

This ordinance prepared by:
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Chief Assistant City Attorney
Orlando City Hall
400 S. Orange Ave.
Orlando, Florida 32801

Space above reserved for use by records agency.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, VACATING, CLOSING, AND ABANDONING A SEGMENT OF ALDEN RD., GENERALLY LOCATED NORTH OF VIRGINIA DR. AND SOUTH OF S. LAKE FORMOSA AVE., AND COMPRISED OF APPROXIMATELY 1.03 ACRES OF LAND, A SEGMENT OF PHILADELPHIA AVE., GENERALLY LOCATED JUST NORTH OF VIRGINIA DR., AND COMPRISED OF APPROXIMATELY 0.1 ACRES OF LAND, AND A SEGMENT OF MIDWAY DR., GENERALLY LOCATED EAST OF THE EXISTING ALDEN RD. AND WEST OF THE EXISTING PHILADELPHIA AVE., AND COMPRISED OF APPROXIMATELY 0.18 ACRES OF LAND, AND TOGETHER COMPRISED OF 1.31 ACRES OF LAND, MORE OR LESS; PROVIDING CONDITIONS PRECEDENT TO THE EFFECTIVENESS OF THE ABANDONMENT, FOR THE EXECUTION OF EFFECTING DOCUMENTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of February 17, 2014, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered an application (City of Orlando case number ABN2014-00004) for the abandonment of approximately 1.31 acres of right-of-way comprising (1) a segment of Alden Road, generally located north of Virginia Drive and south of South Lake Formosa Drive (by itself comprising approximately 1.03 acres of land, being more precisely identified by the metes and bounds description and depicted by the sketch of description attached to this ordinance as **Exhibit A**, and such area hereinafter being referred to as the "Alden Road Abandonment Area"), (2) a segment of Philadelphia Avenue, generally located just north of Virginia Drive (by itself comprising approximately 0.1 acres of land, being more precisely identified by the metes and bounds description and depicted by the sketch of description attached to this ordinance as **Exhibit B**, and such area hereinafter

50 being referred to as the “Philadelphia Avenue Abandonment Area”), and (3) a segment
51 of Midway Drive, generally located east of the existing Alden Road and west of the
52 exiting Philadelphia Avenue (by itself comprising approximately 0.18 acres of land, being
53 more precisely identified by the metes and bounds description and depicted by the
54 sketch of description attached to this ordinance as **Exhibit C**, and such area hereinafter
55 being referred to as the “Midway Drive Abandonment Area”); and
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57 **WHEREAS**, based upon the evidence presented to the MPB, including the
58 information and analysis contained in the “Staff Report to the Municipal Planning Board”
59 for abandonment application case number ABN2014-00004 (entitled “Items #6A, 6B, &
60 6C – The Yard @ Ivanhoe” and hereinafter referred to as the “Staff Report”), and subject
61 to certain conditions, the MPB recommended that the City Council of the City of Orlando,
62 Florida (the “Orlando City Council”), approve the abandonment application and adopt an
63 ordinance in accordance therewith; and
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65 **WHEREAS**, the MPB found that the abandonment application is consistent with:

- 66 1. The *City of Orlando Growth Management Plan*, adopted as the City’s
67 “comprehensive plan” for purposes of the Florida Community Planning
68 Act, sections 163.3164 through 163.3217, Florida Statutes (the
69 “GMP”); and
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- 71 2. The *City of Orlando Land Development Code*, Chapters 58 through
72 68, Code of the City of Orlando, Florida (the “LDC”); and
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75 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
76 best interest of the public health, safety, and welfare, and is consistent with the
77 applicable provisions of the City’s GMP and LDC; and
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79 **WHEREAS**, the City Council of the City of Orlando, Florida, hereby finds and
80 determines that, subject to the conditions contained in this ordinance, the Alden Road
81 Abandonment Area, the Philadelphia Avenue Abandonment Area, and the Midway Drive
82 Abandonment Area are each no longer useful and needed for public right-of-way and
83 that it is in the best interest of the public health, safety, and welfare that they be vacated,
84 closed, and abandoned as public right-of-way; and
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86 **WHEREAS**, the Alden Road Abandonment Area, the Philadelphia Avenue
87 Abandonment Area, and the Midway Drive Abandonment Area are all located within
88 Orange County, Florida, and within the jurisdiction of the City of Orlando, Florida (the
89 “City”); and
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91 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
92 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

93 **SECTION 1. ABANDONMENT.** Subject to the conditions precedent provided in
94 section 2 of this ordinance, and further subject to the recording of the Notice of
95 Abandonment as provided in section 3 of this ordinance, the Alden Road Abandonment
96 Area, the Philadelphia Avenue Abandonment Area, and the Midway Drive Abandonment
97 Area (together hereinafter referred to as the “Abandonment Areas”) are hereby vacated,
98 closed, and abandoned as public right-of-way. All right, title, and interest in the
99 Abandonment Areas as the City may hold shall revert to those with interests as provided
100 by law.

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102 **SECTION 2. CONDITIONS PRECEDENT TO ABANDONMENT.** The
103 abandonment and vacation provided for in section 1 of this ordinance is hereby
104 conditioned on the following:

- 105
106 (a) Construction of the newly realigned Alden Road as described in the
107 Staff Report, including without limitation all required roadway surfaces
108 (temporary surfaces as may be approved by Staff), sidewalks, curbs,
109 gutters, on-street parking stalls, stormwater conveyance and retention
110 infrastructure, underground and aboveground utilities, intersection
111 improvements, pavement markings, park strips, and landscaping
112 improvements (all together hereinafter referred to as the “Realigned
113 Alden Road Improvements”). The Realigned Alden Road
114 Improvements must conform to the requirements of the Staff Report,
115 applicable ordinances of the City of Orlando, and applicable adopted
116 standards of the City of Orlando, including without limitation the
117 applicable edition of the City of Orlando Engineering Standards
118 Manual. All plans for the Realigned Alden Road Improvements are
119 subject to review and approval by the City and all work done pursuant
120 to such plans is subject to inspection, approval, and acceptance by
121 the City.
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123 (b) Dedication to the public of all new right-of-way necessary to comprise
124 the newly realigned Alden Road as described in the Staff Report.
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126 (c) Conveyance to the City of any new easement areas associated with
127 the newly realigned Alden Road as such easement areas are
128 described and required by the Staff Report.
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130 (d) Utilities in the existing Abandonment Areas will either be removed and
131 relocated or retained in place via easements with the utility providers.
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133 **SECTION 3. NOTICE OF ABANDONMENT.** Once the conditions precedent
134 provided in section 2 of this ordinance are satisfied, the City will record a notice of
135 abandonment in the official records of Orange County, upon which time the
136 abandonment and vacation of the Abandonment Areas shall be effective.
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138 **SECTION 4. REVERTER.** In the event that development of the Master Plan
139 (MPL 2014-00041) does not commence within two (2) years of its Effective Date or
140 within three (3) years if such Master Plan is extended, the Abandonment Areas will
141 revert to the City.
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SECTION 5. EFFECTING DOCUMENTS. The mayor, city clerk, and city attorney are hereby authorized and directed to execute such instruments as may be necessary or convenient to implement this ordinance, including execution of a quit claim deed for good cause shown over any portion of the Abandoned Areas in which the City of Orlando may have a property interest that is independent of the platted right of way.

SECTION 6. SCRIVENER’S ERROR. The city attorney may correct scrivener’s errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 7. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 8. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2015.

DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTESTED, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

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**[Remainder of page intentionally left blank.]*