

EXHIBIT A

ORDINANCE NO. 22-28

AN ORDINANCE OF THE TOWN OF DUNDEE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF DUNDEE, FLORIDA; SPECIFICALLY, CHANGING THE ZONING DESIGNATION FROM POLK COUNTY AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO MODERATE-DENSITY SINGLE-FAMILY RESIDENTIAL (RSF-3) FOR APPROXIMATELY 48.29 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF ALFORD ROAD WITH WEIBERG ROAD AND EDWARDS ROAD, FURTHER DESCRIBED AS PARCELS 272823-000000-034010, 272823-000000-034020, 272823-000000-034030, AND 272823-000000-032020; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SLC IRA, LLC and ABC IRA, LLC (the "Applicants") request a change of zoning from Polk County Agriculture/Rural Residential (A/RR) to Moderate-Density Single-Family Residential (RSF-3) for approximately 48.29 acres located at the northeast corner of the intersection of Alford Road with Weiberg Road and Edwards Road, further described as parcels 272823-000000-034010, 272823-000000-034020, 272823-000000-034030, and 272823-000000-032020; and

WHEREAS, the real property which is the subject of this Ordinance constitutes less than five percent (5%) of the municipally zoned area of the Town; and

WHEREAS, on July 21, 2022, in accordance with Section 163.3174, Florida Statutes, and applicable law, 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 considered the Applicant's request for rezoning as set forth in this Ordinance which included, but is not limited to, testimony and argument(s) from interested and/or aggrieved parties; and

WHEREAS, on July 21, 2022, the interested and/or aggrieved parties and citizens in attendance were provided with an opportunity to be heard and present testimony to the Town's Planning and Zoning Board; and

WHEREAS, on July 21, 2022, after considering all the facts and testimony presented by the Town, interested and/or aggrieved parties, and citizens in attendance, the Town's Planning and Zoning Board voted to recommend approval of the Applicant's request for the rezoning as set forth in this Ordinance to the Town Commission; and

WHEREAS, as a result of this Ordinance being initiated by the Applicant (not the municipality), the Town Commission of the Town of Dundee held duly noticed public hearings regarding the parcel shown on Exhibit "A" in accordance with Section 166.041 (3), Florida Statutes, to provide the public an opportunity to be heard, obtain public comment, and receive and consider all written and oral testimony presented during such public hearings, including supporting documentation; and

WHEREAS, in exercise of its authority, the Town Commission of the Town of Dundee has determined it necessary to amend the Official Zoning Map to change the Town zoning classifications assigned to these properties.

NOW, THEREFORE, be it enacted by the Town Commission of the Town of Dundee, Florida:

Section 1. The official zoning map of the Town of Dundee is amended so as to change the Town zoning classifications Polk County Agriculture/Rural Residential (A/RR) to Moderate-Density Single-Family Residential (RSF-3) for approximately 48.29 acres located at the northeast corner of the intersection of Alford Road with Weiberg Road and Edwards Road, further described as parcels 272823-000000-034010, 272823-000000-034020, 272823-000000-034030, and 272823-000000-032020, as shown in Exhibit "A".

Section 2. Severability. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3. Repealing. 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.

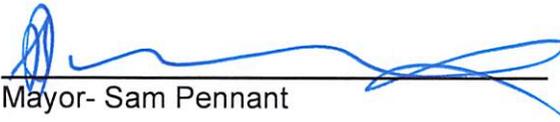
Section 4. Codification. This Ordinance shall not be codified in the Code of Ordinances of the Town of Dundee, Florida. A certified copy of this enacting ordinance shall be located in the Office of the Town Clerk of Dundee. The Town Clerk shall also make copies available to the public for a reasonable publication charge.

Section 5. Effective Date. The effective date of this ordinance shall be immediately upon passage on second reading.

INTRODUCED on first reading this 26th day of July, 2022.

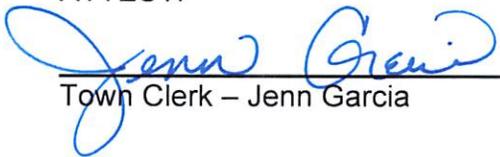
PASSED on second reading this 9th day of August, 2022.

TOWN OF DUNDEE, FLORIDA



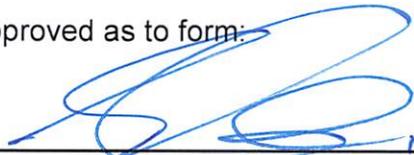
Mayor- Sam Pennant

ATTEST:



Town Clerk – Jenn Garcia

Approved as to form:



Town Attorney - Frederick J. Murphy, Jr.

Composite Exhibit "A"
Ordinance No. 22028
Legal Description and Excerpt from the Official Zoning Map
Page 1 of 2

The parcel described below and illustrated on the map on the following page.

Parcel Number: 272823-000000-034010, 272823-000000-034020, 272823-000000-034030, 272823-000000-032020 (Per Book 12066, Pages 1343 – 1344):

Begin 761.35 feet North of the Southwest corner of the SW 1/4 of the NW 1/4 of Section 23, Township 28 South, Range 27 East, Polk County, Florida, run thence North 89°29'00" East 500.0 feet, thence South 74.1 feet, thence South 89°25'00" East 160.0, thence North 165.0 feet, thence North 89°25'00" West 160.0 feet, thence South 50.9 feet, thence South 89°29'00" West 500.0 feet, thence South 40.0 feet to the Point of Beginning.

AND

The NW 1/4 of the SE 1/4 of the NW 1/4 of Section 23, Township 28 South, Range 27 East, Polk County, Florida, subject to an easement 15 feet in width along the Northerly and Westerly sides thereof for public highway purposes.

AND

The SW 1/4 of the NW 1/4 of Section 23, Township 28 South, Range 27 East, LESS 15 feet off the West, North, East and South sides thereof, LESS AND EXCEPT: Begin on the West line and 761.35 feet North of the Southwest corner of said SW 1/4 of the NW 1/4 of Section 23, Township 28 South, Range 27 East, and run thence North 89°29' East 500 feet; thence South 74.1 feet; thence South 89°25' East 160 feet; thence North 165 feet; thence North 89°25' West 160 feet; thence South 50.9 feet; thence South 89°29' West 500 feet to the West line of Section 23; and thence South 40 feet to the point of beginning.

Composite Exhibit "A"
Ordinance No. 22-28
Legal Description and Excerpt from the Official Zoning Map
Page 2 of 2

