Range 28 East, Orange County, Florida run West along the Section line, 607.50 feet; thence N00°05' 36" E 30.00 feet to the North Right of Way line of CONROY-WINDERMERE ROAD for the Point of beginning; thence continue N00°05' 36" E, along the East line of WINDERMERE OAKS as recorded in Plat Book 10, page 27 of the Public Records of Orange County, Florida 804.23 feet; thence S89° 11' 00" E 47.93'; thence S58° 16' 02" E 419.20 feet; thence N27° 37' 04" E 183.95 feet; thence N31° 43' 58" E 224.32 feet to the East line of said SW ¼, SW ¼ thence S00° 05' 36" W 283.88 feet, more or less, to the Water's edge of LAKE DOWN; thence Southeasterly and Southerly along said Water's edge being witnessed by the following 5 courses and distances; S34° 37' 33" E 84.60 feet, thence S22° 45' 06" E 101.35 feet, thence S05° 19' 35" W 128 feet, thence S08° 04' 39" E 184.86 feet, thence S14° 48' 17" E 102.34 feet to a point on the North Right of Way line of CONROY-WINDERMERE ROAD; thence S89° 58' 46" W, along said Right of Way line, 60.60 feet, thence S00° 01' 14" E 60.00 feet, thence S89° 58' 46" W 400.00 feet, thence S° 01' 14" E 19.87 feet, thence West 275.46 feet to the Point of Beginning.

Section 2. Severability. If any section or phrase of this ordinance is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected thereby.

Section 3. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 4. Codification. It is the intention of the Town Council of the Town of Windermere that this comprehensive plan amendment shall become and be made a part of the Comprehensive Plan of the town.

Section 5. Effective Date. The effective date of this plan amendment shall be thirty-one days after the date of approval and adoption by the Town Council unless challenged by an affected party. If the plan amendment is challenged within thirty days by an affected party pursuant to Section 163.3187, Florida Statutes, this FLUM, small-scale amendment shall not become effective until the Florida Department of Community Affairs or the Administration Commission issues a final order determining this amendment in compliance.

ENACTED this _____ day of _____ 2010 at a regular meeting of the Town Council of the Town of Windermere, Florida.

Town of Windermere, Florida

by: Town Council

by: _____
Gary Bruhn, Mayor

Attest:

Dorothy Burkhalter, CMC
Town Clerk

Adoption hearing: July 13, 2010

Exhibit “A”
to Ordinance 2010-02
pertaining to comprehensive planning

[Attach map of property]