




## Interoffice Memorandum

DATE: April 1, 2020

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

FROM: Chris Testerman, AICP   
Deputy County Administrator

**CONTACT PERSON:** **Nicolas Thalmueller, AICP,  
Assistant Project Manager  
(407) 836-5603 or Nicolas.thalmueller@ocfl.net**

SUBJECT: April 21, 2020 – Public Hearing  
Eighth Amendment to the Restated Interlocal Agreement for  
Joint Planning Area between Orange County and the City of  
Winter Garden

The adopted Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden (Agreement) establishes boundaries for annexation, provides limited development standards for annexed property, and provides for notice of certain land use applications. Both the County and the City of Winter Garden must approve any changes to the Joint Planning Area (JPA) Boundary Map (Exhibit "A") and text revisions. The Agreement was approved on June 19, 1997 and has been amended seven times, with the latest amendment approved on May 7, 2019.

This Eighth Amendment to the Agreement will expand the JPA boundary, adding approximately 30.19 acres of property located on Tilden Road, shown and described in Exhibits "B" and "C" in the amendment, respectfully. This property will be assigned a Suburban Residential Future Land Use, allowing development of up to four dwelling units per acre, and will be required to follow the design guidelines in the amended agreement.

The City of Winter Garden approved this Eighth Amendment of the Agreement on April 9, 2020.

**ACTION REQUESTED:** **Approval and execution of the Eighth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. District 1**

## Attachments

- c: Chris Testerman, AICP, Deputy County Administrator
- Joel Prinsell, Deputy County Attorney, County Attorney's Office
- Jon V. Weiss, Director, Planning Environmental Development Services Department
- Alberto Vargas, MArch, Manager, Planning Division
- Susan McCune, AICP, Project Manager, Planning Division

BCC Mtg. Date: April 21, 2020

**EIGHTH AMENDMENT TO THE RESTATED INTERLOCAL  
AGREEMENT FOR JOINT PLANNING AREA BETWEEN  
ORANGE COUNTY AND THE CITY OF WINTER GARDEN**

Dated APRIL 9, 2020

This Eighth Amendment to the Restated Interlocal Agreement for Joint Planning Area (“Eighth Amendment”) is made by and between Orange County, Florida, a Charter County and political subdivision of the State of Florida (“County”), and the City of Winter Garden, a municipality existing under Florida law (“City”).

WHEREAS, a Restated Interlocal Agreement for Joint Planning Area was approved by the City on June 12, 1997, and approved and executed by the County on June 19, 1997, and became effective on June 19, 1997 (“Restated Agreement”); and

WHEREAS, the First Amendment to the Restated Agreement was approved and executed by the City on February 8, 2001, and was approved and executed by the County on April 17, 2001; and

WHEREAS, the Second Amendment to the Restated Agreement was approved and executed by the City on February 28, 2002, and was approved and executed by the County on February 26, 2002; and

WHEREAS, the Third Amendment to the Restated Agreement was approved and executed by the City on September 26, 2002, and was approved and executed by the County on October 8, 2002; and

WHEREAS, the Fourth Amendment to the Restated Agreement was approved by the City on April 22, 2004, and was approved and executed by the County on May 25, 2004; and

WHEREAS, the Fifth Amendment to the Restated Agreement was approved by the City on October 14, 2004, and was approved and executed by the County on November 9, 2004; and

WHEREAS, the Sixth Amendment to the Restated Agreement was approved and executed by the City and was approved and executed by the County on April 17, 2007; and

WHEREAS, the Seventh Amendment to the Restated Agreement was approved and executed by the City and was approved and executed by the County on May 7, 2019; and

WHEREAS, County and City now desire to amend the Restated Agreement, as amended, by expanding the Joint Planning Area depicted on Exhibit “A” to include two properties located south of Tilden Road, generally east of State Road 429, and west of the West Orange Country Club (the “Expansion Area”), and to assign City land uses to the Expansion Area.

NOW THEREFORE, in consideration of the mutual covenants set forth in the Restated Agreement and this Eighth Amendment, the County and City agree as follows:

1. Amendments to Restated Agreement:

a. Amendment to the Joint Planning Area. The Joint Planning Area, as reflected in Exhibit "A" to the Restated Agreement, as amended, is hereby replaced and superseded by Exhibit "A" to this Eighth Amendment, which is attached hereto and incorporated herein by reference.

b. Expansion Area.

i. Exhibit "B," attached to this Eighth Amendment and incorporated herein by reference, depicts the Expansion Area, more particularly described as: (i) the 30.19 +/- acre property located on Tilden Road, having Orange County Tax Parcel ID# 10-23-27-0000-00-037, and (ii) the adjoining 39.93 +/- acre property located on Tilden Road, having Orange County Tax Parcel ID #10-23-27-0000-00-044. Exhibit "C," attached to this Eighth Amendment and incorporated herein by reference, consists of the legal description for the Expansion Area.

ii. After annexation, the City shall assign the City's Suburban Residential Future Land Use (4 dwelling units per acre) to the Expansion Area. This land use will be the maximum density that will be allowed to be developed in the Expansion Area, subject to any other limitations and restrictions that may be approved at the time of the City's adoption of a comprehensive plan amendment and rezoning approval.

c. Residential development rezoning and other development guidelines included in the Restated Agreement as amended, will apply to development in the Expansion Area described in this Amendment.

2. No Further Changes. The foregoing terms and conditions are hereby incorporated into the Restated Agreement. Except as expressly set forth in this Eighth Amendment, the Restated Agreement in its original form shall remain in full force and effect. Capitalized terms used in this Eighth Amendment that are also used in the Restated Agreement shall have the same meaning as set forth in the Restated Agreement. In the event of any conflict or ambiguity between the Restated Agreement and this Eighth Amendment, this Eighth Amendment controls.

3. Effective Date. This Eighth Amendment to the Restated Agreement shall take effect upon the date of approval by the City, or upon the date of approval by the County, whichever last occurs.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
Jerry L. Demings, Orange County Mayor

for Date: **APR 21 2020**

ATTEST: Phil Diamond, County  
Comptroller as Clerk to the Board  
Of County Commissioners

By: *Phil Diamond*  
Deputy Clerk



CITY OF WINTER GARDEN

By: City Commission

By: *John Rees*  
John Rees, Mayor





ATTEST:

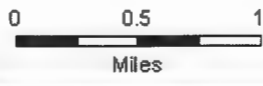
*Angela Sprinago*  
City Clerk



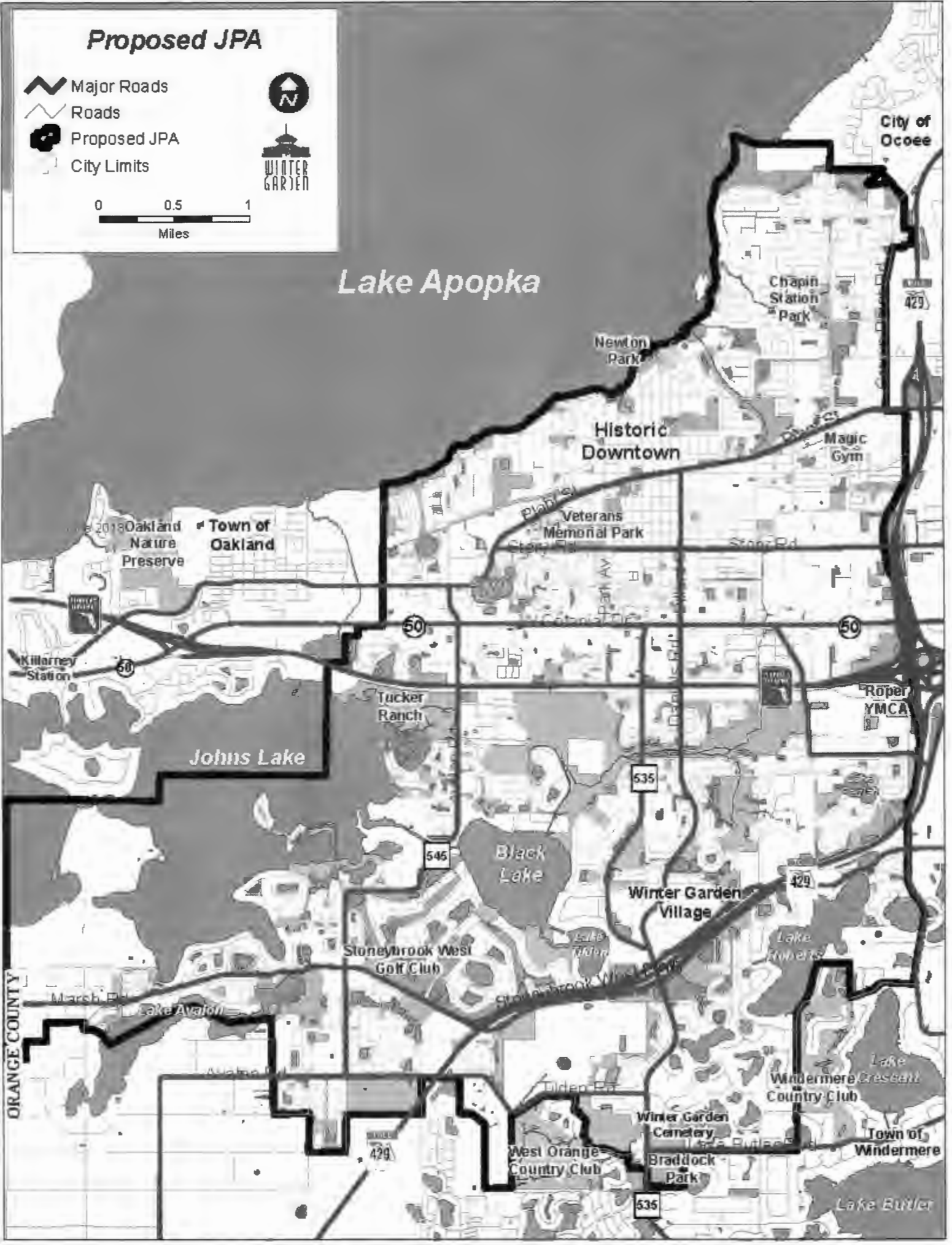
EXHIBIT A  
JPA MAP

# Proposed JPA

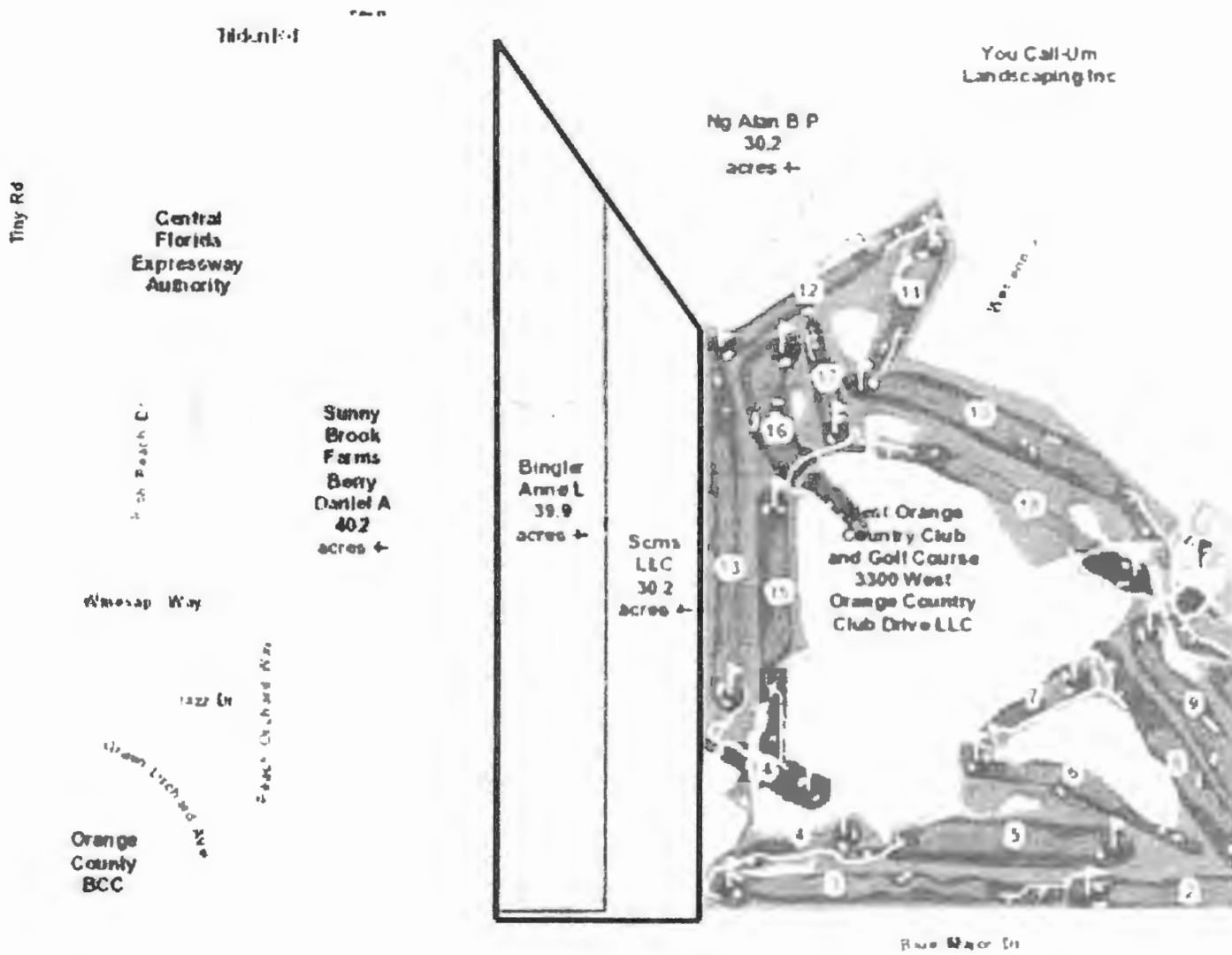
-  Major Roads
-  Roads
-  Proposed JPA
-  City Limits



## Lake Apopka



Expansion Area for the  
8<sup>th</sup> Amendment to the  
JPA between Orange County  
And Winter Garden





**EXHIBIT C**  
**EXPANSION AREA LEGAL DESCRIPTION OF PROPERTIES**

**Parcel 10-23-27-0000-00-037**

**West 3/8 of East 1/2 of Northwest 1/4 lying South of Tilden Road (less the West 50 Feet); and the West 3/8 of the Northeast 1/4 of the Southwest 1/4 (less the West 50 Feet) all in Section 10, Township 23 South, Range 27 East, Orange County, Florida, less road right-of-way.**

**Parcels 10-23-27-0000-00-001 and 10-23-27-0000-00-044**

**East 1/3 of the West 1/2 of the Northwest 1/4 lying South of Tilden Road, and the East 1/3 of the Northwest 1/4 of the Southwest 1/4; and the West 50 feet of the West 3/8 of the East 1/2 of the Northwest 1/4 lying South of Tilden Road; and the West 50 feet of the West 3/8 of the Northeast 1/4 of the Southwest 1/4 all in Section 10, Township 23 South, Range 27 East, Orange County, Florida.**