

AMENDED



TOWN COMMISSION MEETING AGENDA

August 22, 2023 at 6:30 PM

COMMISSION CHAMBERS - 202 E. MAIN STREET, DUNDEE, FL 33838

Phone: 863-438-8330 | www.TownofDundee.com

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

RECOGNITION OF SERGEANT AT ARMS

ORDINANCE #13-08, PUBLIC SPEAKING INSTRUCTIONS

ROLL CALL

DELEGATIONS-QUESTIONS & COMMENTS FROM THE FLOOR

(Each speaker shall be limited to three (3) minutes)

APPROVAL OF AGENDA

NEW BUSINESS

1. [RESOLUTION 23-14, SOL VISTA FINAL PLAT](#)
2. [DISCUSSION & ACTION, ORDINANCE 23-06 CALDWELL RIDGE FLUM](#)
3. [DISCUSSION & ACTION, DUNDEE LOGO](#)

REPORTS FROM OFFICERS

Polk County Sheriff's Office
Dundee Fire Department
Town Attorney
Town Manager
Commissioners
Mayor

ADJOURNMENT

PUBLIC NOTICE: Please be advised that if you desire to appeal from any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases, a verbatim record is required. You must make your own arrangements to produce this record. (Florida statute 286.0105)

If you are a person with disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the town clerk's office at 202 east main street, Dundee, Florida 33838 or phone (863) 438-8330 within 2 working days of your receipt of this meeting notification; if you are hearing or voice impaired, call 1-800-955-8771.



TOWN COMMISSION MEETING

August 22, 2023 at 6:30 PM

Item 1.

AGENDA ITEM TITLE:	RESOLUTION 23-14, SOL VISTA FINAL PLAT
SUBJECT:	The Town Commission will hear Resolution 23-14 for the Sol Vista Final Plat
STAFF ANALYSIS:	Sol Vista Dundee, LLC (the “Owner” and/or “Applicant”) requests approval of Final Plat for the Sol Vista subdivision for approximately 11.84 +/- acres of land located at the southeast corner of the intersection of Camp Endeavor Boulevard and Campbell Road, further described as parcels 272834-853000-000141 and 272834-853000-000142. The property has a Future Land Use of Medium Density Residential (MDR) and a Zoning of Planned Unit Development (PUD).
FISCAL IMPACT:	No Fiscal Impact
STAFF RECOMMENDATION:	Staff recommends approval
ATTACHMENTS:	Staff Report Resolution 23-14



**TOWN OF DUNDEE
FINAL PLAT
STAFF REPORT**

TO: Town of Dundee Town Commission

PREPARED BY: Lorraine Peterson, Town Planner

AGENDA DATE: August 22,2023

REQUESTED ACTION: Consider Final Plat for the Sol Vista Subdivision, further known as parcels 272834-853000-000141 and 272834-853000-000142 (Resolution 23-14)

BACKGROUND:

Sol Vista Dundee, LLC (the “Owner” and/or “Applicant”) requests approval of Final Plat for the Sol Vista subdivision for approximately 11.84 +/- acres of land located at the southeast corner of the intersection of Camp Endeavor Boulevard and Campbell Road, further described as parcels 272834-853000-000141 and 272834-853000-000142. The property has a Future Land Use of Medium Density Residential (MDR) and a Zoning of Planned Unit Development (PUD).



Final Plat

Per Section 7.01.08 of the Land Development Code, the intent of the Final Plat is to establish a legal record of the plat. Whenever the provisions of this Code have been complied with and while the approval of the certified subdivision plan is in effect, the applicant shall submit the final plat for approval and recording. The final plat shall conform substantially to the approved CSP and, at the option of the subdivider, may constitute only that portion or phase of the approved CSP which is proposed to be recorded at that time. Upon approval of the final plat, the applicant may proceed with obtaining building permits within the subdivision and he plat shall be forwarded by the town clerk to the Board of County Commissioners of Polk County for review and approval in accordance with county procedures. The original plat shall then be submitted to the clerk of the circuit court for recording within the public records of Polk County.

Per Section 7.01.13 of the Land Development Code, approval of the final plat shall not constitute acceptance of any area or facilities offered by said plat for dedication to the Town of Dundee. The town commission shall not accept dedication of required improvements nor

release nor reduce a performance bond until the town is satisfied that all required improvements have been properly completed and until the engineer or subdivider has certified, through submission of a detailed "as-built" survey plat of the subdivision indicating location dimensions, materials, and other information required by the town, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the town attorney indicating that the improvements shall have been completed, are ready for dedication to the town and are free and clear of all liens and encumbrances. Upon such approval and recommendation, the town commission shall thereafter accept the improvements for dedication in accordance with the established procedure.

Final Plat Comments

As required, the Final Plat is substantially similar to the Certified Subdivision Plan (CSP). The applicant submitted all required materials, which were reviewed by Town staff. The applicant is requesting to bond the outstanding site development improvements. As required, the applicant is providing a performance and maintenance bond for the project.

Consistent with Section 7.01.08, the applicant is requesting the Town Commission's approval of the Final Plat for the Sol Vista Subdivision with the conditions as outlined in Resolution 23-14.

Conditions of Approval

1. Approval of the plat entitled "Sol Vista Subdivision" is conditioned upon the Town Commission approval of a Development Agreement to address completion of 100% of the improvements and acceptance of a bond, which can be found in Resolution 23-14 along with other conditions listed in the Resolution.

Town Commission Review

Following its own review, the Town Commission shall either approve the Final Plat or disapprove with reasons stated. The Town Commission has the authority to approve or disapprove any street name. Should any adverse review comment or recommendation be made by the Town Commission which may require a revision of the proposed Final Plat, the necessary revisions may be made for reconsideration at the applicable step within the review process.

MOTION OPTIONS:

1. I move approval of Resolution 23-14 approving the Final Subdivision Plan for recording for the Sol Vista Subdivision.
2. I move approval of Resolution 23-14 with changes for recording approving the Final Subdivision Plan for the Sol Vista Subdivision

3. I move continuing this item to a date and time certain.

Attachment: Resolution 23-14

Space for Recording

RESOLUTION NO. 23-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, APPROVING THAT CERTAIN PLAT ENTITLED "SOL VISTA SUBDIVISION" FOR FILING IN ACCORDANCE WITH CHAPTER 177, FLORIDA STATUTES AND APPLICABLE PROVISIONS OF THE TOWN OF DUNDEE CODE OF ORDINANCES AND TOWN OF DUNDEE LAND DEVELOPMENT CODE; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVERNER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. (General Location: the corner of Camp Endeavor Boulevard and Campbell Road, further described as parcel identification number(s) 272834-853000-000141 and 272834-853000-000142 262729-000000-033010. The area covered by this request is 11.84+/- acres).

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the Town is vested with governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, Sol Vista Dundee, LLC (the "Owner" and/or "Applicant"), an active Florida limited liability company, is the owner of the of the below-described lands and has submitted that certain plat entitled "Sol Vista Subdivision" (the "Plat") for approval for filing by the Town Commission of the Town of Dundee in accordance with Chapter 177 of the Florida Statutes and Section 7.01.00 of the Town of Dundee Land Development Code (the "LDC"); and

WHEREAS, the proposed Sol Vista Subdivision (the "Subdivision") is to occur on approximately 11.84 +/- acres of property identified by the Polk County Property Appraiser as Parcel Identification Number(s) 272834-853000-000141 and 272834-853000-000142 (see **Exhibit "A"**); and

WHEREAS, copies of the Plat, location map, and boundary survey for the Subdivision are attached hereto as **Composite Exhibit "A"** and made a part hereof by reference; and

WHEREAS, pursuant to applicable law, upon acceptance by the Town Engineer of all subdivision improvements, or the Town's acceptance of a performance bond, the Applicant may present a final plat to the Town Commission for approval; and

WHEREAS, the Owner requests that the Plat for the Subdivision be approved by the Town Commission of the Town of Dundee prior to all the required infrastructure and/or improvements being satisfactorily installed and/or constructed; and

WHEREAS, the Owner has provided an acceptable performance bond (the "Bond") in the amount of 120% of the estimated cost of all required and/or publicly dedicated infrastructure and improvements onsite and offsite in favor of the Town of Dundee; and

WHEREAS, copies of the Bond and Engineer's Cost Estimate are attached hereto as **Composite Exhibit "B"** and made a part hereof by reference; and

WHEREAS, the Bond (see **Exhibit "B"**) ensures the completion of the infrastructure and improvements for the Subdivision as shown on the Plat (see **Exhibit "A"**) in accordance with applicable Florida law and the requirements and standards set forth by the LDC and Town of Dundee Code of Ordinances; and

WHEREAS, the Plat was reviewed by Town staff and Town consultants and, pursuant to said review, determined to meet the requirements of Chapter 177 of the Florida Statutes and applicable provisions of the LDC and Town of Dundee Code of Ordinances; and

WHEREAS, on August 22, 2023, pursuant to Florida law and applicable provisions of the Town of Dundee Code of Ordinances and Land Development Code, the Owner requested and that the Town Commission of the Town of Dundee review and conditionally approve the Plat (see **Exhibit "A"**) for filing; and

WHEREAS, on August 22, 2023, the Town Commission of the Town of Dundee, at a duly notice public meeting, held a public hearing to consider the Plat for acceptance and recording; and

WHEREAS, pursuant to the LDC and Florida law, the Town Commission may by resolution, approve the Plat and dedication(s), and/or conditionally approve the Plat and dedications; and

WHEREAS, on August 22, 2023, the Town Commission of the Town of Dundee, Florida, held a public hearing to take action on the Plat and found that the conditional approval of the Plat (see **Exhibit "A"**) preserves, enhances and encourages the most appropriate use of land consistent with the public interest, the Town of Dundee 2030 Comprehensive Plan policies and objectives, and the Town of Dundee Land Development Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Incorporation of Recitals. The provisions set forth in the factual recitals (whereas clauses) are hereby adopted by the Town Commission as the legislative findings and

intent pertaining to this Resolution.

Section 2. Plat Acceptance. The applicant, Sol Vista Dundee, LLC (the "Owner" and/or "Applicant"), an active Florida limited liability company, is the owner of the real property and/or lands more specifically described on **Exhibit "A"** which is attached hereto and incorporated herein by reference. LGI Homes-Florida, LLC, has provided a performance bond, which is attached hereto as **Composite Exhibit "B"** and incorporated herein, issued by the Harco National Insurance Company in the amount of **\$56,250.00**, or 120% of the cost of all outstanding improvements and offsite infrastructure in favor of the Town of Dundee, Florida, in order to ensure completion of all dedicated and/or required improvements and infrastructure and dedicated improvements within the proposed Sol Vista Subdivision (the "Subdivision") and shown on the Plat (see **Exhibit "A"**) being approved for filing herein. Further, the estimate of the costs of completing said required and/or dedicated improvements and infrastructure is in the amounts as presented by an authorized representative of the Owner and approved by the Town's Engineer, as more specifically identified on **Exhibit "B"** attached hereto and incorporated by reference.

That certain plat entitled "Sol Vista," as described in **Exhibit "A"** and attached hereto and incorporated by reference, was presented to the Town Commission on August 22, 2023. The Town Commission, having reviewed the Plat for filing, approves the plat and authorizes the Mayor and Town Clerk to sign the copy of the plat to be recorded.

Section 3. Conditions. Approval of the Plat (see Exhibit "A") is conditioned, as follows:

(a) The Town of Dundee does not accept the utility systems for the subject lands which includes, but shall not be limited to, water and wastewater systems until all such systems as may be constructed and/or noted on the Plat have passed all required tests, all required certifications have been obtained, and the systems are fully operational pursuant to Town standards.

(b) No Certificates of Occupancy ("CO") for any structures constructed thereon and/or within the Subdivision will be issued until all such utility systems and other required infrastructure and improvements, as required by the LDC and Town of Dundee Code of Ordinances, are fully operational and have been approved and/or accepted by the Town of Dundee, Florida.

(c) All surface and/or storm water systems for the Subdivision, as shown on the Plat, being approved for filing herein shall be dedicated to the Homeowners Association established by or on behalf of the Subdivision which, along with the developer, shall have the sole responsibility for the maintenance, repair, and liability for the entire surface and/or storm water systems, including all collection, transmission, and piping components. It is the express intention of the Town of Dundee that it will not accept said surface and/or storm water systems.

Section 4. Authorization. The Town Manager, or her designee, is hereby authorized to take any and all necessary further action(s) to effectuate the acceptance of the infrastructure and/or required improvements for the Subdivision which includes, but shall not be limited to, negotiating and executing any documentation necessary and incidental to the acceptance and approval of the infrastructure and/or required improvements more specifically identified by the Plat (see **Exhibit "A"**).

Section 5. Conflicts. All Resolutions in conflict herewith are repealed in order to give this Resolution full force and effect.

Section 6. Severability. The provisions of this Resolution are severable. If any word, sentence, clause, phrase, or provision of this Resolution for any reason is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

Section 7. Administrative Correction of Scrivener's Errors. The correction of typographical and/or scrivener's errors in this Resolution which do not affect the intent may be authorized by the Town Manager or her designee, without need of consideration by the Town Commission, by filing a corrected or recodified copy of same with the Town Clerk.

Section 8. Effective Date. This Resolution shall take effect upon approval of the Developer's Agreement for the completion of the required and/or dedicated improvements and infrastructure for the Subdivision and shall remain valid for one (1) year from the date of passage by the Town Commission; provided however, that a certified copy of this Resolution shall be duly recorded in the Public Records of Polk County, Florida.

INTRODUCED AND PASSED by the Town Commission of the Town of Dundee, Florida, in regular session this 22nd day of August 2023.

TOWN OF DUNDEE

Sam Pennant, Mayor

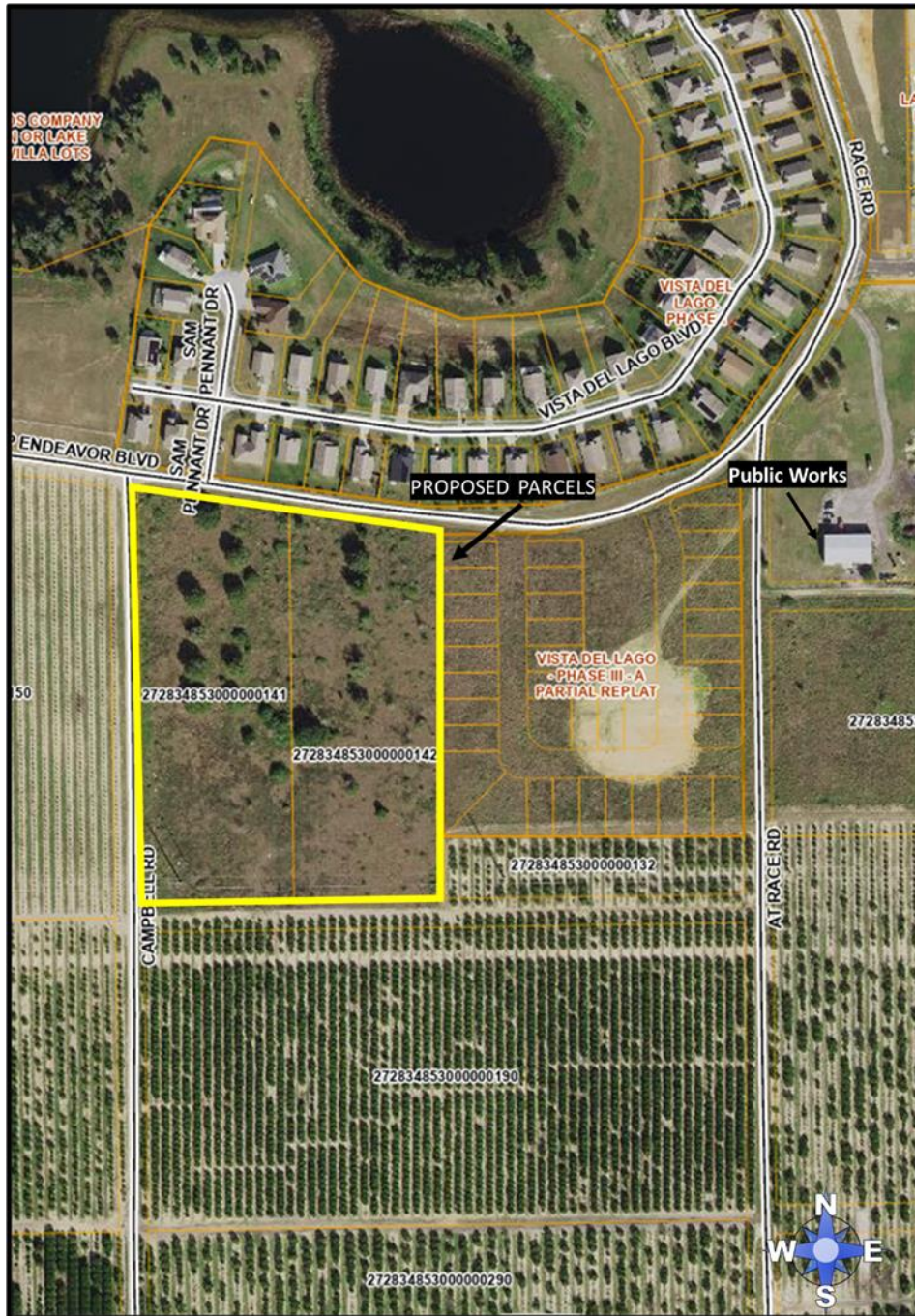
ATTEST WITH SEAL:

Trevor Douthat, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney

RESOLUTION NO. 23-14
COMPOSITE EXHIBIT "A"
SOL VISTA
LOCATION MAP, BOUNDARY SURVEY, & PLAT
Page 1 of 4



**RESOLUTION NO. 23-14
EXHIBIT "B"
PERFORMANCE BOND**

PERFORMANCE BOND

Bond No. 0842136

KNOWN ALL MEN BY THESE PRESENTS, That we, LGI Homes -Florida, LLC, as Principal, and Harco National Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of Illinois and duly licensed to conduct surety business in the State of Florida, as Surety, are held and firmly bound unto the Town of Dundee, a municipal corporation organized and existing under the laws of the State of Florida, as Obligee, in the sum of Fifty Six Thousand two hundred fiftv dollars and 00/100 (\$56,250.00) Dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

WHEREAS, the Land Development Code of the TOWN OF DUNDEE (hereinafter the "LDC") is by reference incorporated into and made part of this Performance Bond (hereinafter "Bond"); and

WHEREAS, the Principal has agreed to construct the dedicated improvements, improvements, infrastructure and other items described in the Engineer's Cost Estimate, attached hereto as Exhibit "A" and incorporated into and made part of this Bond (hereinafter "Improvements"), in the Sol Vista platted subdivision, in accordance with applicable agreements, resolution(s), the LDC, drawings, plans, specifications, and other data and information (hereinafter collectively referred to as the "Plans") filed with the TOWN OF DUNDEE, which the Plans are by reference incorporated into and made part of this Bond by reference; and

WHEREAS, the LDC requires the Principal to submit an instrument ensuring completion of construction of the Improvements.

NOW, THEREFORE, the conditions of this Bond are such that:

1. If the Principal shall well and truly perform the construction of the Improvements in the platted area known as Sol Vista subdivision in accordance with the Plans and LDC by December 31st, 2024 (the "Guaranty Period") and as verified by the TOWN OF DUNDEE Development Services Division, upon the written approval and acceptance by the Obligee by resolution of the Town Commission of the Town of Dundee, this Bond shall be null and void. If the Improvements are not constructed by December 31st, 2024, or such later date the Obligee may approve, then this Bond shall be payable to the Obligee.
2. The Surety unconditionally covenants and agrees that if the Principal fails to perform all or any part of the Improvements within the time specified in Paragraph 1, above, the Surety, upon thirty (30) days written notice from the Obligee, or its authorized agent or officer, of the default, will forthwith perform and complete the Improvements and pay the cost thereof, including without limitation, engineering, legal, and contingent costs. Should the Surety fail or refuse to perform and complete the Improvements, the Obligee, in view of the public interest, health, safety and welfare factors involved and the inducement in

Initials _____

**RESOLUTION NO. 23-14
EXHIBIT "B"
PERFORMANCE BOND**

approving and filing the plat for the above-referenced subdivision, shall have the right to resort to any and all legal remedies against the Principal and Surety, or either, both at law and in equity including specific performance, to which the Principal and Surety unconditionally agree.

- 3. The Principal and Surety further jointly and severally agree that the Obligee, at its option, shall have the right to construct, or caused to be constructed the Improvements in case the Principal should fail or refuse to do so. In the event the Obligee should exercise such right, the Principal and Surety shall be jointly and severally liable hereunder to reimburse the Obligee the total cost of, including without limitation, construction, design, engineering, legal costs and fees, and any contingent costs, together with any damages, either direct or consequential, which may be sustained on account of the failure of the Principal to complete all of the obligations for construction of the Improvements.
- 4. Applicable Law, Jurisdiction and Venue. This Performance Bond shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in the Tenth Judicial Circuit in and for Polk County, Florida.
- 5. All notices, demands, and correspondence with respect to this Bond shall be in writing and addressed to:

The Surety at:
Harco National Insurance Company
4200 Six Forks Rd, Suite 1400
Raleigh, NC 27609

The Principal at:
LGI Homes – Florida, LLC
17425 Bridge Hill Court, Suite 101
Tampa, FL 33647

The Obligee at:
Town of Dundee
202 East Main Street
Dundee, FL 33838

[Signatures appear on the next page]

Initials _____

**RESOLUTION NO. 23-14
EXHIBIT "B"
PERFORMANCE BOND**

IN WITNESS WHEREOF, the Principal and Surety have caused this Bond to be executed by their duly authorized officers this 24th day of July, 2023.

[Signature]
Witness
David Wiggins
Printed Name
Peter Stockton
Witness
Peter Stockton
Printed Name

PRINCIPAL:
LGI Homes - Florida, LLC
Name of Corporation
By: *[Signature]*
Charles Merdian
Printed Name
Title: Chief Financial Officer
(SEAL)

[Signature]
Witness
Mary Alarie
Printed Name
Grace J. Gray
Witness
Grace J. Gray
Printed Name

SURETY:
Harco National Insurance Company
Name of Corporation
By: *[Signature]*
Eric P Pratt
Printed Name
Title: Attorney-In-Fact
(SEAL)
(attach power of attorney)

Initials _____

RESOLUTION NO. 23-14
EXHIBIT "B"
PERFORMANCE BOND

POWER OF ATTORNEY Bond # 0842136
HARCO NATIONAL INSURANCE COMPANY
INTERNATIONAL FIDELITY INSURANCE COMPANY
Member companies of IAT Insurance Group, Headquartered: 4200 Six Forks Rd, Suite 1400, Raleigh, NC 27609

KNOW ALL MEN BY THESE PRESENTS: That HARCO NATIONAL INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Illinois, and INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

ERIC P. PRATT, GRACE J. GRAY, KATHLEEN M. O'BRIEN, DONNA M. BISHOP

North Adams, MA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of HARCO NATIONAL INSURANCE COMPANY at a meeting held on the 13th day of December, 2018.

"RESOLVED, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY have each executed and attested these presents on this 31st day of December, 2022



STATE OF NEW JERSEY
County of Essex

[Signature]
Kenneth Chapman
Executive Vice President, Harco National Insurance Company
and International Fidelity Insurance Company

STATE OF ILLINOIS
County of Cook



On this 31st day of December, 2022, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

[Signature]
Shirelle A. Outley, a Notary Public of New Jersey
My Commission Expires April 4, 2023

CERTIFICATION

I, the undersigned officer of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, July 24, 2023

A00757

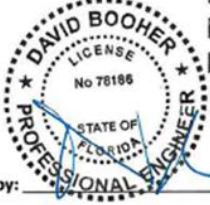
[Signature]
Irene Martins, Assistant Secretary

RESOLUTION NO. 23-14
EXHIBIT "B"
PERFORMA BOND

**ENGINEER'S COST ESTIMATE
SOL VISTA**

QEI - Itemized Engineer's Cost Estimate

MISC ITEMS	Estimated Qty	Units	Price	Total
Playground "Seth" model with borders and rubber mulch	1	LS	\$45,000.00	\$45,000.00
MISC ITEMS TOTAL				\$45,000.00
GRAND TOTAL				\$45,000.00
Performance Bond Amount (125%)				\$56,250.00



Certified by: _____

Date: 6-19-2023

1

Item 1.



TOWN COMMISSION MEETING

August 22, 2023 at 6:30 PM

- AGENDA ITEM TITLE:** DISCUSSION & ACTION, ORDINANCE 23-06 CALDWELL RIDGE FLUM
- SUBJECT:** The Town Commission will consider approval of Ordinance 23-06 at first reading to set the public hearing.
- STAFF ANALYSIS:** A request by Raysor Ventures, LLC to amend the Future Land Use Map Amendment for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Moderate Density Single Family Residential (RSF-3) on approximately 24 +/- acres. The subject property is located at the southwest corner of lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020.
- FISCAL IMPACT:** No Fiscal Impact
- STAFF RECOMMENDATION:** Staff recommends approval.
- ATTACHMENTS:** Staff Report
Maps
Ordinance 23-06

ORDINANCE NO. 23-06

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, FOR A REQUEST BY RAYSOR VENTURES, LLC TO AMEND THE FUTURE LAND USE FOR PROPERTY LOCATED IN THE TOWN OF DUNDEE FROM AGRICULTURE/ RESIDENTIAL RURAL (A/RR) TO LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY 24+/- ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF LAKE HATCHINEHA ROAD AND CALDWELL DRIVE, FURTHER DESCRIBED AS PARCELS 272824-000000-013010 AND 272824-000000-013020; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and mandates the Town of Dundee, Florida, to plan for future development and growth and to adopt and amend comprehensive plans, or elements, or portions thereof, to guide the future growth and development of the Town; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Commission held meetings and hearings on **Amendment 23-06**, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, in exercise of its authority the Town Commission has determined it necessary to adopt this **Amendment 23-06** to the Comprehensive Plan, which map is marked as Composite Exhibit "A" and is attached and made a part hereof, to ensure that the Plan is in full compliance with the Laws of the State of Florida; to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the Town of Dundee; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, amends its Comprehensive Plan in the following specific manner:

The Future Land Use Map is amended to specifically change the Future Land Use Classification from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on approximately 24 +/- acre parcel located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020, and shown on the Proposed Future Land Use Map attached hereto as Composite Exhibit "A" and incorporated herein by reference.

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable law, the regulations contained within this ordinance were considered by the Town's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting on August 17, 2023, at which time interested parties and citizens had the opportunity to be heard and such amendments were recommended to the Town Commission for adoption; and

WHEREAS, in accordance with the Expedited State Review procedures required by Section 163.3184(3), the Town of Dundee transmitted the proposed amendment and supporting data and analysis to the applicable review agencies.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. The Comprehensive Plan of the Town of Dundee is hereby amended to add thereto a map amendment, as shown in Exhibit "A", which is attached and made a part hereof. The amendment includes: An amendment to the Future Land Use Map designation for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on the approximately 24 +/- acre parcel located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcel 272824-000000-013010 and 272824-000000-013020

and as depicted on the property shown on Composite Exhibit "A" which is attached hereto and incorporated herein by reference.

Section 2. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days if no challenge is filed.

Section 3. All ordinances and/or resolutions or parts of ordinances and/or resolutions which are in conflict with this Ordinance are hereby repealed but only to the extent necessary to alleviate the conflict but shall continue in effect insofar as they are not in conflict herewith.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Sections of this Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. A certified copy of this enacting Ordinance and certified copy of the Town of Dundee Future Land Use Map and Comprehensive Plan shall be located in the Office of the Town Clerk of Dundee. The Town Clerk shall also make copies available to the public for a reasonable publication charge.

INTRODUCED AND PASSED on First Reading and transmittal public hearing this 22nd day of August 2023.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the Town Commission of Dundee, Florida, this ____day of _____ 2023.

TOWN OF DUNDEE

MAYOR – Sam Pennant

Attest:

TOWN CLERK – Trevor Douthat

Approved as to Form:

TOWN ATTORNEY – Frederick J. Murphy, Jr.

**Composite Exhibit “A”
Ordinance No. 23-06
Legal Description and Excerpt from the Future Land Use Map
Page 1 of 3**

CALDWELL RIDGE SUBDIVISION

Legal Description (Per Title Report)

The East 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 28 South, Range 27 East, LESS road right of way for State Road S-542; AND

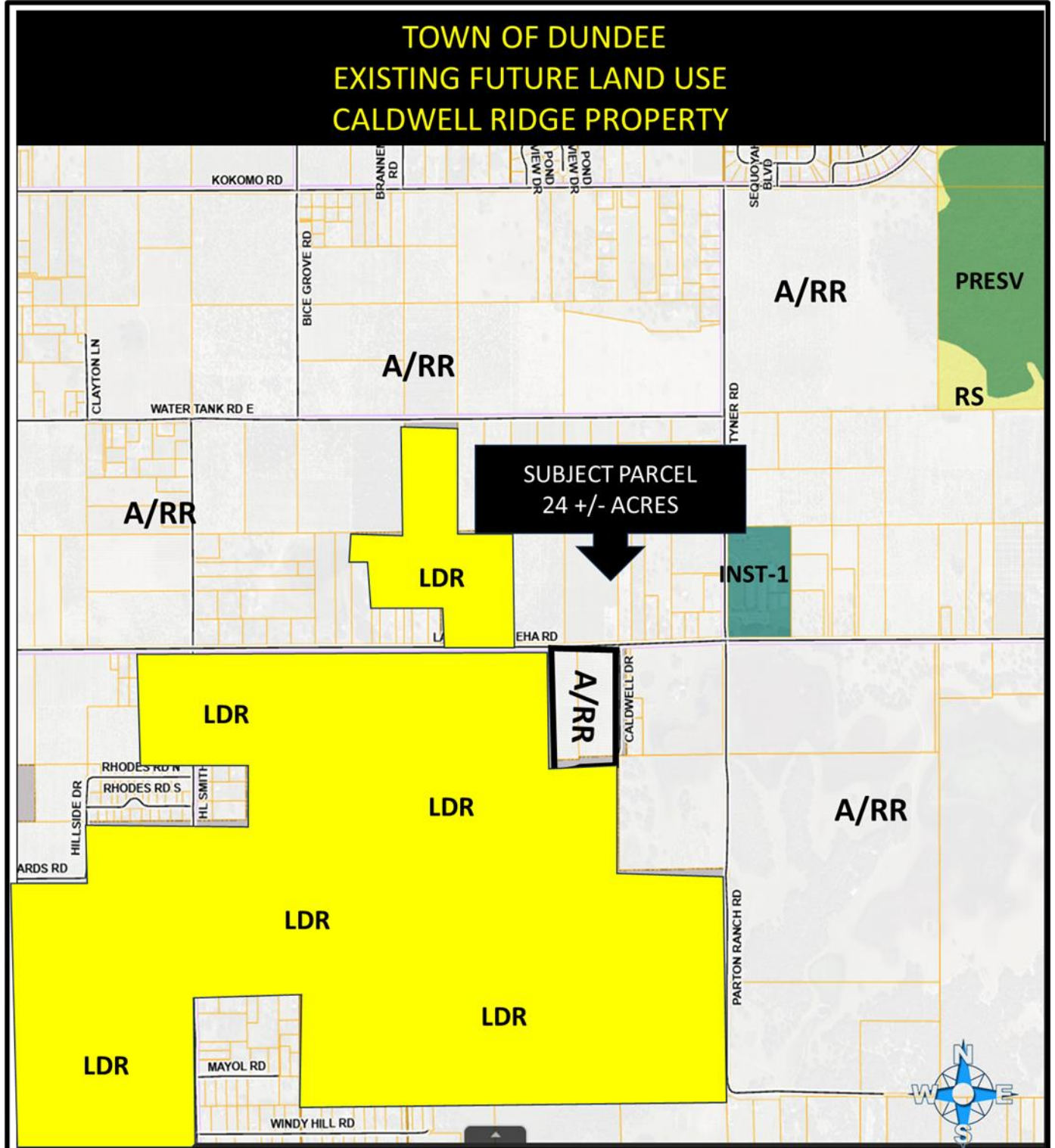
The East 1/4 of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 24, LESS road right of way for State Road S-542; AND

The North 31 feet of the West 1/4 of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Said Section 24; AND

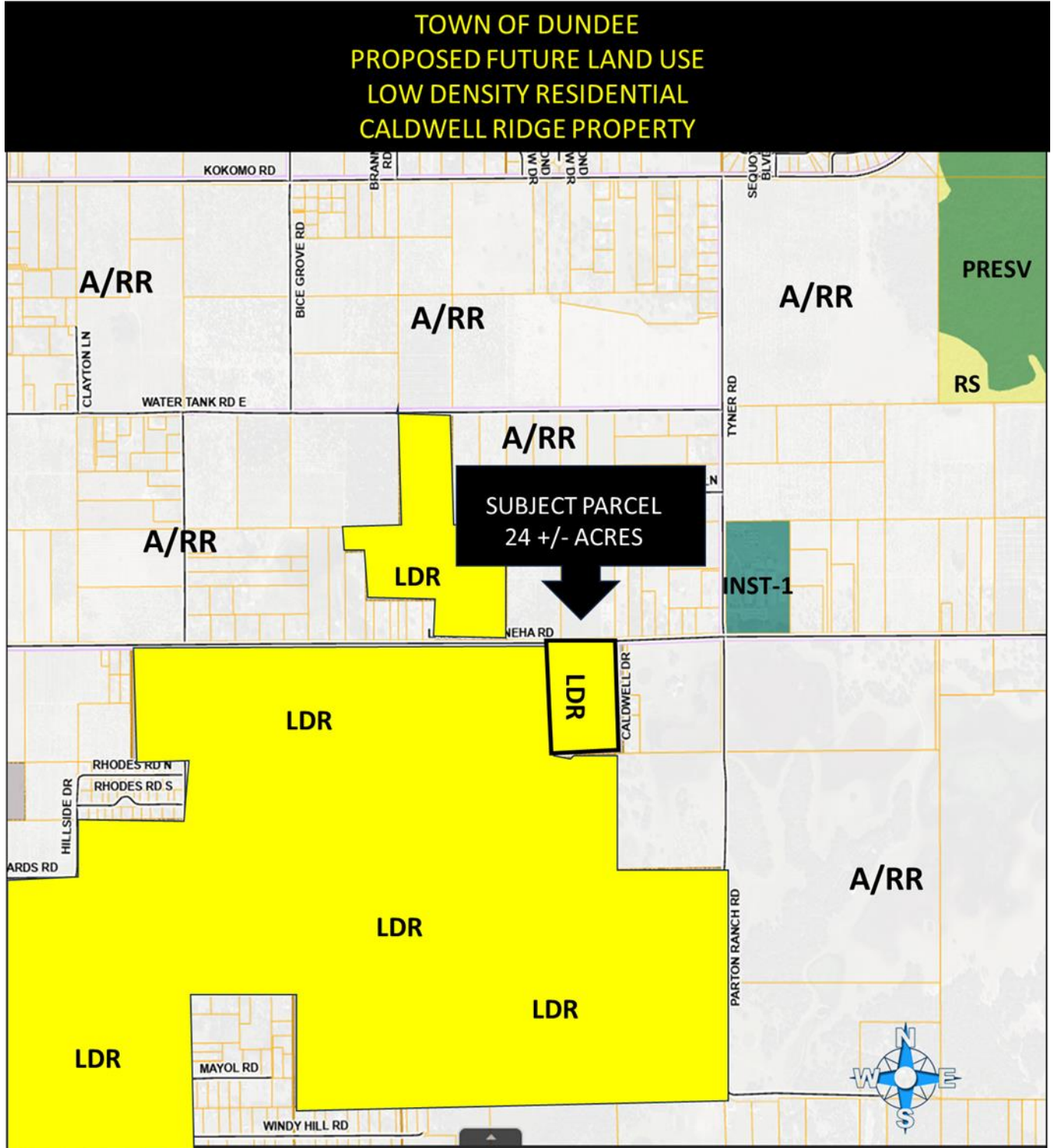
The North 31 feet of the east 1/4 of the west 1/2 of the Southwest 1/4 of the northeast 1/4 of Section 24, Township 28 South, Range 27 East,

All of said property being located in Polk County, FL.

Composite Exhibit "A"
Ordinance No. 23-06
Legal Description and Future Land Use Maps
Page 2 of 3



Composite Exhibit "A"
Ordinance No. 23-06
Legal Description and Future Land Use Maps
Page 3 of 3





**TOWN OF DUNDEE
FUTURE LAND USE MAP AMENDMENT
STAFF REPORT**

TO: Town of Dundee Town Commission

PREPARED BY: Lorraine Peterson, Development Director

AGENDA DATE: August 22, 2023

REQUESTED ACTION: **APPLICANT-INITIATED FUTURE LAND USE MAP AMENDMENT**

A request by Raysor Ventures, LLC to amend the Future Land Use Map for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on the approximately 24 +/- acres. The parcels are located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020.

BACKGROUND:

The subject property, which is located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, includes two parcels and totals approximately 24+/- acres of land and are currently a grape farm.

The applicant is requesting the proposed Future Land Use Amendment go from A/RR (County) to LDR (Town) as it would be consistent with the Town of Dundee’s Future Land Use Districts and compatible with the adjacent land uses. The LDR FLU is located to the south and west of the subject site. This application has a companion zoning application.



FUTURE LAND USE MAP REQUEST:

The applicant is requesting a Future Land Use Map amendment from Agricultural Residential Rural (A/RR) to Low Density Residential (LDR) on approximately 24 +/- acres. A description of the existing and proposed Future Land Use is provided as follows.

EXISTING AND PROPOSED FUTURE LAND USE

Polk County Land Development Code, Land use Districts Established Section 204, A1 – Standard Land Use Districts:

1. Rural (A/RR): The purpose of the A/RR district is to provide lands for the continuation of productive agricultural uses and to provide for very low-density residential development within unincorporated rural areas. The A/RR district permits agricultural activities, agricultural support facilities, multi-family dwelling units, farm labor housing, group living facilities, and community facilities.

Town of Dundee Comprehensive Plan, Future Land Use Element, Policy 2.3: Low Density Residential:

The primary function of the Low-Density Residential classification is to accommodate low density residential development consisting primarily of single-family dwellings. Maximum density is 5.0 residential dwelling units per acre; Agricultural uses are permissible in this category.

REASON FOR REQUEST:

The subject property is part of a proposed 80-unit single family subdivision. There is a companion zoning map amendment.

ANALYSIS:

Table 1 includes the density/intensity for the amendment to the Future Land Use Map amendment for the property, which results in a potential increase of 115.2 dwelling units.

**Table 1:
Analysis of Impacts from Proposed Future Land Use Map Amendment**

	Existing FLU: A/RR (24 +/- acres)	Proposed FLU: LDR (24 +/- acres)
Density/Intensity	A/RR: 1.0 DU/5 acres	LDR: 5.0 DU/acre
Density Potential	A/RR: $5/24 = 4.8$ DU'S	LDR: $5 \times 24 = 120$ DU'S
Difference	Increase of 115.2 DU's	

SURROUNDING PROPERTIES:

The property is currently a grape vineyard. Properties to the north, northeast, east, and southeast are in unincorporated Polk County with a Future Land Use of Agriculture Residential Rural (A/RR) and consist of citrus, pasture, and single-family homes. Properties to the south, southwest, west, and northwest are in Dundee town limits and have a Future Land Use of Low Density Residential (LDR). These properties consist of citrus groves, pasture and single-family homes.

PUBLIC FACILITIES AND SERVICES ANALYSIS:

Potable Water

There is a 10" potable water line located on the southside of Lake Hatchineha Road right-of-way. The Town of Dundee will provide potable water services for the property and its development. The maximum development potential for the property under the existing Future Land Use designation generates a demand of 1,728 gpd. The maximum development potential for the property under the proposed Future Land Use designation generates a demand of 43,200 gpd. The change in Future Land Use designation increases the potential impact to the Town's potable water services by 41,472 gpd. See calculations below. The Town will have capacity to serve the project. The developer will be responsible for connecting to the Town's potable water system.

Estimated water consumption for residential based on 360 gallons per day (gpd) as established in the Code of Ordinances.

- Existing Future Land Use:
 - 4.8 dwelling units * 360 gpd = 1,728 gpd
- Proposed Future Land Use:
 - 120 dwelling units * 360 gpd = 43,200 gpd

**Table 2a:
Impact on Town’s Water Services – Existing Future Land Use**

	Total Town Capacity (gpcd)	Current Town Usage (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Town Capacity Remaining (gpcd)
Existing FLU	917,500	777,430	140,070	1,728	138,342

**Table 2b:
Impact on Town’s Water Services – Proposed Future Land Use**

	Total Town Capacity (gpcd)	Current Town Usage (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Town Capacity Remaining (gpcd)
Proposed FLU	917,500	777,430	140,070	28,800	111,270

Sanitary Sewer

Sanitary sewer lines are located on the southside of Lake Hatchineha Road right-of-way. The Town of Dundee will provide sanitary sewer services for the property and its development. The maximum development potential for the property under the existing Future Land Use designation generates a demand of 1,296 gpd. The maximum development potential for the property under the proposed Future Land Use designation generates a demand of 32,400 gpd. The Future Land Use map amendment increases the potential impact to the Town’s sanitary sewer services by 31,104 gpd. See calculations below. The Town has capacity to serve the project. The developer will be responsible for connecting to the Town’s sanitary sewer system.

Estimated sanitary sewer consumption for residential is based on 270 gallons per day (gpd) as established in the Code of Ordinances.

- Existing Future Land Use:
 - 4.8 dwelling units * 270 gpd = 1,296 gpd
- Proposed Future Land Use:
 - 120 dwelling units * 270 gpd = 32,400 gpd

**Table 3a:
Impact on Town’s Sanitary Sewer Services – Existing Future Land Use**

	Total Town Capacity (gpcd)	Current Town Usage (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Capacity Remaining (gpcd)
Existing FLU	700,000	120,000	580,000	1,296	578,704

**Table 3b:
Impact on Town’s Sanitary Sewer Services- Proposed Future Land Use**

	Total Town Capacity (gpcd)	Current Town Usage (gpcd)	Remaining Town Capacity (gpcd)	Demand for Project (gpcd)	Capacity Remaining (gpcd)
Proposed FLU	700,000	120,000	580,000	32,400	547,600

Solid Waste

Dundee transfers solid waste collected in the Town to the Polk County Landfill. As the operators of the landfill, the County plans for capacity for all municipalities in the county, as well as unincorporated areas. Polk County determined that there is sufficient landfill space for the county, including Dundee, to dispose of household garbage for approximately 65 years.

Traffic/Transportation

Access to the site is from Scenic Highway on the west and Stalnaker Road on the south. These are State and County maintained roads respectively. Based on ITE estimates, the estimated average annual daily trips (AADT) generation for this development is 1,435 trips per day (152 units * 9.44 = 1,435). The peak hour typically utilized is the weekday P.M. peak hour. Based on ITE estimates, the P.M. peak hour trip generation is estimated at 137 peak hour trips per day (152 units * 0.9 = 217). Any proposed development will require a full traffic study to determine necessary off-site improvements. Coordination with Polk County is required.

Recreation

The Town currently meets the level of service requirement of 4.5 acres per 1,000 residents as established in the Comprehensive Plan. The applicant will be required to provide recreational opportunities per the Land Development Code. The dedication of land for park and recreation services is 0.0116 acres/dwelling unit. The Town Commission may approve a dedication of land, a fee paid in lieu of dedication, or a combination of the two. The Town Commission makes this determination at time of concept plan.

Environmental Impacts

According to the Fish and Wildlife Service (FWS), the sand skink (endangered species) is endemic to the sandy ridges of central Florida, occurring in Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam counties. This site is also located in areas identified as potential habitat for the Gopher Tortoise, a threatened species. Since this site is located in an area identified as potential sand skink and gopher tortoise habitat, as the project continues through to site development plan approval stages, specific environmental studies will be completed, and requirements will be addressed.

School Impacts:

The Polk County School Board will review the project as it continues through the subdivision review and approval stages. Any development will have to address school concurrency issues and any necessary mitigation.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The following Town of Dundee Comprehensive Plan polices are relevant to the proposed request. The policy is provided with an analysis of how the request may or may not be consistent with the Town's Comprehensive Plan. The request is consistent with the Comprehensive Plan. The proposed Future Land Use Map amendment is consistent with the opportunities for surrounding properties within the Town of Dundee.

**Table 4:
Consistency with the Comprehensive Plan**

Comprehensive Plan Policy	Analysis
<p>FLU Policy 5.1: Direct higher densities and intensity of use to areas where public facilities and services are available or are projected to be available. Limit the density and intensity of use in areas where public facilities and services are not available.</p>	<p>Public facilities (water and wastewater) are located less than 1 mile from the property. The Town’s Code of Ordinances requires connection for a development of more than 20 homes if facilities are located within one mile.</p>
<p>FLU Policy 5.2: Ensure that development orders or permits for future development and redevelopment are issued only if the public facilities and services necessary to meet the adopted level of service standards are available concurrent with the impacts of the development as established within all Elements of the Town of Dundee Comprehensive Plan, including the level of service standards listed within the following Elements:</p> <ol style="list-style-type: none"> 1. Infrastructure Element 2. Transportation Element 3. Capital Improvements Element 4. Public School Facilities Element 	<p>The proposed impacts of the potential Future Land Use map amendment can be facilitated within the Town’s existing services; therefore, the adopted levels of service will be maintained.</p>

<p>FLU Policy 5.4: Agricultural land uses shall not be converted to uses of higher density or intensity until adequate public facilities and services are available concurrent with the impacts of the proposed new development.</p>	<p>Adequate public facilities are currently available, and potable will be available at the time of final plat approval.</p>
<p>FLU Policy 6.1: Locate Future Land Uses at densities and intensities that will reduce greenhouse gas emissions while encouraging energy efficiency and will discourage urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the Town.</p>	<p>The property is located near existing residential development within the Town of Dundee and the County.</p>
<p>CIE Policy 2.3: At the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.</p>	<p>Adequate public facilities will be available at the time of final plat approval.</p>
<p>PSFE Policy 2.4.1: Final subdivision and site plan approvals for residential development shall be conditioned upon the availability of adequate school capacity as per the adopted level of service standards (LOS) of this element and as required by Section 163.3180(13) F.S.</p>	<p>The School Board will review any proposed projects for concurrency determination during the subdivision review process.</p>

FIRST READING/TRANSMITTAL HEARING: FUTURE LAND USE MAP AMENDMENT

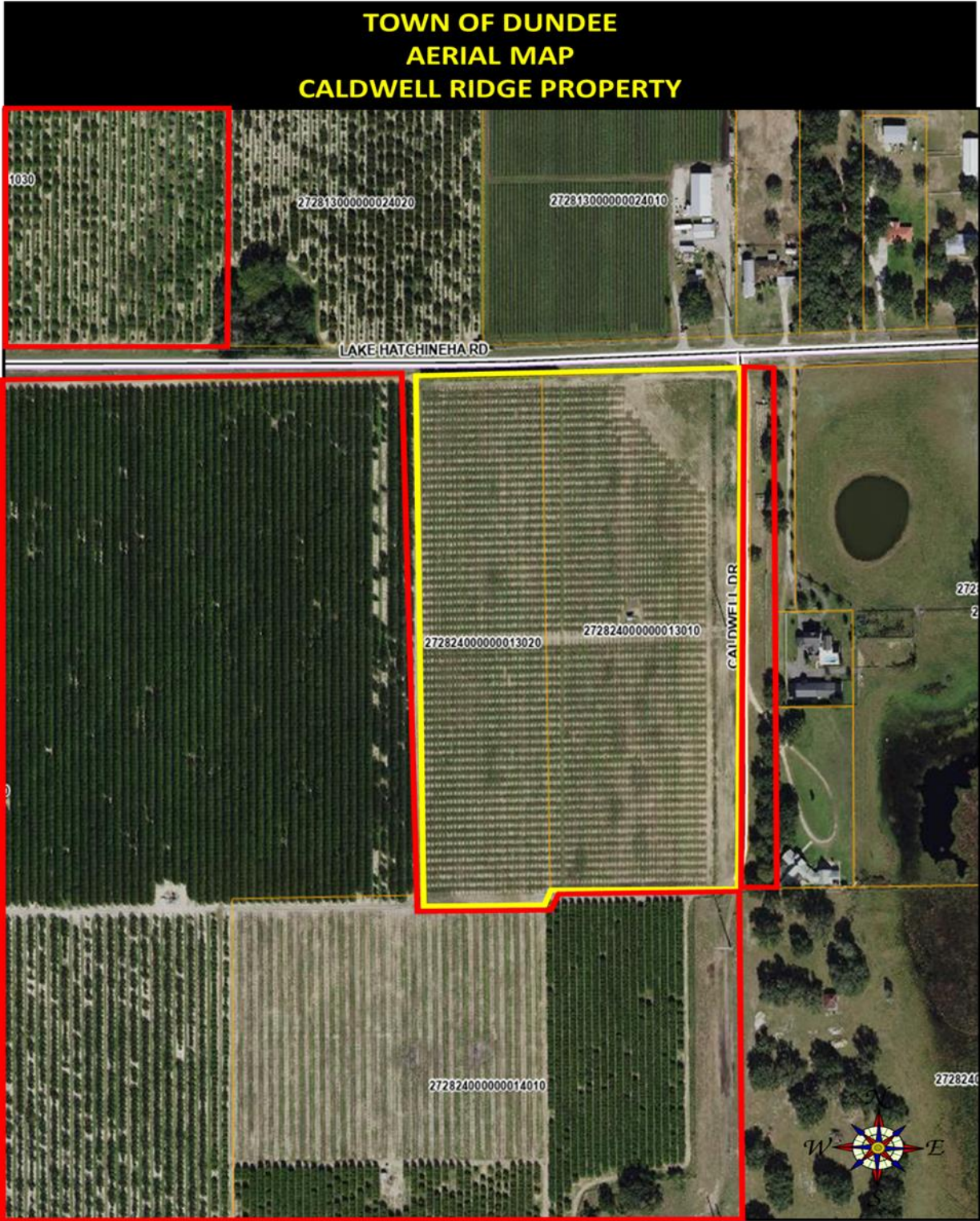
MOTION OPTIONS:

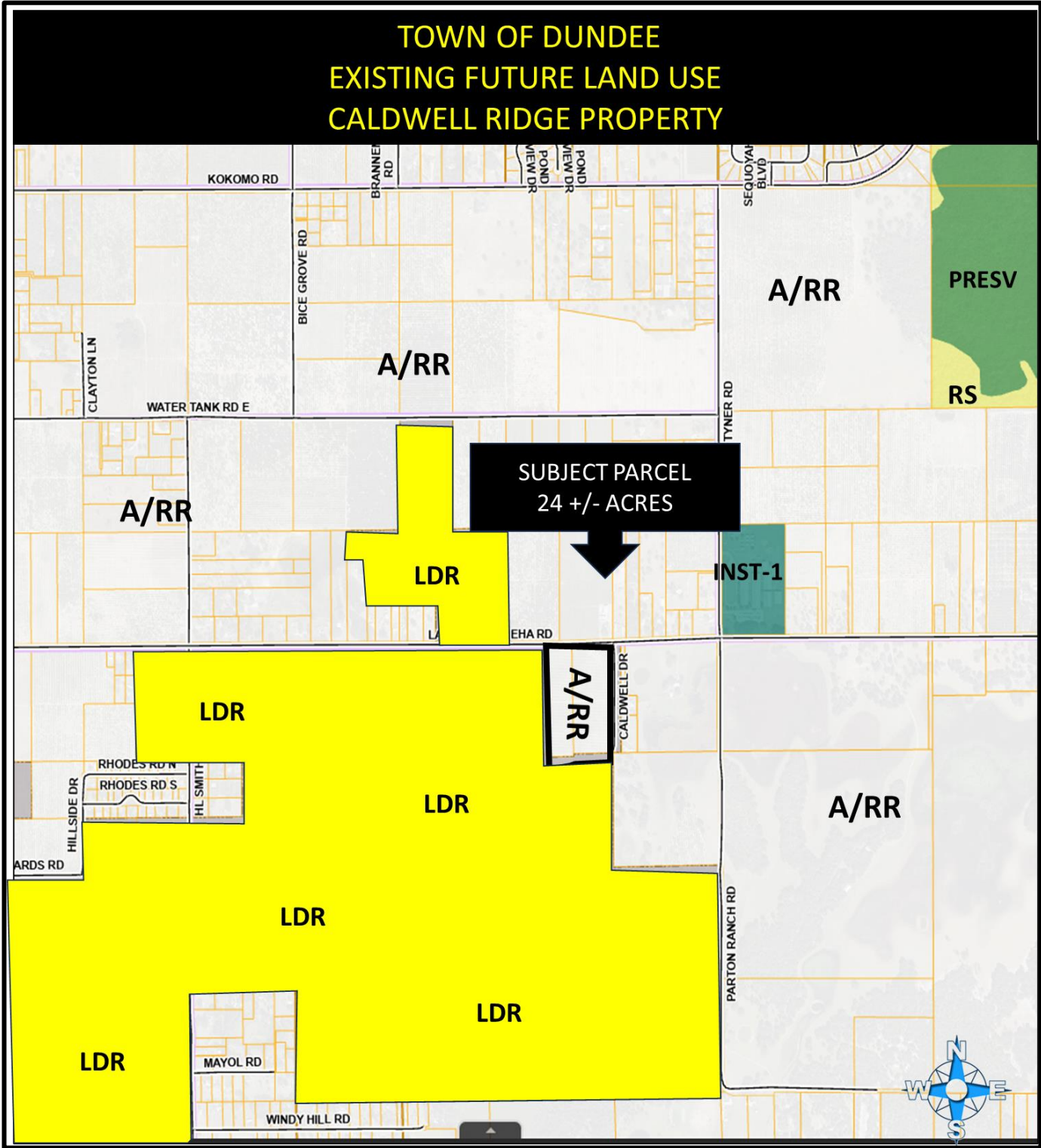
1. I move **approval of Ordinance 23-06 on first reading** to set a public hearing/ second reading/adoption for the request by Raysor Ventures, LLC to amend the Future Land Use for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on the approximately 24 +/- acres located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020.

2. I move **approval of Ordinance 23-06 on first reading with changes** to set a public hearing/second reading/adoption for the request by Raysor Ventures, LLC to amend the Future Land Use for property located in the Town of Dundee from Agriculture/ Residential Rural (A/RR) to Low Density Residential (LDR) on the approximately 24 +/- acres located at the southwest corner of Lake Hatchineha Road and Caldwell Drive, further described as parcels 272824-000000-013010 and 272824-000000-013020.
3. I move to continue Ordinance 23-07 until a date certain.

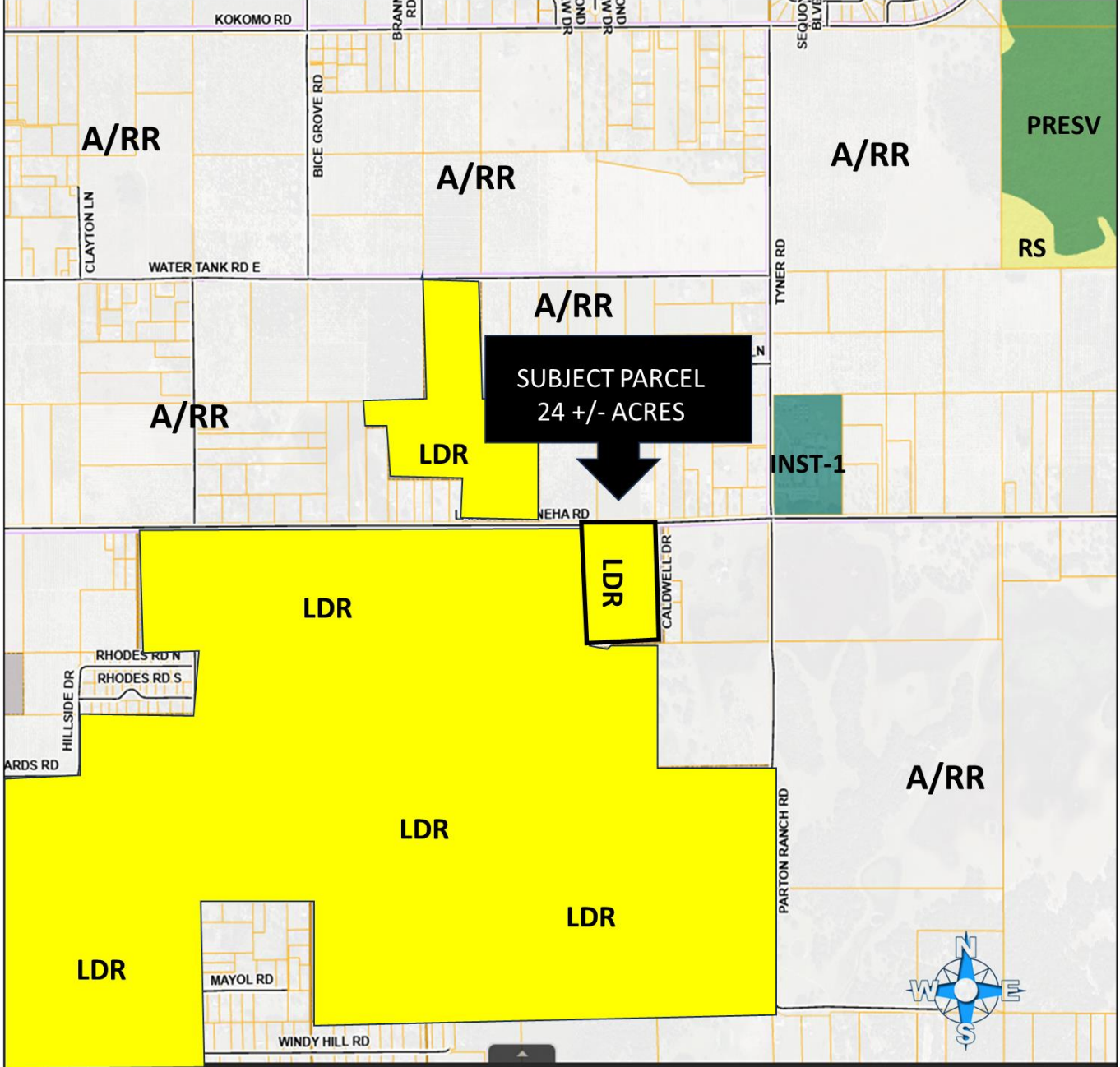
Attachments:

Aerial Map
Existing 2030 Future Land Use Map
Proposed 2030 Future Land Use Map
Ordinance 23-06





TOWN OF DUNDEE PROPOSED FUTURE LAND USE LOW DENSITY RESIDENTIAL CALDWELL RIDGE PROPERTY





TOWN COMMISSION MEETING

August 22, 2023 at 6:30 PM

AGENDA ITEM TITLE:	DISCUSSION & ACTION, DUNDEE LOGO
SUBJECT:	Town of Dundee Logo
STAFF ANALYSIS:	As history is told, Dundee was incorporated first in 1921 as the “City of Dundee”, then reincorporated in 1924 as the “Town of Dundee”. The municipality was built on the wealth of Florida's citrus industry. As we prepare for our upcoming Centennial events and celebration, it would be worthy to have all our documentation and representation corrected of any scrivener's errors.
FISCAL IMPACT:	None
STAFF RECOMMENDATION:	To update our year on our logo to support our correct incorporated year of 1924.
ATTACHMENTS:	Corrected logo

