

Town of Dundee, Florida
Resolution No. 25-40
Hillcrest Avenue ROW Vacation

Space for recording

RESOLUTION NO. 25-40

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, VACATING, CLOSING, AND ABANDONING CERTAIN PORTIONS OF UNIMPROVED AND UNMAINTAINED RIGHTS-OF-WAY; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR RECORDATION; 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 VI11, §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, pursuant to Florida law, the interest acquired in land by a municipal corporation for street purposes is held in trust for the benefit of all the public, regardless of whether the municipal corporation owns the fee or has merely an interest therein; and

WHEREAS, Town has the authority to vacate streets within its corporate boundaries under the common law, which provides that the power to vacate city streets and/or roads is vested in the municipality if it is in the public interest. *City of Temple Terrace v. Tozier*, 903 So. 2d 970 (Fla. 2d DCA 2005); *Loeffler v. Roe*, 69 So. 2d 331 (Fla. 1953); and

WHEREAS, the Florida Attorney General concluded in *Op. Att'y Gen. Fla. 78-125* that the Town also has the authority to vacate streets within its corporate boundaries under the common law when the street and/or right-of-way is no longer required for public use and convenience; and

WHEREAS, on February 8, 1926, the City Council of the City of Dundee, Florida, approved that certain subdivision plat entitled *Lake Estates* (the "Lake Plat") and recorded in Plat Book 21, Page 1, Public Records of Polk County Florida; and

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WHEREAS, copies of the Lake Plat and Polk County Property Appraiser Aerial Depiction of the Lake Estates Subdivision are attached hereto as **Composite Exhibit "A"** and made a part hereof by reference; and

WHEREAS, on May 9, 2000, the Town Commission of the Town of Dundee (the "Town Commission"), at a duly noticed public meeting, approved *Town of Dundee Resolution No. 00-07* (the "Resolution") which formally accepted all streets, alleys, easements, rights of way, and other public areas dedicated by virtue of the Dundee Plat; and

WHEREAS, copies of the Dundee Plat and Resolution are attached hereto as **Composite Exhibit "B"** and made a part hereof by reference; and

WHEREAS, on August 24, 2025, **Crow Investments, LLC** (hereafter referred to as either the "Owner" or "Applicant"), an active Florida limited liability company, submitted its *Town of Dundee Vacation of Right-of-Way Application* (the "Application") requesting that the Town vacate those certain unpaved, unimproved, and unmaintained rights-of-way which were dedicated by the Lake Plat (see **Composite Exhibit "A"**); and

WHEREAS, the Applicant was conveyed marketable fee simple title to the real property, which the Polk County Property Appraiser identifies as Parcel Numbers 272821-831500-001010, 272821-831500-002010, 272821-831500-001110 and 272821-000000-023010 (the "Property"), by virtue of the certain Special Warranty Deed (the "Deed") recorded in the Official Records Book 11518, Page(s) 903-913, Public Records of Polk County, Florida; and

WHEREAS, copies of the Application, Deed, and the adjoining property owner's *Town of Dundee Vacation of Right-of-Way Application* are attached hereto as **Composite Exhibit "C"** and made a part hereof by reference; and

WHEREAS, the Lake Plat (see **Composite Exhibit "A"**) dedicated certain rights-of-way which are located on the Property for the use of the general public; and

WHEREAS, the Property remains unimproved and/or undeveloped; and

WHEREAS, the Applicant has requested that the Town Commission to forever vacate, abandon, renounce, and disclaim the publicly dedicated rights-of-way (the "Dedications") which are the subject of the Lakes Plat (see **Composite Exhibit "A"**) and located on the Property; and

WHEREAS, copies of the legal ~~description~~ and description sketches of and/or for the Dedications are attached hereto as **Composite Exhibit "D"** and made a part hereof by reference; and

Commented [SC1]: Need to attach legal description(s) for ROW - assuming same has been reviewed by the Town Surveyor and confirmed.

WHEREAS, no portion of the Dedications (see **Composite Exhibits "A" and "D"**) to be vacated constitutes or was acquired for a state or federal highway, nor will the vacation of the Dedications deprive any person, firm, corporation or other entity of its legal right of ingress and/or egress to any real property abutting and/or adjacent to the Property; and

WHEREAS, pursuant to *Section 177.101(4) of the Florida Statutes*, all applicable state, county and municipal taxes have been paid; and

WHEREAS, the Town of Dundee, other affected agencies, and applicable public utility

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companies have reviewed the Application (see **Composite Exhibit "C"**) and provided responses (the "Agency Responses") stating that there are *no objection(s)* to the requested vacation(s); and

WHEREAS, pursuant to applicable Florida law, a *Notice of Intent to Seek Vacation of Right-of-Way Within the Town of Dundee* (the "Notice") was duly published in the Winter Haven Sun on November 26, 2025, for the purpose of hearing objections to the Applicant's request to vacate the underlying, platted, unpaved, and unimproved Dedications (see **Composite Exhibits "A" and "D"**); and

WHEREAS, copies of the Agency Responses and the Notice are attached hereto as **Composite Exhibit "E"** and made a part hereof by reference; and

WHEREAS, all conditions precedent and necessary to vacate the Dedications (see **Composite Exhibits "A" and "D"**) have been met and the minimum technical requirements of the Town of Dundee Land Development Code and applicable Florida Statutes have been satisfied; and

WHEREAS, all conditions precedent and necessary to vacate the Dedications (see **Composite Exhibit "C"**) have been met and the minimum technical requirements of the Town of Dundee Land Development Code and pertinent Florida Statutes have been satisfied; and

WHEREAS, on January 13, 2026, at a duly noticed public hearing, the Town Commission found that, based on competent substantial evidence, the Dedications (see **Composite Exhibits "A" and "D"**) are not reasonably and materially beneficial to adjoining landowners and/or the general public; and

WHEREAS, on January 13, 2026, at a duly noticed public hearing, the Town Commission found that no injury will result from the Town's vacation and/or abandonment of the Dedications (see **Composite Exhibits "A" and "C"**); and

WHEREAS, the Town Commission of the Town of Dundee, Florida, found and determined that (i) the vacation of the Dedications (see **Composite Exhibits "A" and "D"**) preserves, enhances and encourages the most appropriate use of land consistent with the public interest; and (ii) the subject rights-of-way are not needed for a public purpose; and

WHEREAS, on January 13, 2026, the Town Commission of the Town of Dundee, Florida, held a duly noticed public hearing in order to consider this **Resolution No. 25-40** vacating, closing, and abandoning certain unplatated and unmaintained rights-of-way and found that the approval of this **Resolution No. 25-40** preserves, enhances, and encourages the most appropriate use of land consistent with the public interest; and

WHEREAS, on January 13, 2026, at a duly noticed public hearing, the Town Commission of the Town of Dundee, Florida, finds that the passage of this **Resolution No. 25-40** is intended to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the Town of Dundee 2030 Comprehensive Plan policies and objectives; and this **Resolution No. 25-40** 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.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY 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. 25-40**, 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. 25-40**. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this **Resolution No. 25-40**.

Section 2. Vacation.

The Town Commission of the Town of Dundee (the "Town Commission") hereby vacates, closes, abandons and disclaims any right and/or interest of the Town in and/or to the Dedications (see **Composite Exhibits "A" and "D"**).

Pursuant to *Section 255.22, Florida Statutes (2024)*, and applicable Florida law, the Town vacates, closes, abandons and disclaims any right and/or interest which is in favor of the Town of Dundee, Florida, in and/or to the Dedications (see **Composite Exhibits "A" and "D"**). This **Resolution No. 25-40** does not vacate, close, abandon and/or disclaim any right and/or interest which is held by and/or under the jurisdiction of another agency and/or third-party.

Section 3. Purpose: Authorization.

This **Resolution No. 25-40** serves only that purpose expressly stated in *Section 2, above*. Nothing herein shall be construed or interpreted as a representation of the rights or interests accruing to or existing in the Applicant and/or any third party to the real property and lands described and/or identified in this **Resolution No. 25-40**.

The Town Manager, or his/her designee, is hereby authorized to take any and all necessary further action(s) to effectuate the intent of this **Resolution No. 25-40** which includes, but shall not be limited to, negotiating and executing any documentation necessary and incidental to the abandonment, closing, and/or vacation of the rights-of-way which are the subject of the Application and adjoining property owner's *Town of Dundee Vacation of Right-of-Way Application* (see **Composite Exhibit "C"**).

Section 4. Easements.

Unless specifically identified herein, any easement(s) of record affecting the real property shall not be terminated by the passage and adoption of Resolution **No. 25-40**.

Section 5. Copy to Polk County.

A copy of this **Resolution No. 25-40** shall be furnished to the Polk County Board of County Commissioners in accordance with *Section 177.101(4) of the Florida Statutes*.

Section 6. Conflicts.

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All resolutions in conflict with this **Resolution No. 25-40** are repealed to the extent necessary to give this **Resolution No. 25-40** full force and effect.

Section 7. Severability.

The provisions of this **Resolution No. 25-40** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-40**, 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. 25-40**, 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. 25-40** 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. 25-40** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-40** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-40**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-40**, 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 8. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Resolution No. 25-40** may be renumbered or re-lettered and the word "resolution" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Resolution No. 25-40** 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 9. Recordation.

The Town Clerk shall be responsible for recording this **Resolution No. 25-40**, as adopted, with the Clerk of the Circuit Court in and for the Tenth Judicial Circuit of Polk County, Florida, for inclusion in the public records of Polk County, Florida.

Section 10. Effective Date.

This **Resolution No. 25-40** shall become effective when a certified copy of this **Resolution No. 25-40** has been filed in the offices of the Clerk of the Circuit Court in and for the Tenth Judicial Circuit of Polk County, Florida, and duly recorded in the public records of Polk County, Florida. The Town Clerk shall record the proof of publication of notice of public hearing, this **Resolution No. 25-40** as adopted, and the proof of publication of the notice of the adoption of this **Resolution No. 25-40** with the Clerk of the Circuit Court in and for the Tenth Judicial Circuit of Polk County, Florida, for inclusion in the public records of Polk County, Florida.

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READ, PASSED AND ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the 13th day of January, 2026.

TOWN OF DUNDEE

Samuel Pennant, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney

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LEGAL DESCRIPTION NOTES

- THE BEARINGS SHOWN HEREON ARE BASED ON THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21, TOWNSHIP 28 SOUTH, RANGE 27 EAST, HAVING A GRID BEARING OF S-00°15'22"E. THE GRID BEARINGS SHOWN HEREON REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83-2007 ADJUSTMENT) FOR THE WEST ZONE OF FLORIDA.
- EXHIBIT A, THE LEGAL DESCRIPTION AND SKETCH TO ACCOMPANY LEGAL DESCRIPTION - CONSISTS OF TWO (2) PAGES, AND IS NOT COMPLETE WITHOUT ALL PAGES.

**HILLCREST AVENUE RIGHT OF WAY VACATION
LEGAL DESCRIPTION**

THAT PART OF "RIDGECREST", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 4 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING DESCRIBED AS:

COMMENCE AT THE CENTER OF SECTION 21, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, AND RUN THENCE ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21, S-00°15'22"E, 667.94 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21; THENCE DEPARTING SAID WEST LINE, AND ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21, RUN N-89°42'55"E, 30.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF CENTER STREET (STATE ROAD 17), SAID POINT IS ALSO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT-OF-WAY, CONTINUE ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21, AND CONTINUING N-89°42'55"E, 631.06 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21; THENCE ALONG THE EAST LINE THEREOF, S-00°16'44"E, 30.00 FEET TO A POINT ON THE EASTERN PROJECTION OF THE SOUTH RIGHT-OF-WAY OF HILLCREST AVENUE; THENCE ALONG SAID EASTERN PROJECTION, AND ALONG SAID SOUTH RIGHT-OF-WAY, S-89°42'55"W, 631.07 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SAID CENTER STREET (STATE ROAD 17); THENCE ALONG SAID EAST RIGHT-OF-WAY, N-00°15'22"W, 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 18,932 SQUARE FEET, 0.435 ACRE, MORE OR LESS.



Quiddity Engineering, LLC | 1525 Barlow Road, Suite 100, Lakeland, FL 33803
863.942.3042 | Certificate of Authorization No. 32558 | www.quiddity.com

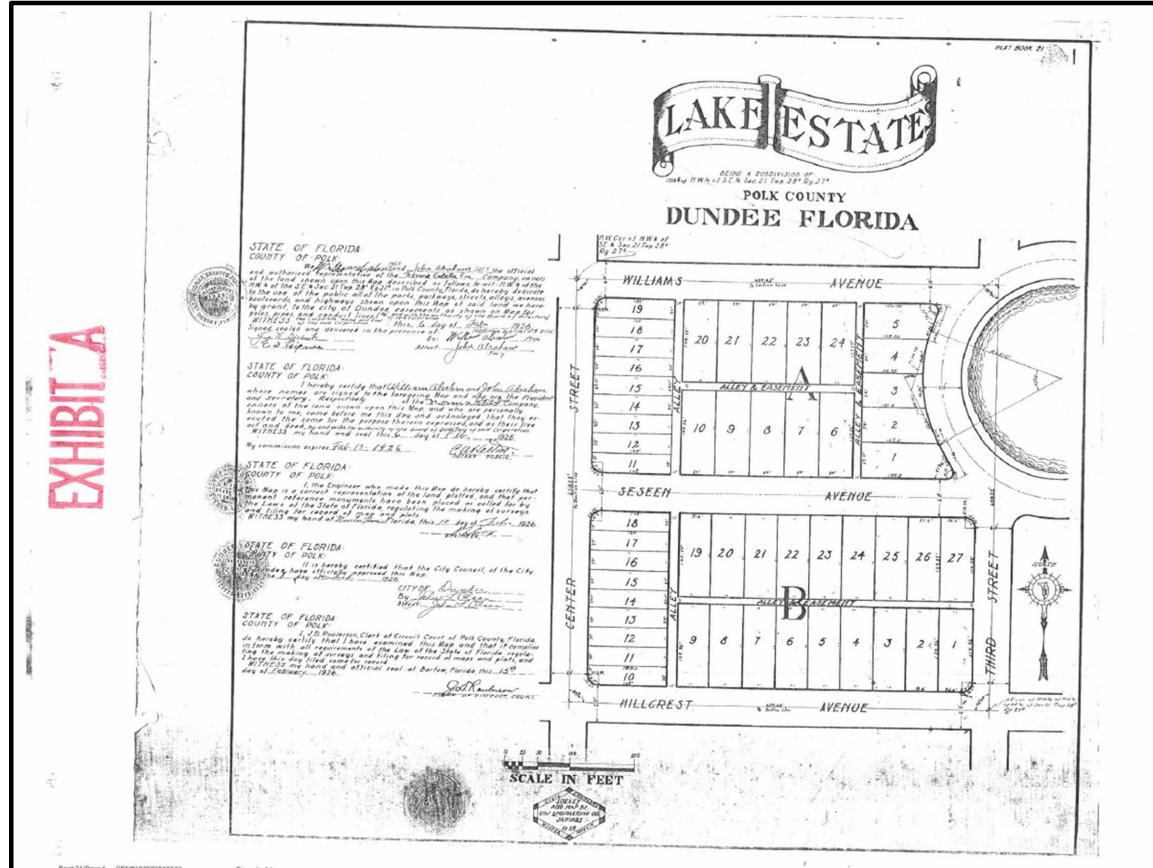
**EXHIBIT A
HILLCREST AVENUE ROW VACATION
LEGAL DESCRIPTION
(NOT A SURVEY)**

EXHIBIT A CONSISTS OF TWO (2) PAGES,
AND IS NOT COMPLETE WITHOUT ALL PAGES.

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EXHIBIT A- LAKE PLAT



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EXHIBIT B- VACATION OF RIGHT-OF-WAY APPLICATION



Town of Dundee

Vacation of Right-of-Way Application

124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

In addition to the application, please provide all materials as listed on the application checklist. It is important that all information be complete and accurate when submitted to the Town. Additional pages may be attached to provide necessary information.

SITE INFORMATION

Project Name: Ridgewood Avenue Mini Warehouse Total Acreage: 8.26

Site Address or General Location: 205 Ridgewood Avenue, Dundee

Present Use of the Property: Semitruck Parking/Automotive

Existing Structures Located on the Site: 9500 square foot building

Legal Description of the Property: See attached

PROPERTY OWNER:

Name: Crow Investments, LLC

Mailing Address: 346 East Central Avenue

City: Winter Haven State: FL zip: 33880

Home/Mobile Phone: 863-324-3698 Email Address: loakley@cassidyhomes.com

APPLICANT/AGENT:

Name: John Bannon/Quiddity Engineering, LLC

Mailing Address: 1925 Bartow Road Suite 100

City: Lakeland State: FL zip: 33801

Home/Mobile Phone: 863-207-5155 Office: 863-940-2040

Email Address: jbannon@quiddity.com

Applicant is: Owner Agent/Representative Purchaser Lessee

VACATION OF RIGHT-OF-WAY REQUEST:

Identify Affected Right-of-Way: Hillcrest Avenue

Metes and Bounds Legal Description of Right-of-Way: See attached

Nature and Purpose of Request: Vacate southern portion of Hillcrest Avenue

A statement substantiating the need and justification for the approval of vacation of right-of-way sought relative to the development and/or improvement of the Town:

Date Application Accepted by Town: 08/24/2025

Project ID Number: ROW - Hillcrest Avenue

Application Fee Amount Paid: Review Deposit Amount Paid: 622.81

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Town of Dundee

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PLEASE ADDRESS THE FOLLOWING:

1. Are there any known applicable portions of any current town plans for the use of the subject right-of-way, street, or alley? If so, please address this.

No _____

2. Identify how abutting property owners will be affected by the proposed request.

The abutting property owners will not be affected _____

3. What impacts will the request have on short-range and long-range public and private utilities? Please address if utilities are to be relocated.

There will be no impacts _____

4. What impacts will the request have on short-range and long-range ingress and egress by private and public vehicles? Please address if alternative ingress/egress is proposed.

There will be no impacts _____

5. What is the cost of relocating any public utility lines?

No utility lines will need to be relocated _____

The Town will consider the cost and attendant responsibilities involved in maintaining utilities where improvements may be constructed over existing facilities. The Town also ensures that the rights of all franchised utilities are protected.

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 **Town of Dundee** **Vacation of Right-of-Way Application**

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STATEMENT OF OWNERSHIP AND DESIGNATION OF AUTHORIZED AGENT

(I) (We), Crow Investments, LLC being
duly sworn, depose and say that (I) (we) own one or more of the properties involved in this
petition and that (I) (we) authorize the Town of Dundee to process this petition in accordance
with all adopted Town rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this
petition, deposes and say that the statements and answers contained in the application for
annexation, and any information attached thereto, present the arguments in behalf of this
petition to the best of (my) (our) ability; and that the statements and information referred to
above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS	
Signature of Owner	Signature of Owner
<u>Lauren Schwenk, Manager</u>	Printed Name/Title of Owner
Printed Name/Title of Owner	
Signature of Owner	Signature of Owner
Printed Name of Owner	Printed Name of Owner

STATE OF FLORIDA **OWNER'S NOTARIZATION**
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 28th day of July, 2005
by Lauren Schwenk, who is personally known to me or
who has produced a driver's license as identification and who did not take an oath.

 Bobbie Henley
Notary Public
Notarial Seal and Commission
Expiration Date 02/17/2026

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AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), John Bannon, Quiddity Engineering, LLC being
duly sworn, depose and say that (I) (we) serve as Authorized Agent for the owner(s)
(agent or lessee) in making this petition and that the owner(s) (has) (have) authorized (me) (us)
to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other
information attached hereto present the arguments in behalf of the petition herein requested to
the best of (my) (our) ability and that the statements and information above referred to are in all
respects true and correct to the best of (my) (our) knowledge and belief.

AGENT, LESSEE, OR BUYER(S)

 Signature of Agent, Lessee, or Buyer(s) Signature of Agent, Lessee, or Buyer(s)

John Bannon Printed Name of Agent, Lessee, or Buyer(s) Printed Name of Agent, Lessee, or Buyer(s)

Signature of Agent, Lessee, or Buyer(s) Signature of Agent, Lessee, or Buyer(s)

Printed Name of Agent, Lessee, or Buyer(s) Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA AGENT, LESSEE, OR BUYER(S) NOTARIZATION
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 30 day of July, 2025,
by John Bannon, who is personally known to me or
who has produced a driver's license as identification and who did not take an oath.

 **STEFANIE N. ROWAN**
Notary Public
State of Florida
Comm# HH234285
Expires 3/8/2026

Stephanie N. Rowan
Notary Public
Notarial Seal and Commission
Expiration Date

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 **Town of Dundee** **Vacation of Right-of-Way Application**

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FINANCIAL RESPONSIBILITY FORM

The undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all Town expenses associated with the referenced application, including time spent by the Town's consultants consistent with the Town's adopted application fee schedule, extraordinary expenses, and development review deposit policies.

Name: Lauren Schwenk Title: Manager
Company: Crow Investments, LLC
Company Address: 346 East Central Avenue

City/State/Zip Code: Winter Haven, FL 33880
Telephone Number: 863-324-3698
Email Address: loakley@cassidyhomes.com

I hereby certify that all information contained herein is true and correct.

1. Signed this 29th day of July, 2025

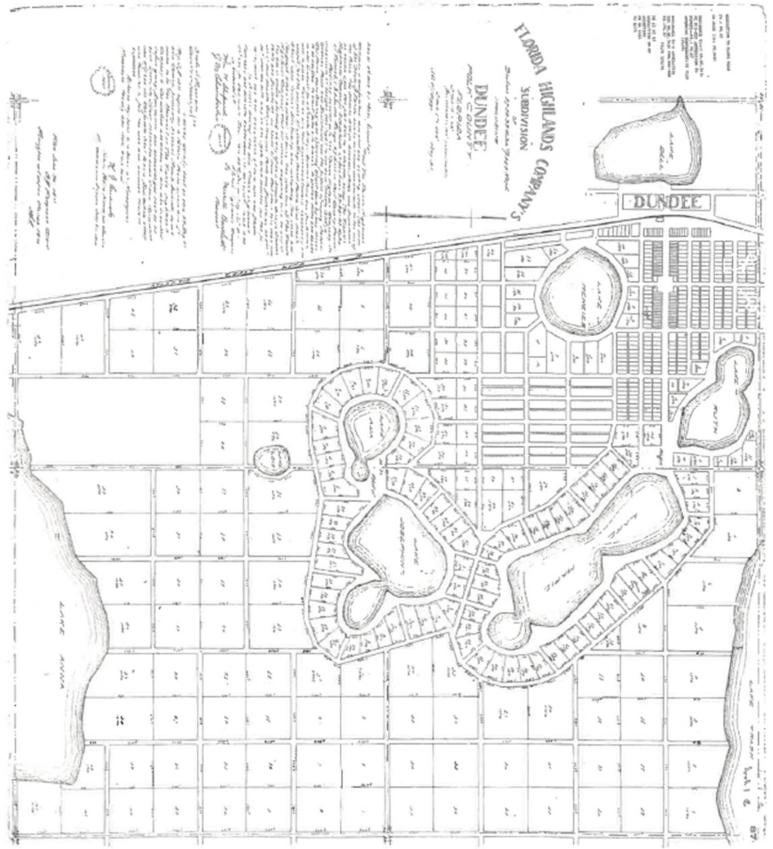
[Signature]
Signature of Property Owner, Lessee, Contract Purchase, or Applicant (circle one)

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EXHIBIT B



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