

**ORDINANCE NO. 2019-01**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY OF 1004 MAIN STREET AND CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED STRIP OF PROPERTY TO RONALD AND MATTHEW WARD, THE OWNERS OF 1004 MAIN STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

**Section 1. Legislative Findings and Intent.** The Town Council of the Town of Windermere hereby makes and declares the following findings and statements of legislative intent:

(1) On March 13, 2018, the Town Council approved a Vacant Land Contract which authorized the Town to purchase approximately 5.592 acres of railroad right-of-way extending from 12th Avenue to Windermere Road.

(2) As part of the purchase transaction, the Town Council authorized the Town Manager to initiate the process to vacate a 20-foot strip of right-of-way on Dirt Main and convey ownership of such portion of property to the owner of 1004 Main Street, Orange County Property Appraiser Parcel ID 17-23-28-9336-00-680, as contemplated by Addendum C to the Vacant Land Contract.

(3) The Town has home rule power to vacate streets or portions thereof and the Town Council has determined that the 20-foot strip of right-of-way as depicted on **Attachment A** and located along the eastern boundary of 1004 Main Street is not needed as Town right-of-way.

**Section 2. Vacation of Right-of-Way.** The Town Council hereby approves the vacation of the portion of the right-of-way situated in front of 1004 Main Street and as depicted in **Attachment A**. Fee simple ownership of the property hereby reverts to Ronald and Matthew Ward, the owners of 1004 Main Street.

**Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective upon the last date that both of the following occur: (i) the adoption public hearing of this Ordinance, and (ii) the Closing Date (as defined in the Vacant Land Contract) for the +/-5.592 acres of railroad right-of-way property. This Ordinance shall sunset and expire if the Closing Date for the railroad right-of-way does occur on or before December 31, 2022.

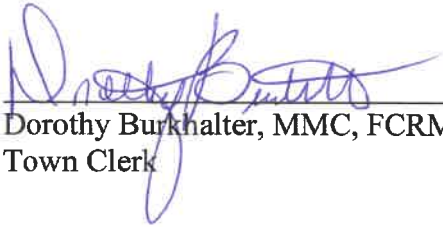
**APPROVED AND ADOPTED** by the Town Council of the Town of Windermere on the 9<sup>th</sup> day of April, 2019.

Town of Windermere, Florida

By: Town Council

By:   
Jim O'Brien, Mayor

Attest:

  
Dorothy Burkhalter, MMC, FCRM  
Town Clerk

First Reading: March 26, 2019

Advertised:

Second Reading: April 9, 2019



ATTACHMENT A

# SKETCH OF DESCRIPTION

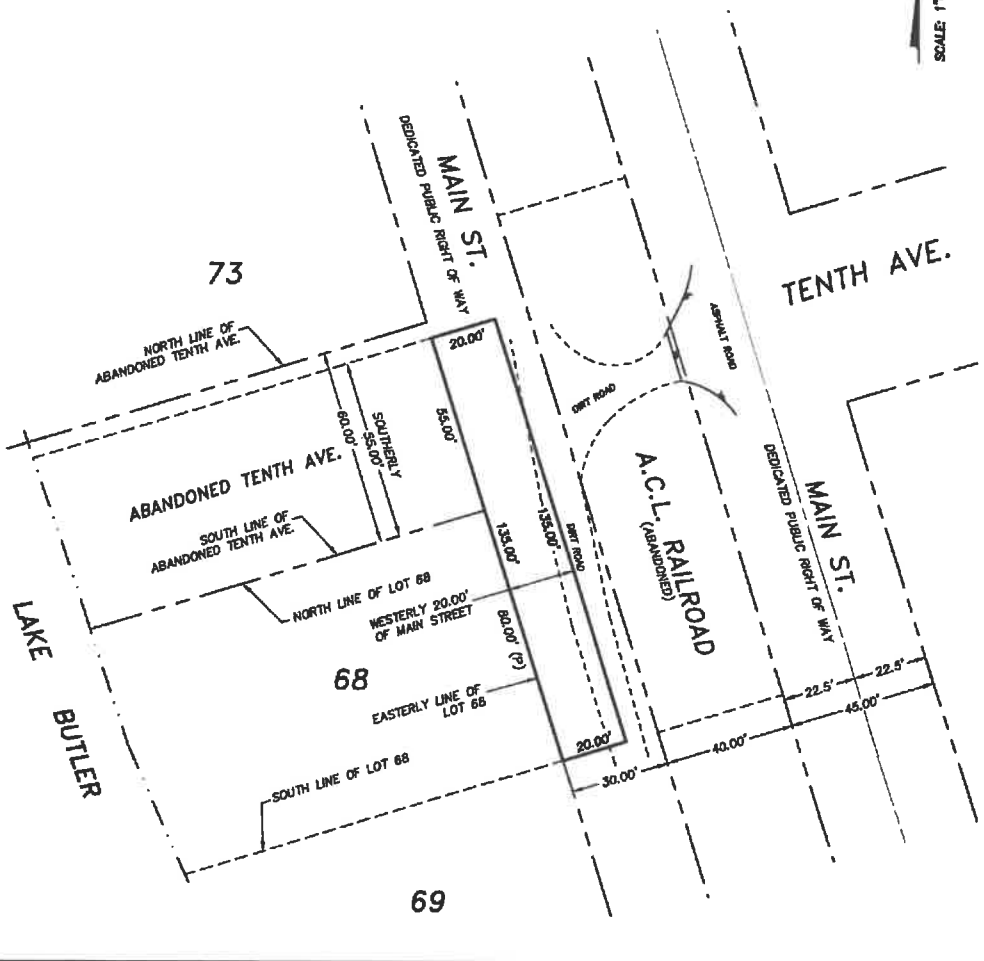
**DESCRIPTION:**

THE WESTERLY 20.00 FEET OF MAIN STREET, LYING ADJACENT TO THE EASTERLY LINE OF LOT 68 AND THE SOUTHERLY 55.00 FEET OF ABANDONED TENTH AVENUE ALL LYING IN THE PLAT OF WINDERMERE, RECORDED IN PLAT BOOK 6, PAGES 36-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;

**SURVEYORS NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY LINE OF LOT 68 AS BEING N17°00'00"W (ASSUMED).
4. THIS IS NOT A BOUNDARY SURVEY.

- LEGEND:**  
 NOT ALL SYMBOLS AND ABBREVIATIONS SHOWN HEREON MAY BE USED
- (M) MEASURED
  - (P) PLAT
  - (C) CALCULATED
  - (D) DESCRIPTION
- POB POINT OF BEGINNING  
 POC POINT OF COME-WEIGHT  
 OR: OFFICIAL RECORD BOOK  
 F/L: FENCE  
 TYP: TYPICAL  
 C: CENTERLINE  
 LB LICENSED BUSINESS  
 PSM PROFESSIONAL SURVEYOR & MAPPER  
 PLS PROFESSIONAL LAND SURVEYOR  
 --- EDGE OF ASPHALT PAVEMENT



JOB NUMBER:	18100.001
SURVEY DATE:	2/26/19
FIELD BY:	N/A
FIELD BOOK:	N/A
PAGES:	N/A
FIELD FILE:	N/A
DRAWING FILE:	18100-1.DWG

ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5888



CERTIFICATE OF AUTHORIZATION LB 7274  
 32 W. PLANT STREET Phone No. 407.905.8877  
 WINTER GARDEN, FL 34787 Fax No. 407.905.8875