

RESOLUTION NO. 26-22

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, AUTHORIZING THE MUTUAL TERMINATION AND DISSOLUTION OF THE INTERLOCAL AGREEMENT FOR THE CORE IMPROVEMENT AREA ENTERED INTO BY AND BETWEEN THE TOWN OF DUNDEE AND POLK COUNTY, FLORIDA, DATED FEBRUARY 20, 2008, AS AMENDED; AUTHORIZING THE MAYOR AND TOWN STAFF TO EXECUTE A MUTUAL TERMINATION AGREEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIBENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the "Town") and Polk County (the "County") entered into an Interlocal Agreement on February 20, 2008, which was subsequently amended on May 11, 2010 (collectively, the "Agreement"), establishing a joint Core Improvement Area to coordinate growth and development incentives; and

WHEREAS, the Agreement was executed pursuant to Section 163.01, Florida Statutes, known as the Florida Interlocal Cooperation Act of 1969; and

WHEREAS, the Town Commission finds that the economic conditions and planning priorities of the Town have changed substantially since 2008, making the original Core Improvement Area joint framework administratively obsolete; and

WHEREAS, the Town Commission has determined that it is in the best economic and administrative interest of the citizens of Dundee to mutually dissolve the Core Improvement Area and return the designated geographic boundaries to standard local zoning and impact fee regulations; and

WHEREAS, Polk County is concurrently seeking reciprocal board approval to mutually terminate the Agreement under identical terms; and

WHEREAS, a Mutual Termination Agreement has been drafted to safeguard previously grandfathered development approvals while completely releasing both jurisdictions from future obligations under the 2008 pact.

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

SECTION 1. MATERIAL INCORPORATION. The above recitals are true and correct and are fully incorporated as the factual basis for this Resolution.

SECTION 2. APPROVAL OF TERMINATION. The Town Commission hereby formally approves the termination and dissolution of the Core Improvement Area Interlocal Agreement originally dated February 20, 2008, along with its May 11, 2010 amendment.

SECTION 3. AUTHORIZATION TO EXECUTE. The Mayor of the Town of Dundee, or their designee, is hereby authorized to execute the "Mutual Termination Agreement and Dissolution of Interlocal Agreement for the Core Improvement Area" on behalf of the Town, and the Town Clerk is authorized to attest to the same.

SECTION 4. STATUTORY FILING. Town Staff and the Town Attorney are directed to transmit the fully executed Termination Agreement to the Clerk of the Circuit Court and Comptroller of Polk County, Florida, for formal recording in the Public Records, in strict compliance with Section 163.01(11), Florida Statutes.

SECTION 5. SCRIVENER'S ERRORS. The Town Manager, in consultation with the Town Attorney, is authorized to correct minor typographical or scrivener's errors in the final execution documents without requiring a subsequent formal vote of the Commission.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption by the Town Commission.

PASSED AND ADOPTED in regular session this ____ day of _____, 20__.

TOWN OF DUNDEE, FLORIDA

By: _____
Joseph Garrison, Mayor

ATTEST:

By: _____
Erica Anderson, Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Markeishia Smith, Town Attorney