

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY 112 W 8th AVENUE AND VACATING A 5-FOOT PORTION OF W 8th AVENUE ALONG THE NORTH BOUNDARY OF 112 W 8th AVENUE; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTIONS OF RIGHT-OF-WAY TO STEVEN AND PATRICIA WUBKER, THE OWNER OF 112 W 8th AVENUE; 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 a 5-foot strip of right-of-way on W 8th Avenue and convey ownership of such portions of property to the owners 112 W 8th Avenue, Orange County Property Appraiser Parcel ID 17-23-28-9336-01-240.

(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 and 5-foot strips of right-of-way as described and depicted on **Attachment A** for 112 W 8th Avenue and located along the eastern and northern boundaries of 112 W 8th Avenue is not needed as Town right-of-way.

**Section 2. Vacation of Right-of-Way.** The Town Council hereby approves the vacation of the portions of the right-of-way situated on the north and east side of 112 W 8th Avenue 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 Steven and Patricia Wubker, the owners of 112 W 8th Avenue.

**Section 3. Effective Date of Ordinance for 112 W 8th Avenue.** 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 the railroad right-of-way property owned by Steven and Patricia Wubker 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 9<sup>th</sup> 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**  
**112 W 8th Avenue – Portions of Dirt Main and W 8th Avenue to be Vacated**

Sheet 1 of 2

Description of Sketch

Legal Description:

A PORTION OF WEST 8TH AVENUE AND A PORTION OF MAIN STREET, LYING AND BEING IN ORANGE COUNTY, FL.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 124, PLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK G, PAGE(S) 36 THROUGH 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, ALONG AN EXTENSION OF THE SOUTH LINE OF SAID LOT 124, NORTHEAST, A DISTANCE OF 20 FEET; THENCE, PARALLEL TO THE EAST LINE OF SAID LOT 124, NORTHWEST, A DISTANCE OF 85.00 FEET; THENCE, PARALLEL TO THE NORTH LINE OF SAID LOT 124, SOUTHWEST, A DISTANCE OF 360 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE VACATED PORTION OF 8TH AVENUE; THENCE, ALONG SAID EAST LINE, SOUTHEAST, A DISTANCE OF 5.00 FEET TO THE NORTH LINE OF LOT 124; THENCE, ALONG SAID NORTH LINE, NORTHEAST, A DISTANCE OF 340 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 124; THENCE SOUTHEAST, 80 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,400 FT<sup>2</sup> ± OR 0.078 ACRES

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: 06-02-22  
 Drawn By: JWW  
 Approved By: PKI  
 Field: N/A

Sketch and Description Certified To:  
 TOWN OF WINDERMERE; GRAYROBINSON, P.A.; FIDELITY  
 NATIONAL TITLE INSURANCE COMPANY

*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 Irrius.
  - >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 Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

-Legend-

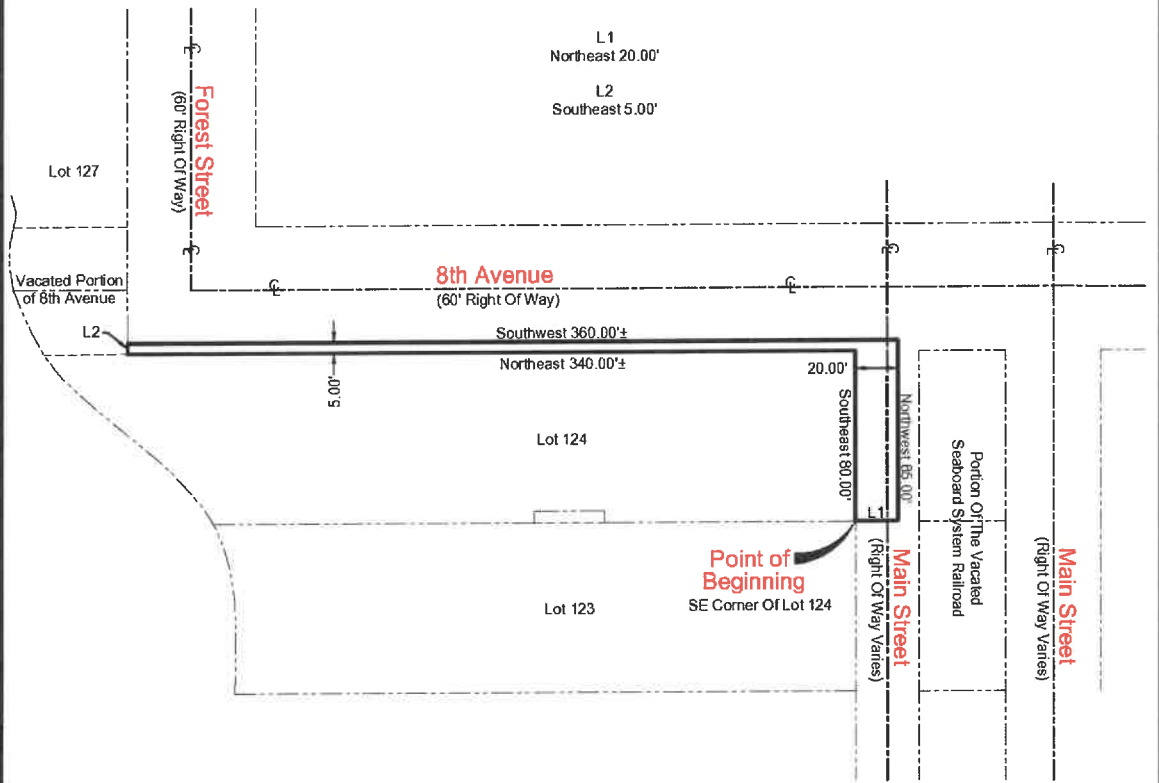
C	- Calculated	PC	- Point of Curvature
C	- Centerline	Pp	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Draining Easement	PRM	- Permanent Reference Monument
Esm.L	- Easement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

I hereby Certify that the 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 61-17,062 Florida Administrative Codes, Pursuant to Section 473.027 Florida Statutes.

*Patrick K. Ireland*  
 Patrick K. Ireland, F.S.S.  
 6637 LB 7623  
 Date Signed: 06-02-22

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-106287

# Sketch of Description



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.

*Ireland & Associates  
 Surveying, Inc.*

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



NOT To Scale  
 This is NOT a Survey.  
 This is ONLY a Sketch.

Serial Number  
22-02676W

# 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 2022-05

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.



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

**NOTICE OF PUBLIC HEARING TO ADOPT ORDINANCE 2022-05**  
The Town of Windermere, Florida, proposes to adopt Ordinance 2022-05. 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 2022-05, the title of which reads as follows:

**ORDINANCE NO. 2022-05**  
**AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, VACATING A 20-FOOT PORTION OF DIRT MAIN ALONG THE EAST BOUNDARY 112 W 8th AVENUE AND VACATING A 5-FOOT PORTION OF W 8th AVENUE ALONG THE NORTH BOUNDARY OF 112 W 8th AVENUE; CONVEYING FEE SIMPLE OWNERSHIP OF THE VACATED PORTIONS OF RIGHT-OF-WAY TO STEVEN AND PATRICIA WUBKER, THE OWNERS OF 112 W 8th AVENUE; 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 22-02676W