

Town of Dundee
Resolution 25-07
Reserve at Dundee Lakes Phase(s) 1 and 2
Conditional Certified Subdivision Plan

Space for Recording

RESOLUTION NO. 25-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, APPROVING THE CERTIFIED SUBDIVISION PLAN (CSP) WITH CERTAIN CONDITIONS FOR THE RESERVE AT DUNDEE LAKES PHASE(S) 1 AND 2; MAKING FINDINGS; AND AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY FURTHER ACTION(S) TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

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, the proposed *Reserve at Dundee Lakes Subdivision* (the "Subdivision") is to occur on approximately 305 +/- acres which are located within the corporate limits of the Town of Dundee, Florida, further identified as Polk County Property Appraiser's Parcel Identification Numbers 272827-000000-031010, 272822-000000-041050, 272827-000000-011000, 272822-000000-022010, 272827-835500-

Town of Dundee
Resolution 25-07
Reserve at Dundee Lakes Phase(s) 1 and 2
Conditional Certified Subdivision Plan

000010, 272826-000000-033000, 272826-000000-031030 and 272826-000000-013010 (hereafter collectively referred to as the "Property"); and

WHEREAS, on July 1, 2021, an application was submitted and received for the Property for *Planned Unit Development (PUD) Zoning and Master Development Plan Approval* (hereafter the "PUD Application"); and

WHEREAS, the PUD Application included, but was not limited to, a Letter of Transmittal, Developer's Statement, and Impact Assessment Statement; and

WHEREAS, on August 19, 2021, in accordance with Section 163.3174, Florida Statutes, and applicable Florida law, the *Town of Dundee Planning and Zoning Board* (hereafter the "TOD Board"), sitting as the Local Planning Agency (LPA) as designated by the Town, at a duly advertised public meeting considered the PUD Application which included, but was not limited to, an updated *Master Development Plan* dated August 9, 2021; *Color Exhibit* dated August 19, 2021; and all testimony and argument(s) from interested and/or aggrieved parties; and

WHEREAS, on August 19, 2021, after considering all relevant testimony and evidence, the TOD Board voted to recommend approval of the PUD Application; and

WHEREAS, on September 28, 2021, at a duly noticed public hearing, the Town Commission of the Town of Dundee (hereafter the "Town Commission") passed and approved *Town of Dundee Ordinance No. 21-20* (hereafter the "Ordinance"); and

WHEREAS, pursuant to Section 7.09.00 of the *Town of Dundee Land Development Code* (hereafter the "LDC"), the Ordinance *conditionally* approved the change in zoning designation on and/or for the Property from Moderate-Density Single-Family Residential (RSF-2) to *Planned Unit Development-Residential* (PUD-R); and

WHEREAS, pursuant to Section 7.09.01 of the LDC, the Ordinance included, but was not limited to, the *Master Development Plan dated August 9, 2021; Color Exhibit dated August 19, 2021; Development Requirements; and Special Conditions* for the Subdivision (hereafter collectively referred to as the "MDP"); and

WHEREAS, copies of the Staff Report, the Ordinance, and the MDP are attached hereto as **Composite Exhibit "A"** and made a part hereof by reference; and

WHEREAS, pursuant to Section 7.09.03 of the LDC, approval of the Ordinance (see **Composite Exhibit "A"**) constituted a rezoning of the Property and amendment to the official zoning map; and

WHEREAS, pursuant to Section 7.09.03 of the LDC, any and all development of

Town of Dundee
Resolution 25-07
Reserve at Dundee Lakes Phase(s) 1 and 2
Conditional Certified Subdivision Plan

the Property and/or Subdivision shall be in strict conformance with the MDP (see **Composite Exhibit “A”**); and

WHEREAS, pursuant to Section 7.09.03 of the LDC and applicable Florida law, approval of the MDP does not convey the right to develop property in a manner which is inconsistent with the comprehensive plan and current codes; and

WHEREAS, on March 2, 2022, fee simple title to the Property was conveyed to **Dundee Reserve Holdings, LLC** (hereafter referred to as the “Applicant” and/or “Owner”), an active Florida limited liability company authorized to transact business in the State of Florida, by virtue of that certain Special Warranty Deed (hereafter the “Deed”) recorded in Official Records Book 12146, Pages 1840-42, Public Records of Polk County, Florida; and

WHEREAS, on August 29, 2024, at a duly noticed public meeting, the Town Commission approved that certain *Amendment to Agreement Regarding the Extension of Certain Equivalent Residential Connections for Reserved Capacity in the Town of Dundee’s Water Treatment Plant* (hereafter the “ERC Agreement”); and

WHEREAS, copies of the Deed, Polk County Property Appraiser Aerial, and the ERC Agreement are attached hereto as **Composite Exhibit “B”** and made a part hereof by reference; and

WHEREAS, on September 10, 2024, at a duly noticed public meeting, the Town Commission passed and adopted *Town of Dundee Ordinance No. 24-09* (the “Moratorium”) establishing a moratorium on and/or for the acceptance and processing of applications for annexations, rezonings, building permits, planned developments, master planned communities, development order(s), and development permit(s); and

WHEREAS, prior to the adoption of the Ordinance, the Owner negotiated and executed the *Town of Dundee Concurrency Developer’s Agreement* and *Water Supply Allocation Agreement* (hereafter collectively referred to as the “Agreements”); and

WHEREAS, the Agreements are attached hereto as **Composite Exhibit “C”** and made a part hereof by reference; and

WHEREAS, pursuant to the terms and conditions of the Moratorium, the Subdivision was specifically and conditionally exempt from the Moratorium; and

WHEREAS, the Applicant submitted a *Town of Dundee Subdivision Application* (hereafter the “Application”) for approval of the proposed *Certified Subdivision Plan for the Reserve at Dundee Lakes Phases 1 and 2* (hereafter the “Reserve CSP”) which is located on the Property; and

WHEREAS, on December 6, 2024, pursuant to the applicable Florida law which includes, but is not limited to the LDC and Section 163.31801, Florida Statutes (2024), the Applicant submitted an application for a *Transportation Infrastructure Developer's Agreement* (the "Infrastructure Agreement"); and

WHEREAS, on January 1, 2025, which was the effective date set forth in *Town of Dundee Ordinance No. 24-10*, the Town established an updated schedule of Transportation Impact Fees (TIF) in accordance with Section 163.31801, Florida Statutes (2024); and

WHEREAS, pursuant to *Section 54-9 of the Town of Dundee Code of Ordinances* and *Section 6.01.07 of the LDC*, the Infrastructure Agreement is required as a condition of approval for the Reserve CSP; and

WHEREAS, pursuant to Section 7.01.07 of the LDC, the purpose of the *certified subdivision plan* is to allow Town staff to perform a technical review of all proposed site improvements; and

WHEREAS, pursuant to Section 7.01.07 of the LDC, the *certified subdivision plan* forms the basis upon which a final plat will be prepared and consists complete working drawings and design specifications; and

WHEREAS, copies of the Application and proposed Reserve CSP are attached hereto as **Composite Exhibit "D"** and made a part hereof by reference; and

WHEREAS, the Reserve CSP (see **Composite Exhibit "D"**) includes 412 single-family lots, amongst other improvements and amenities; and

WHEREAS, pursuant to the technical review performed by the Town and/or Town's consultants, the Reserve CSP (see **Composite Exhibit "D"**) has not satisfied the general requirements set forth by Section 7.01.07 of the LDC; and

WHEREAS, the Applicant has substantially complied with all the requirements set forth in *Section 7.01.07 of the LDC* regarding the preparation the Reserve CSP (see **Composite Exhibit "D"**) for the Subdivision; and

WHEREAS, pursuant to *Section 7.02.03 of the LDC* and applicable provision of the Code of Ordinances of the Town of Dundee, a *development order* and/or *development permit* will not be approved by the Town for the Subdivision unless a satisfactory concurrency evaluation is performed in accordance with Section 6.01.00 of the LDC; and

WHEREAS, on the effective date of this Resolution, pursuant to the terms and conditions of the ERC Agreement (see **Composite Exhibit “B”**), the Applicant has reserved potable water capacity for 306 residential units (hereafter the “Reserved Capacity”); and

WHEREAS, on the effective date of this Resolution, the Town of Dundee is not able to provide allocable potable water capacity for the Subdivision in excess of the Reserved Capacity (i.e., remaining 106 residential units); and

WHEREAS, pursuant to *Section 54-9 of the Town of Dundee Code of Ordinances* and *Section 6.01.07.03 of the LDC*, an updated *Town of Dundee Concurrency Developer’s Agreement* is required as a condition of approval for the Reserve CSP; and

WHEREAS, notwithstanding the Reserved Capacity (see **Composite Exhibit “B”**), pursuant to Section 6.01.07.03 of the LDC and applicable Florida law, this Resolution does not create a reservation of capacity in the Town water plant or network capacity or a commitment to provide such service(s) to and/or for the Subdivision; and

WHEREAS, the Applicant requests that the Town Commission of the Town of Dundee conditionally approve the Reserve CSP (see **Composite Exhibit “D”**) for the Subdivision subject to the terms and conditions set forth by this **Resolution No. 25-07**; and Town Commission’s approval for construction of streets, drainage facilities, and/or other subdivision improvements prior to final platting in accordance with applicable provisions of the Town of Dundee Land Development Code and the conditions set forth by this **Resolution No. 25-07**; and

WHEREAS, on April 8, 2025, the Town Commission, at a duly noticed public meeting, held a public hearing to consider the Reserve CSP (see **Composite Exhibit “D”**) for approval; and

WHEREAS, on April 8, 2025, the Town Commission found that approval of this **Resolution No. 25-07** and the Reserve CSP (see **Composite Exhibit “D”**) 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; and

WHEREAS, on April 8, 2025, the Town Commission held a duly noticed public hearing in order to approve the Reserve CSP (see **Composite Exhibit “D”**) and found that the approval of this **Resolution No. 25-07** preserves, enhances, and encourages the most appropriate use of land consistent with the public interest and the *Town of Dundee 2030 Comprehensive Plan* policies, goals, and objectives; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the

Town of Dundee
Resolution 25-07
Reserve at Dundee Lakes Phase(s) 1 and 2
Conditional Certified Subdivision Plan

approval and adoption of this **Resolution No. 25-07** is intended and necessary to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; and this **Resolution No. 25-07** is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

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

Section 1. Incorporation of Recitals.

The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the adoption of this **Resolution No. 25-07**, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this **Resolution No. 25-07**.

Section 2. Conditional Approval.

Dundee Reserve Holdings, LLC (hereafter referred to as the “Applicant” and/or “Owner”), an active Florida limited liability company authorized to transact business in the State of Florida, is the fee simple owner of the real property which is identified by the Polk County Property Appraiser as Parcel Identification Numbers 272827-000000-031010, 272822-000000-041050, 272827-000000-011000, 272822-000000-022010, 272827-835500-000010, 272826-000000-033000, 272826-000000-031030 and 272826-000000-013010 (hereafter collectively referred to as the “Property”).

The Owner of the Property submitted that certain *Town of Dundee Subdivision Application* (hereafter the “Application”) for approval of the *Certified Subdivision Plan for the Reserve at Dundee Lakes Phases 1 and 2* (hereafter the “Reserve CSP”). Copies of the Application and Reserve CSP are attached hereto as **Composite Exhibit “D”** and incorporated herein by reference.

The Town Commission of the Town of Dundee (hereafter the “Town Commission”) having reviewed the Reserve CSP (see **Composite Exhibit “D”**) and having been otherwise fully advised in the premises hereby conditionally approves the Reserve CSP for construction of utility systems and other required infrastructure in accordance with Section 7.01.07 of the Town of Dundee Land Development Code (hereafter the “LDC”) and the conditions (hereafter the “Reserve CSP Conditions”) which are attached hereto as **Exhibit “E”** and incorporated herein by reference.

Section 3. Authorization.

The Town Commission of the Town of Dundee authorizes the Town Manager to take all necessary further actions in order to effectuate the intent of this **Resolution No. 25-07** which includes, but shall not be limited to, negotiating and entering into any agreement(s) with the Applicant and/or Applicant's authorized designee with regard to the terms and Reserve CSP Conditions (see **Exhibit "E"**) set forth by this **Resolution No. 25-07** and the Town's conditional approval of the Reserve CSP (see **Composite Exhibit "B"**) and applicable *site development plan* for the *Reserve at Dundee Lakes Phases 1 and 2*.

Section 4. Conflicts.

All resolutions in conflict herewith are repealed in order to give this **Resolution No. 25-07** full force and effect.

Section 5. Severability.

The provisions of this **Resolution No. 25-07** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-07**, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission of the Town of Dundee hereby declares that it would have passed this **Resolution No. 25-07**, 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 invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this **Resolution No. 25-07** for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this **Resolution No. 25-07** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-07** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-07**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-07**, 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 6. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Resolution No. 25-07** may be renumbered or re-lettered and the word "resolution" may be changed to,

Town of Dundee
Resolution 25-07
Reserve at Dundee Lakes Phase(s) 1 and 2
Conditional Certified Subdivision Plan

"section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Resolution No. 25-07** 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 designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 7. Effective Date.

This **Resolution No. 25-07** shall take effect upon passage by the Town Commission of the Town of Dundee, Florida.

INTRODUCED AND PASSED by the Town Commission of the Town of Dundee, Florida, in Regular Session this 8th day of April 2025.

TOWN OF DUNDEE

Mayor – Sam Pennant

ATTEST:

Town Clerk – Erica Anderson

Approved as to form:

Town Attorney - Frederick J. Murphy, Jr.