

ORDINANCE #2023-1

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA TO RELEASE A PORTION OF AN EXISTING 20-FOOT UTILITY EASEMENT SITUATED ON LOTS 2 AND 3 OF EATONVILLE COMMERCIAL CENTER, AS RECORDED IN PLAT BOOK 57, PAGES 52 THROUGH 57 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 88°40'11" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 45.98 FEET; TO THE **POINT OF BEGINNING**; THENCE SOUTH 1°18'13" WEST, A DISTANCE OF 7.43 FEET; THENCE SOUTH 37°37'00" WEST, A DISTANCE OF 3.19 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF AN EXISTING 20-FOOT WIDE UTILITY EASEMENT, AS SHOWN ON SAID PLAT; THENCE NORTH 88°40'11" WEST ALONG SAID SOUTH LINE OF EASEMENT, A DISTANCE OF 255.15 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 0°44'33" WEST, A DISTANCE OF 20.01 FEET TO A POINT ON THE EAST LINE OF A UTILITY EASEMENT PER SAID PLAT AND A POINT ON THE NORTH LINE OF SAID 20.00 FOOT UTILITY EASEMENT; THENCE SOUTH 88°40'11" EAST ALONG SAID NORTH LINE OF EASEMENT, A DISTANCE OF 257.76 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 1°18'13" WEST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**; **CONTAINING: 5,146 SQUARE FEET** MORE OR LESS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS BSBC Forest City, LLC wishes to obtain a release from the Town of Eatonville for a portion of the easement described above to add a new restaurant to the local community.

WHEREAS the Town of Eatonville desires it to be in the best interests of the Town to release that certain portion of the easement.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:

SECTION 1: LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

SECTION 2: The certain portion of the easement as depicted in the attached Exhibit "A" is hereby released.

SECTION 3: CONFLICTS. After the effective date of this Ordinance, in any case where all or part of this Ordinance is found to conflict with any provision of any other Ordinance of the Town of Eatonville, to the extent of such conflict, all such Ordinances are hereby repealed.

SECTION 4: SEVERABILITY. If any section, phrase, word or portion of this Ordinance or Exhibit “A” is determined to be invalid, unenforceable, unlawful, or unconstitutional by a Court of Competent jurisdiction, said determination should not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

This Ordinance was advertised in the Orlando Sentinel on 7 day of **January** 2023 for a Public Hearing to be held on the 17 day of **January**, 2023, at which time it was moved for adoption by Councilmember: Wanda Randolph, and seconded by Marlin Daniels Councilmember, and adopted by the following vote:

FIRST READING HELD this 17 day of **January** 2023.

	AYE:	NAY:	ABSENT:
Angie Gardner, Mayor:	√	_____	_____
Rodney Daniels, Vice Mayor:	√	_____	_____
Wanda Randolph, Councilwoman:	√	_____	_____
Marlin Daniels, Councilman:	√	_____	_____
Theo Washington, Councilman:	√	_____	_____

SECOND AND FINAL READING held this _____ day of _____, 2023.

	AYE:	NAY:	ABSENT:
Angie Gardner, Mayor :	_____	_____	_____
Rodney Daniels, Vice Mayor:	_____	_____	_____
Wanda Randolph, Councilwoman:	_____	_____	_____
Marlin Daniels, Councilman:	_____	_____	_____
Theo Washington, Councilman:	_____	_____	_____

PASSED AND ADOPTED this _____ day _____, 2023.

Attest:

TOWN OF EATONVILLE

Veronica King
Town Clerk

Angie Gardner
Mayor

Approved as to Form and Legality:

Clifford B. Shepard, Town Attorney