

RESOLUTION 22-54

A RESOLUTION VACATING AND ABANDONING SPECIFIC OPENED, UNPAVED, AND UNIMPROVED RIGHTS-OF-WAY INCLUDING A PORTION OF UNIMPROVED HELICOPTER ROAD, PER THE PLAT OF DUNDEE, AS RECORDED IN PLAT BOOK 6, PAGES 187 THROUGH 189, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS THAT PORTION OF SAID HELICOPTER ROAD FROM DEKLE ROAD NORTH TO TINDEL CAMP ROAD, INCLUDING BUT NOT LIMITED TO THOSE PARTS OF THE RIGHTS-OF-WAYS FOR HELICOPTER ROAD THAT LIE WITHIN THE ABOVE DESCRIBED CORRIDOR. ALL LYING AND BEING IN SECTION 11, TOWNSHIP 29 SOUTH, RANGE 27 EAST, POLK COUNTY FLORIDA. BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED ON EXHIBITS A AND B ATTACHED TO THIS RESOLUTION AND INCORPORATED INTO THIS RESOLUTION, PURSUANT TO SECTION 177.101, FLORIDA STATUTES, AND SECTION 7.01.13 OF THE TOWN OF DUNDEE, FLORIDA, UNIFIED LAND DEVELOPMENT CODE AND/OR CODE OF ORDINANCES; PROVIDING FOR A COPY TO BE FURNISHED TO POLK COUNTY; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING RESOLUTIONS, THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee, Florida has been conferred authority to vacate any street or alley or part of any street or alley by virtue of Section 177.101 of the Florida Statutes (2022) as amended and supplemented; and

WHEREAS, the Petitioner/Applicant and owner of property, Tampa Electric Company (TECO), which is adjacent to the subject unpaved and unimproved platted rights-of-way located within the Plat of Dundee as recorded in Plat Book 6, Pages 187 through 189, public records of Polk County, Florida requests the Town Commission of the Town of Dundee, Florida, to forever vacate, abandon, renounce, and disclaim those portions of the unpaved and unimproved platted rights-of-way as more specifically described in Exhibit "A" and illustrated in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, said application has been found, upon review by the Town Attorney's Office, to be legally sufficient and of sufficient form for presentation to and action by the Town of Dundee Town Commission; and

WHEREAS, the Town of Dundee and other affected agencies and utility companies have reviewed the application and have received no objection to the requested vacation; and

WHEREAS, following analysis of the application, the approval of said vacation request by Joe Tampa Electric Company (TECO) is determined to be consistent with the Town's Unified Land Development Code, Code of Ordinances, and applicable Comprehensive Plan objectives; and

WHEREAS, no portion of the property to be vacated, as more specifically described in Exhibit "A" and illustrated in Exhibit "B" attached hereto and incorporated herein by reference constitutes or was acquired for a state or federal highway, nor will the vacation of the said property deprive any person, firm, corporation or other entity of its legal right of ingress and egress to any property whether abutting the property to be vacated or not; and

WHEREAS, a Notice of Intent to Seek Vacation of Right-of-Way Within the Town of Dundee was duly published in The Ledger on July 17, 2022 and July 24, 2022, for the purpose of hearing objections to the vacating of said portion of underlying, platted, paved, and unimproved right-of-way; and

WHEREAS, on December 15, 2022, at a duly notice public meeting, the Town of Dundee Planning and Zoning Board reviewed the petitioner's request, considered any and all testimony and evidence presented, and voted to recommend approval of the petitioner's request to the Town of Dundee Town Commission; and

WHEREAS, the Petitioner/Applicant did not mail notices via United States certified/registered mail, including adjoining property owner signature forms, to all adjoining property owners because the petitioner/applicant owns the adjacent property except for a parcel owned by the Town of Dundee; and

WHEREAS, all conditions precedent and necessary to vacate said property have been met and the application satisfies the minimum technical requirements of the Town's Unified Land Development Code and pertinent Florida Statutes; and

WHEREAS, a public hearing by said Town Commissioners was duly held considering the advisability of granting said Petition/Application, or some portion thereof, and the Town Commission was fully advised and informed in the premises; and

WHEREAS, the Town Commission, after having made a thorough study of the changing conditions in the neighborhood, being apprised of the existing facts, taking into consideration the other streets and alleys whereby property owners have access to their property, and in accordance with Section 7.01.13 of the Town of Dundee's Unified Land Development Code codified within the Town of Dundee Code of Ordinances, has determined that vacating said property would not be in derogation of the public rights or needs of the Town of Dundee, Florida and that said underlying, platted, unpaved, and unimproved right-of-way as more specifically described and illustrated on Exhibits "A" and "B" attached hereto and incorporated herein by reference should be forever vacated and abandoned.

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

Section 1. Vacation of Right-of-Way. Upon request of the Petitioner/Applicant, Tampa Electric Company (TECO), the Town of Dundee Town Commission hereby vacates,

renounces and disclaims any right and/or interest of the Town of Dundee and the public in and to that portion of the unpaved and unimproved platted rights-of way located within the Plat of Dundee as recorded in Plat Book 6, Pages 187 through 189, public records of Polk County, Florida and as more specifically described in Exhibit "A" and illustrated in Exhibit "B" attached hereto and incorporated herein by reference and that the said lands are hereby returned to acreage.

Section 2. Purpose. This resolution serves only that purpose expressly stated in Section 1, above. Nothing herein shall be construed or interpreted as a representation of the rights or interests accruing to or existing in the Applicant/Petitioner or any third party to the lands described in Exhibit "A" and illustrated in Exhibit "B" attached hereto and incorporated herein by reference as a result of the vacation herein.

Section 3. Copy Furnished to Polk County. A copy of this Resolution shall be furnished to the Polk County Board of County Commissioners in accordance with Section 177.101(4) of the Florida Statutes.

Section 4. Severability. If any portion of this Resolution is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this Resolution, the portion deemed invalid or unenforceable shall be severed here from and the remainder of this Resolution shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 5. Repeal of Conflicting Resolutions. Any Resolution in conflict herewith is hereby repealed but only to the extent of the conflict and as required to give this Resolution full force and effect.

Section 6. Administrative Correction of Scrivener's Errors. Any provision in this Resolution may be renumbered 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 consideration by the Town of Dundee Town Commission, by filing a corrected or recodified copy of same with the Town Clerk.

Section 7. Effective Date. This Resolution shall become effective when a certified copy of this resolution 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 in accordance with Section 177.101(5) of the Florida Statutes.

Section 8. The Petitioner/Applicant shall be responsible for recording the petition and the proof of publication supporting the Petitioner's/Applicant's request for vacation addressed in this Resolution 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.

TOWN OF DUNDEE

Sam Pennant, Mayor

ATTEST:

Jenn Garcia, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney

EXHIBIT "A"
APPLICANT'S DEED, LEGAL AND LOCATION MAP DESCRIPTION

COMPOSITE EXHIBIT "B"
to Ordinance No. 22-06

County Deed
Legal Description

BOOK 1, PAGE 111
RECORDED IN PUBLIC RECORDS OF
POLK COUNTY, FLORIDA, AT
DEED BOOK 46, PAGE 76
RECORDED IN PUBLIC RECORDS OF
POLK COUNTY, FLORIDA, AT
RECORDED IN PUBLIC RECORDS OF
POLK COUNTY, FLORIDA, AT

The instrument prepared and/or
the instrument recorded in the
Public Records of Polk County, Florida,
at Polk County, Florida, at
Polk County, Florida, at
Polk County, Florida, at
Polk County, Florida, at
Polk County, Florida, at

COUNTY DEED

THIS DEED, made this 2nd day of November 2021 by POLK COUNTY, a political subdivision of the State of Florida, Grantor, to the TOWN OF DUNDEE, a Florida Municipal Corporation, whose address is, 202 East Main Street, Dundee, Florida 33838, Grantee

WITNESSETH: That the Grantor, for and in consideration of the sum of \$1.00, to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, its successors and assigns forever, all the right, title, interest, including interests, if any, in rights which may have been reserved by operation of Section 275.11 Florida Statutes, claim, and demand, which the Grantor has in and to the following described land lying and being in Polk County, Florida, to wit:

A portion of Helicopter Road, from Dekle Road north to Tindel Camp Road, including, but not limited to those parts of the right-of-ways for Helicopter Road that lie within the above-described corridor, as depicted, or described in the following document:

Portion of Maintained Right-of-Way as depicted on Map Book 6, Pages 181 through 189 of the Public Records of Polk County, Florida, that lie along the above-described corridor.

All lying and being in Section 11, Township 29 South, Range 27 East, Polk County Florida.

The purpose of this County Deed is to convey the Grantor's interest in the right-of-way pursuant to Florida Statutes 235.0415 and 237.29 for that portion of the public road.

IN WITNESS WHEREOF, said grantor has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chair or Vice-Chair of said board, the day and year aforesaid.

ATTEST:

Stacy M. Butterfield
Clerk to the Board
By: *Stacy M. Butterfield*
Deputy Clerk

(Seal)

GRANTOR:

Polk County, Florida
By: *T.R. Wilson*
T.R. Wilson, Chairman
Board of County Commissioners
P. 58

COMPOSITE EXHIBIT "B"
to Ordinance No. 22-06 MAP

LOCATION MAP

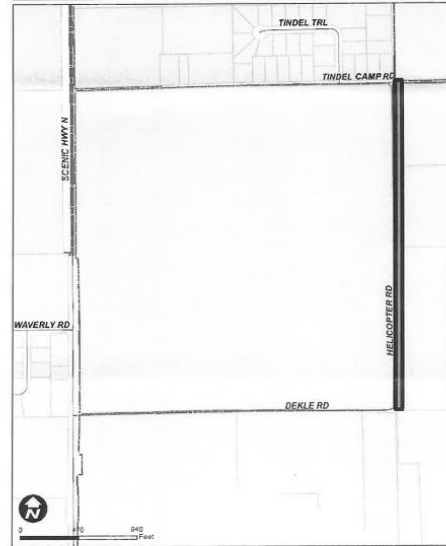


EXHIBIT “B” LOCATION MAP

