

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY OF 928 MAIN STREET; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTION ALONG THE EAST BOUNDARY OF 928 MAIN STREET TO MOLLY ROSE AND ROBERT L. FLEMING, THE OWNERS OF 928 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) The Town of Windermere has acquired the majority of the railroad right-of-way extending from 12th Avenue to Windermere Road, and once completed the Town desires to make improvements including stormwater, landscaping and pedestrian safety improvements.

(2) The Town is completing proposed property “swaps” in order to accomplish the goals of making such improvements. The Town Council has 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 portions of property to the owners of 928 Main Street, Orange County Property Appraiser Parcel ID17-23-28-9336-00-730.

(3) In return, the property owners will convey their portions of the railroad right-of-way to the Town.

(3) The Town has home rule authority to vacate streets or portions thereof and the Town Council has determined that the 20-foot strip of right-of-way as described and depicted on **Attachment A** for 928 Main Street and located along the eastern boundary of 928 Main Street is not needed as Town right-of-way.

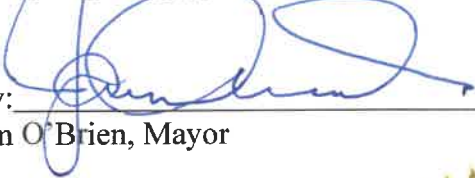
Section 2. Vacation of Right-of-Way. The Town Council hereby approves the vacation of the portion of the right-of-way situated in front of 928 Main Street as described and depicted in **Attachment A**. Upon the Effective Date of this Ordinance, fee-simple ownership of such portion of right-of-way hereby reverts to Molly Rose and Robert L. Fleming, the owners of 928 Main Street.

Section 3. Effective Date of Ordinance for 928 Main Street. 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 for the transfer of fee-simple ownership of railroad right-of-way property owned by Molly Rose and Robert L. Fleming to the Town. This Ordinance shall sunset and expire if the closing date for the railroad right-of-way does not occur on or before December 31, 2022.


Section 4. 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.

APPROVED AND ADOPTED by the Town Council of the Town of Windermere on the 9th day of August, 2022.

Town of Windermere, Florida
By: Town Council

By: 
Jim O'Brien, Mayor

Attest:


Dorothy Burkhalter, MMC, FCRM
Town Clerk

First Reading: July 12, 2022
Advertised: July 28, 2022
Second Reading: August 9, 2022



ATTACHMENT A
928 Main Street – Portion of Dirt Main to be Vacated

Sheet 1 of 2

Description to Accompany Sketch

Legal Description:

A portion of the Westerly 20.00' of Main Street, lying in the Northeast 1/4 of Section 28, Township 23 South, Range 17 East, Orange County, Florida, described as follows:

Begin at the Northeast Corner of Lot 74, Plat of Windermere, thence run North 72°37'46" East, along the extension of the Northerly Line of said Lot 74, 20.00 feet; thence run South 17°29'48" East, parallel with the West Right-of-Way Line of Main Street, 164.96 feet; thence run South 72°30'12" West, parallel with and 5.00 feet south of the South Line of Lot 73, 20.00 feet, to the West Right-of-Way Line of said Main Street; thence run North 17°29'48" West, along the West Right-of-Way Line of said Main Street, 165.00 feet, to the Point of Beginning.

Containing 3,299.56 Square Feet or 0.08 Acres, more or less.

This is **NOT** a Survey.
 This is **ONLY** a Description.
 This Sketch and Description consist of two sheets and is not full and or complete without both sheets.

Sketch Date: 06/21/22
 Drawn By: BMJ
 Approved By: PKI
 Field: N/A

Sketch and Description Certified To:

Legend			
C	- Calculated	PC	- Point of Curvature
CB	- Centerline	Pg	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference
EMTL	- Easement		- Monument
F.E.M.A.	- Federal Emergency Management Agency	PT	- Point of Tangency
FFE	- Finished Floor Elevation	R	- Radius
Find	- Found	Rad	- Radial
IP	- Iron Pipe	R&C	- Rebar & Cap
L	- Length (Arc)	Rec.	- Recovered
M	- Measured	Rfd.	- Roofed
N&D	- Nail & Disk	Set.	- Set 1/2" Rebar & Cap "LB 7623"
N.R.	- Non-Radial	Rebar	- Rebar
ORB	- Official Records Book	Typ.	- Typical
P	- Plat	UE	- Utility Easement
P.B.	- Plat Book	WM	- Water Meter
W	- Wood Fence	Δ	- Delta (Central Angle)
		-X-	- Chain Link Fence

Ireland & Associates
Surveying, Inc.

800 Currency Circle Suite 1020
 Lake Mary, Florida 32746
 www.irelandsurveying.com
 Office-407.678.3366 Fax-407.320.8165

- Notes-**
- >Sketch is Based upon the Legal Description Supplied by Client.
 - >Abutting Properties Deeds have **NOT** been Researched for Gaps, Overlaps and/or Hiatus.
 - >Subject to any Easements and/or Restrictions of Record.
 - >Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
 - >Building Ties are **NOT** to be used to reconstruct Property Lines.
 - >Fence Ownership is **NOT** determined.
 - >Roof Overhangs, Underground Utilities and/or Footers have **NOT** been located **UNLESS** otherwise noted.
 - >Septic Tanks and/or Drainfield locations are approximate and **MUST** be verified by appropriate Utility Location Companies.
 - >Use of This Sketch for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Constructed to Give ANY Rights or Benefits to Anyone Other than those Certified.

I hereby Certify that this Sketch and Description of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 45-17,000 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statute.


 Patrick K. Ireland 6637
 Date Signed: 06/21/22

This Sketch is Intended **ONLY** for the use of Said Certified Parties. This Sketch **NOT** VALID **UNLESS** Signed and Embossed with Surveyor's Seal. File No. IS-105094.

Serial Number
22-02677W

WEST ORANGE Times

West Orange Times
Published Weekly
Winter Garden , Orange County, Florida

COUNTY OF ORANGE

STATE OF FLORIDA

Before the undersigned authority personally appeared Lindsey Padgett who on oath says that he/she is Publisher's Representative of the West Orange Times a weekly newspaper published at Winter Garden , Orange County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on August 9, 2022
Ordinance 2022-03

in the Court, was published in said newspaper by print in the issues of 7/28/2022

Affiant further says that the West Orange Times complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

NOTICE OF PUBLIC HEARING TO ADOPT ORDINANCE 2022-03
The Town of Windermere, Florida, proposes to adopt Ordinance 2022-03. The Town Council of Windermere, Florida, will hold a public hearing at the Town Hall located at 520 Main Street, Windermere, Florida, on Tuesday, August 9, 2022 at 6:00 P.M. (or as soon thereafter as the matter may be considered) to hold a public hearing on and to consider passage of the proposed Ordinance 2022-03, the title of which reads as follows:


ORDINANCE NO. 2022-03
AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY OF 928 MAIN STREET; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTION ALONG THE EAST BOUNDARY OF 928 MAIN STREET TO MOLLY ROSE AND ROBERT L. FLEMING, THE OWNERS OF 928 MAIN STREET; PROVIDING FINDINGS, SEVERABILITY, AND AN EFFECTIVE DATE.
Interested parties may appear at the meeting and be heard with respect to the proposed annexation.
This ordinance is available at the Town Clerk's Office, 614 Main Street, Windermere, Florida, for inspection. Due to Covid-19, in person appointments are required. Please contact Dorothy Burkhalter, Town Clerk, Town of Windermere, at 407-876-2563, ext. 5323 for an appointment or if there are any questions/concerns.
Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meeting.
Persons are advised, pursuant to Section 286.0105 of the Florida Statutes, that, if they decide to appeal any decision made by the Town Council at this public hearing, they may need to ensure that a verbatim record of the proceeding is made, which record should include testimony and evidence upon which an appeal is based.
July 28, 2022 22-02677W



Lindsey Padgett

Sworn to and subscribed, and personally appeared by physical presence before me,
28th day of July, 2022 A.D.

by Lindsey Padgett who is personally known to me.



Notary Public, State of Florida
(SEAL)



Kimberly S. Martin
Comm.:HH 282034
Expires: July 25, 2026
Notary Public - State of Florida