

**CITY OF ORLANDO  
COUNCIL AGENDA ITEM**

H/Ord 2<sup>nd</sup> Rd  
12-4

BCC Mtg. Date: September 19, 2017

**Items Types:**

Hearings/Ordinances/2nd Read

**District:** 6

**Contract ID:**

**Exhibits:** Yes

**Grant Received by City?:** No

**For Meeting of:**

July 24, 2017

**From:**

**Document Number:**

**On File (City Clerk) :** Yes

**Draft Only:** No

**Subject:**

Ordinance No. 2017-45 Abandonment of Portions of Precision Drive (ABN2017-00001) (Economic Development)

**Summary:**

The attached ordinance will abandon a certain portion of Precision Dr., located at the terminus of Precision Dr. west of S. Kirkman Rd. Virginia Dr. The vacation includes the final  $\pm 60$  ft. of the Precision Dr. right-of-way in between 5955 & 5935 Precision Dr. to the north and 5934 Precision Dr. to the south. This right-of-way (R-O-W) and abutting properties on either side of Universal Blvd. are to be redeveloped as part of the Wet 'n Wild water park with up to 4,000 hotel rooms, attraction, and resort uses. The applicant is John McReynolds, Sr. Vice President, Universal Parks and Resorts.

The redevelopment plan calls for the simultaneous rezoning of the final  $\pm 60$  ft. of the Precision Dr. right-of-way to PD/SP to be included as buildable area for the project.

The requested partial abandonment was unanimously approved as part of the consent agenda with the associated Framework PD of the previous Wet 'n Wild development (ZON2017-00017) at the June 20, 2017 Municipal Planning Board hearing. No appeals were filed. The City Council approved the June 2017 MPB minutes on July 10, 2017.

**Fiscal & Efficiency Data:** N/A

**Recommended Action:**

Adopt the attached Ordinance No. 2017-45 and authorize the Mayor and City Clerk or the Mayor Pro Tempore and City Clerk to execute on behalf of the City upon final review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

**Note:** All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

**Contact:** Katy Magruder, Planner I, 407-246-3355, Kathleen.Magruder@cityoforlando.net

**Approved By:**

**Department**

Budget Outside Routing Approval  
City Clerk

**Date and Time**

7/17/2017 11:19 AM  
7/17/2017 11:39 AM

AUG 08 2017 np

Received by: Clerk of BCC  
c. Community Environmental & Development Services Director Jon Weiss  
Planning Division Manager Alberto Vargas  
Planner II Steven Thorp

**ATTACHMENTS:**

City Council Meeting: 7-24-17  
Item: 12-4 Documentary: 17072412

Name:	Description:	Type:
<input type="checkbox"/> <u>Ord. No. 2017-45 - Project 566 - (FINAL).pdf</u>	Ordinance No. 2017-45	Backup Material
<input type="checkbox"/> <u>ABN2017-00001 Verified Legal - Exhibit A.pdf</u>	Exhibit A - Verified Legal	Exhibit
<input type="checkbox"/> <u>ABN2017-00001 Sketch of Description - Exhibit B.pdf</u>	Exhibit B - Sketch of Description	Exhibit

***"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."***

BCC Mtg. Date: September 19, 2017

This ordinance prepared by:  
**Melissa Clarke, Esq.**  
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 PART OF PRECISION DRIVE, GENERALLY LOCATED SOUTH OF INTERNATIONAL DRIVE, WEST OF SOUTH KIRKMAN ROAD; AND EAST OF UNIVERSAL BOULEVARD, AND COMPRISED OF 0.727 ACRES OF LAND, MORE OR LESS; PROVIDING FOR CONDITIONS OF ABANDONMENT; AND FURTHER PROVIDING FOR THE EXECUTION OF EFFECTING DOCUMENTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regularly scheduled meeting of June 20, 2017, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered an application (City of Orlando case number ABN2017-00001) for the abandonment of approximately 0.727 acres of land comprising a part of Precision Drive, which is generally located south of International Drive, west of South Kirkman Road, and east of Universal Boulevard, and more precisely described by the legal description and sketch of description attached to this ordinance as Exhibit "A" and "Exhibit B" respectively, (hereinafter the "Property"); and

**WHEREAS**, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for abandonment application case number ABN2017-00001 (entitled "Item #1- Project 566" and hereinafter referred to as the "staff report"), the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve the abandonment application and adopt an ordinance in accordance therewith; and

**WHEREAS**, the MPB found that the abandonment application is consistent with:

1. The *City of Orlando Growth Management Plan*, adopted as the City's "comprehensive plan" for purposes of the Florida Community Planning

Act, sections 163.3164 through 163.3217, Florida Statutes (the "GMP");  
and

2. The *City of Orlando Land Development Code*, Chapters 58 through 68,  
Code of the City of Orlando, Florida (the "Orlando City Code"); and

**WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the best  
interest of the public health, safety, and welfare, and is consistent with the applicable  
provisions of the Orlando City Code and the City's GMP; and

**WHEREAS**, the City Council of the City of Orlando, Florida, hereby finds and  
determines that the Property is no longer useful and needed for public right-of-way and  
that it is in the best interest of the public health, safety, and welfare that it be vacated,  
closed, and abandoned as public right-of-way; and

**WHEREAS**, the Property is located within Orange County, Florida, and within the  
jurisdiction of the City of Orlando, Florida (the "City"),

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY  
OF ORLANDO, FLORIDA, AS FOLLOWS:**

**SECTION 1. ABANDONMENT.** The Property is hereby vacated, closed, and  
abandoned as public right-of-way. All right, title, and interest in the Property as the City  
may hold shall revert to those with interests as provided by law.

**SECTION 2. CONDITIONS OF ABANDONMENT.** As a condition of this  
abandonment, (i) the roadway currently located within the right-of-way shall be  
permanently closed to public vehicular travel; (ii) alternative access easement shall be  
provided to the City for emergency vehicles and to Lift Station 29; (iii) any and all utilities  
and other public improvements currently located on, over or under the Property will be  
removed, relocated or otherwise accommodated as provided by law during the course of  
construction of the project, and/or an easement provided by the property owner. The utility  
and access easement described above must enable perpetual access to all City facilities  
located in the Property and to Lift Station 29, 365 days a year and 24 hours a day; must  
be paved; and must allow mechanic and heavy equipment trucks; and (iv) provision must  
be made for vehicles that are denied entry into a gated driveway to turnaround at the new  
terminus of Precision Drive. The final configuration must meet City Code and be provided  
within the right-of-way or a properly recorded easement. Details of this accommodation  
will be reviewed at the time of Administrative Master Plan for the Project 566 Planned  
Development.

**SECTION 3. 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.

**SECTION 4. 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 5. 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 6. EFFECTIVE DATE.** This ordinance takes effect upon adoption.

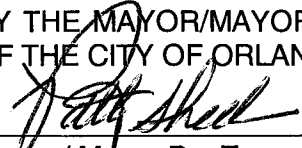
**DONE, THE FIRST PUBLIC NOTICE**, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 29 day of June, 2017.

**DONE, THE FIRST READING, A PUBLIC HEARING**, by the City Council of the City of Orlando, Florida, at a regular meeting, this 10 day of July, 2017.

**DONE, THE SECOND 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 11 day of July, 2017.

**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 24 day of July, 2017.

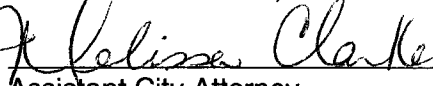
BY THE MAYOR/MAYOR PRO TEMPORE  
OF THE CITY OF ORLANDO, FLORIDA:

  
\_\_\_\_\_  
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:

  
\_\_\_\_\_  
Assistant City Attorney



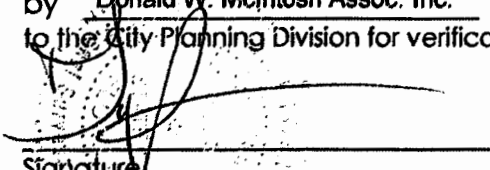
EXHIBIT

A

# VERIFIED LEGAL DESCRIPTION FORM

## MUNICIPAL PLANNING BOARD

The following legal description has been prepared by Donald W. McIntosh Assoc. Inc. and submitted to the City Planning Division for verification.

  
Signature  
Robert "Tyler" Sears  
Florida Registered Surveyor and Mapper  
Certificate No. 6950

6/6/17  
Date

"This description has been reviewed by the Bureau of Engineering and is acceptable based on a comparison with:

RECORD PLATS,  
ORD # PG(S), RAN  
TRAVERSE & CLOSURE.  
By R. P. [Signature] Date 6.9.2017

Application Request (Office Use Only):

File No. ADN2017-  
00001

Legal Description Including Acreage (To be Typed By Applicant):

PRECISION DRIVE  
60.00' RIGHT-OF-WAY VACATION

### DESCRIPTION:

That part of Section 25, Township 23 South, Range 28 East, Orange County, Florida, described as follows:

BEGIN at Northwest corner of lands described in Official Records Book 955, Page 301, of the Public Records of Orange County, Florida; thence N89°23'35"E along the North line of said lands, 527.47 feet to the Southeast corner of Lot 2, according to the plat of FLORIDA CENTER INTERNATIONAL DRIVE COMMERCIAL AREA PLAT NO. 9, as recorded in Plat Book 10, Pages 7 and 8, of the Public Records of Orange County, Florida; thence departing said North line run S00°36'25"E, 60.00 feet to the South line of the aforementioned lands described in Official Records Book 955, Page 301, of the Public Records of Orange County, Florida; thence S89°23'35"W along said South line, 528.13 feet to the West line of said lands; thence N00°01'12"E along said West line, 60.00 feet to the POINT OF BEGINNING.

Containing 0.727 acres more or less, and being subject to any easements, rights-of-way, and restrictions of record.

1 OF 3

# SKETCH OF DESCRIPTION

- SEE SHEET 1 FOR SKETCH

EXHIBIT

tabbies

B

## DESCRIPTION:

That part of Section 25, Township 23 South, Range 28 East, Orange County, Florida, described as follows:

BEGIN at Northwest corner of lands described in Official Records Book 955, Page 301, of the Public Records of Orange County, Florida; thence N89°23'35"E along the North line of said lands, 527.47 feet to the Southeast corner of Lot 2, according to the plat of FLORIDA CENTER INTERNATIONAL DRIVE COMMERCIAL AREA PLAT NO. 9, as recorded in Plat Book 10, Pages 7 and 8, of the Public Records of Orange County, Florida; thence departing said North line run S00°36'25"E, 60.00 feet to the South line of the aforementioned lands described in Official Records Book 955, Page 301, of the Public Records of Orange County, Florida; thence S89°23'35"W along said South line, 528.13 feet to the West line of said lands; thence N00°01'12"E along said West line, 60.00 feet to the POINT OF BEGINNING.

Containing 0.727 acres more or less, and being subject to any easements, rights-of-way, and restrictions of record.

## SURVEYORS NOTES:

1. This Sketch of Description is not a Survey.
2. Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.
3. Bearings are based on the North line of Plat Book 33, Pages 101-102, "Florida Center Precision Drive South", according to the Public Records of Orange County, Florida. Being S89°23'35"W, per Plat.
4. Lands shown hereon were not abstracted for rights-of-way, easements, ownership or other instruments of record by this firm.
5. All adjoining Rights-of-way, subdivisions and information on adjoining properties shown hereon are from information shown on County Tax Assessor Maps. The undersigned surveyor and Donald W. McIntosh Associates, Inc. did not attempt, nor were required to do a title search regarding such information. Users of this survey are placed on notice that reliance on such information is at their own peril, in this regard.
6. No Title Opinion or abstract of matters affecting title or boundary to the subject property or those of adjoining land owners have been provided. It is possible there are deeds of record, unrecorded deeds or other instruments which could affect the boundaries or use of the subject property.
7. Legal Description shown hereon was prepared by Donald W. McIntosh Associates, Inc. based on information provided by client.

## LEGEND

SEC 25-23-28	SECTION, TOWNSHIP, RANGE
CL	CENTERLINE
(C)	COMPUTED
DB	DEED BOOK
LB	LICENSED BUSINESS
(R)	RADIAL
No.	NUMBER
ORB	OFFICIAL RECORDS BOOK
(P)	PLAT
PB	PLAT BOOK
PG	PAGE
PGS	PAGES
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PRC	POINT OF REVERSE CURVATURE
NT	NON-TANGENT
(NR)	NON-RADIAL
R/W	RIGHT-OF-WAY
N/A	NOT APPLICABLE

## PREPARED FOR:

**LATHAM, SHUKER, EDEN & BEAUDINE, LLP**

60.00' RIGHT-OF-WAY VACATION OF PRECISION DRIVE



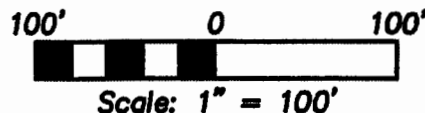
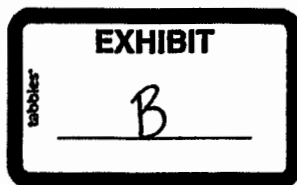
**DONALD W. MCINTOSH ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
CERTIFICATE OF AUTHORIZATION NO. LB68

2 OF 3

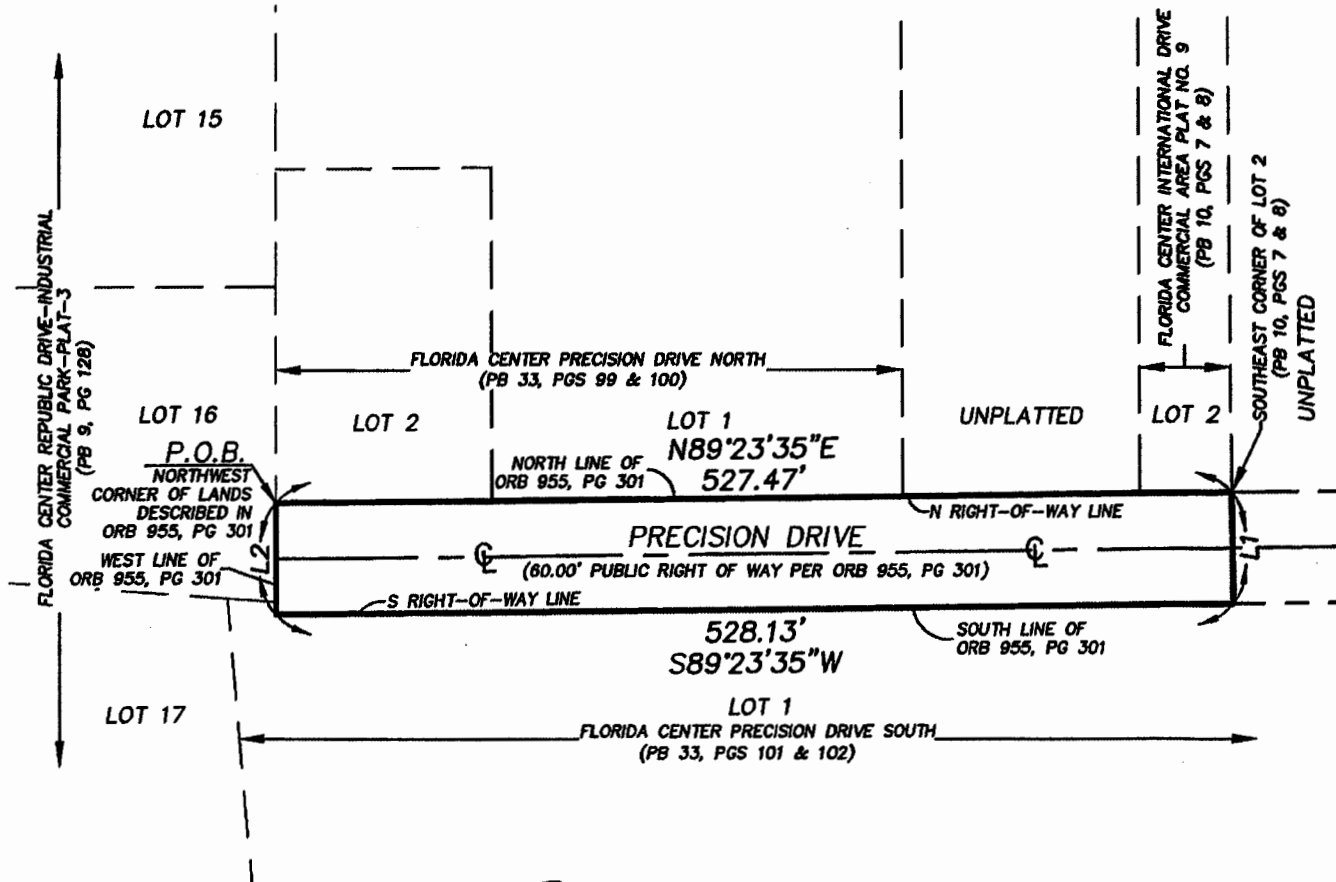
DRAWN BY: <u>RTS</u>	CHECKED BY: <u>SG</u>	JOB NO. <u>16080</u>	SCALE <u>N/A</u>	SHEET <u>2</u>
DATE: <u>6/23/16</u>	DATE: <u>6/24/16</u>			OF <u>2</u>

# SKETCH OF DESCRIPTION

- SEE SHEET 2 FOR LEGEND, DESCRIPTION, AND NOTES



This Sketch of Description does not depict any easements of record that may be within or adjoining the lands described hereon.



PREPARED FOR:

**LATHAM, SHUKER, EDEN & BEAUDINE, LLP**

60.00' RIGHT-OF-WAY VACATION OF PRECISION DRIVE



**DONALD W. MCINTOSH ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
CERTIFICATE OF AUTHORIZATION NO. LB68

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S00°36'25"E	60.00'
L2	N00°01'12"E	60.00'

DONALD W. MCINTOSH ASSOCIATES, INC.  
CERTIFICATE OF AUTHORIZATION NO. LB68

Robert "Tyler" Sears June 08, 2017  
Florida Professional Surveyor and Mapper  
Certificate No. 6950  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRAWN BY: RTS CHECKED BY: SG JOB NO. 16080 SCALE 1"=100' SHEET 1  
DATE: 6/23/16 DATE: 6/24/16 OF 2



□

# The Orlando Sentinel

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633 North Orange Avenue  
MP 132  
Orlando, FL 32801

City of Orlando-City Council  
#CU00108730

To: Stephanie Herdosia

This is to confirm that the advertisement for City of Orlando-City Council published in *The Orlando Sentinel* on the following date.

Publication Date: Thursday, June 29, 2017

Caption: Notice of Proposed Enactment

Section: Orange

Size: 2 columns x 7"

Job #5047089

Should you need further information, please feel free to contact me.

Sincerely,

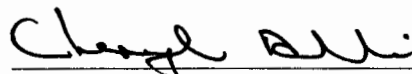


Aracelis Crespo  
Account Representative Assistant  
The Orlando Sentinel

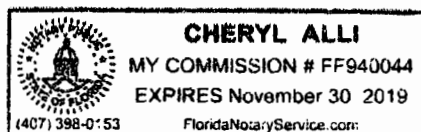
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State of Florida  
County of Orange

The foregoing instrument was acknowledged before me this 3th day of July 2017, by Aracelis Crespo, who is personally known to me.



Notary Public  
State of Florida at Large



# Orlando Sentinel

Published Daily  
ORANGE County, Florida

STATE OF FLORIDA

COUNTY OF ORANGE

Before the undersigned authority personally appeared Brandon DeLoach, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11150-Public Hearing Notice, Ordinance No. 2017-45, July 24, 2017 at 2:00 p.m. was published in said newspaper in the issues of Jul 11, 2017.

Affiant further says that the said ORLANDO SENTINEL is a newspaper published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Brandon DeLoach  
Signature of Affiant

Brandon DeLoach  
Printed Name of Affiant

Sworn to and subscribed before me on this 11 day of July, 2017,  
by above Affiant, who is personally known to me ( X ) or who has produced  
identification ( ).

Cheryl Alli  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary, Typed, Printed, or Stamped

## NOTICE OF PROPOSED ENACTMENT

On Monday, July 24, 2017, the Orlando City Council will consider proposed ordinance #2017-45 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, VACATING, CLOSING, AND ABANDONING PART OF PRECISION DRIVE, GENERALLY LOCATED SOUTH OF INTERNATIONAL DRIVE, WEST OF SOUTH KIRKMAN ROAD, AND EAST OF UNIVERSAL BOULEVARD, AND COMPRISED OF 0.727 ACRES OF LAND, MORE OR LESS, PROVIDING FOR ACCESS TO LIFT STATION 29 AND CERTAIN VEHICLES, AND FURTHER PROVIDING FOR THE EXECUTION OF EFFECTING DOCUMENTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m. in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The proposed ordinance may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting.

OS5054507

7/11/2017

# NOTICE OF PROPOSED ENACTMENT

On Monday, July 10, 2017, the Orlando City Council will consider proposed ordinance #2017-45 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, VACATING, CLOSING, AND ABANDONING PART OF PRECISION DRIVE, GENERALLY LOCATED SOUTH OF INTERNATIONAL DRIVE, WEST OF SOUTH KIRKMAN ROAD, AND EAST OF UNIVERSAL BOULEVARD, AND COMPRISED OF 0.727 ACRES OF LAND, MORE OR LESS, PROVIDING FOR ACCESS TO LIFT STATION 29 AND CERTAIN VEHICLES, AND FURTHER PROVIDING FOR THE EXECUTION OF EFFECTING DOCUMENTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in Council Chambers, 2nd floor, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The proposed ordinance may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting.