



TOWN OF DUNDEE RIGHT-OF-WAY VACATION REQUEST STAFF REPORT

TO: Town Commission

PREPARED BY: Lorraine Peterson, Development Director

AGENDA DATE: January 10, 2023

REQUESTED ACTION: **VACATION OF RIGHT-OF-WAY:** Tampa Electric Company, Helicopter Road Right-of-Way

A request to vacate and abandon portions of specific opened, paved, and unimproved 20-foot-wide portion of the Helicopter Road rights-of-way located between Dekle Road (south) and Tindel Camp Road (north) rights-of-way.

REQUEST:

Tampa Electric Company filed a petition requesting the Town of Dundee to vacate and abandon portions of specific opened, paved, and unimproved 20-foot-wide Helicopter Road rights-of-way located between Dekle Road (south) and Tindel Camp Road (north). The vacation is part of the proposed Lake Mabel Loop Solar Farm Project.

PROPERTY INFORMATION

The northern terminus of the right-of-way intersects with platted right-of-way known as Tindel Camp Road. The southern terminus of the right-of-way intersects with platted right-of-way known as Dekle Road. The applicant is requesting the right-of-way be vacated for the development of a solar farm. All the properties that abut this right-of-way are owned by Tampa Electric Company.

Surrounding Property Information

<u>Northwest:</u> FLU: LDR ZON: RSF-1 Existing Uses: Residential	<u>North:</u> FLU: ZON: Existing Uses: Residential Tindel Estates Subdivision Polk County	<u>Northeast:</u> FLU: LDR ZON: PUD Existing Uses: Citrus Tampa Electric Company
<u>West:</u> FLU: LDR ZON: PUD Existing Uses: Vacant Tampa Electric Company	<u>Subject Parcel</u> Right-of-Way	<u>East:</u> FLU: ZON: Existing Uses: Vacant Tampa Electric Company Polk County
<u>Southwest:</u> FLU: LDR ZON: unassigned Existing Uses: Citrus	<u>South:</u> FLU: ZON: Existing Uses: Residential Polk County	<u>Southeast:</u> FLU: ZON: Existing Uses: Vacant Tampa Electric Company Polk County

FINDINGS OF FACT:

The Petition for Right-of-Way Vacation is to be reviewed by the Town Staff, Planning and Zoning Board and Town Commission consistent with the requirements of the Town of Dundee, regarding the vacation of streets, alleys, and public ways.

Pursuant to the Town of Dundee Land Development Code and Florida law, on December 15, 2022, at a duly noticed public meeting, the Town of Dundee Planning and Zoning Board reviewed the petition to vacate the subject ROW; and, during the public meeting, the Planning and Zoning Board heard testimony of interested parties and considered any evidence presented. At that time, the Planning and Zoning Board voted to recommend approval of the petition to vacate the subject ROW to the Town of Dundee Town Commission.

Below are staff findings of fact determined during review of the petition.

- The applicant has submitted a completed application with appropriate fee.
- The applicant did not have to send out adjoining property owner notices and signature forms certified/registered mail, because all the adjoining properties are owned by the applicant (see attached application materials).
- The applicant submitted letters to the required utilities via certified mail. To date, none of the utilities have submitted letters regarding this issue.

- The applicant published legal notice of the request for vacation of a right-of-way in The Ledger on July 17, 2022, and July 24, 2022.
- The right-of-way is opened and as platted it intersects between Dekle Road (south) and Tindel Camp Road (north) and all properties adjacent to the right-of-way have access to public streets without use of this right-of-way.

TOWN COMMISSION ACTION:

Consistent with the requirement of the Town of Dundee regarding vacating streets, alleys, and public ways, the Town administration is forwarding this Petition for Right-of-Way Vacation to the Town of Dundee Town Commission for Review and Comment.

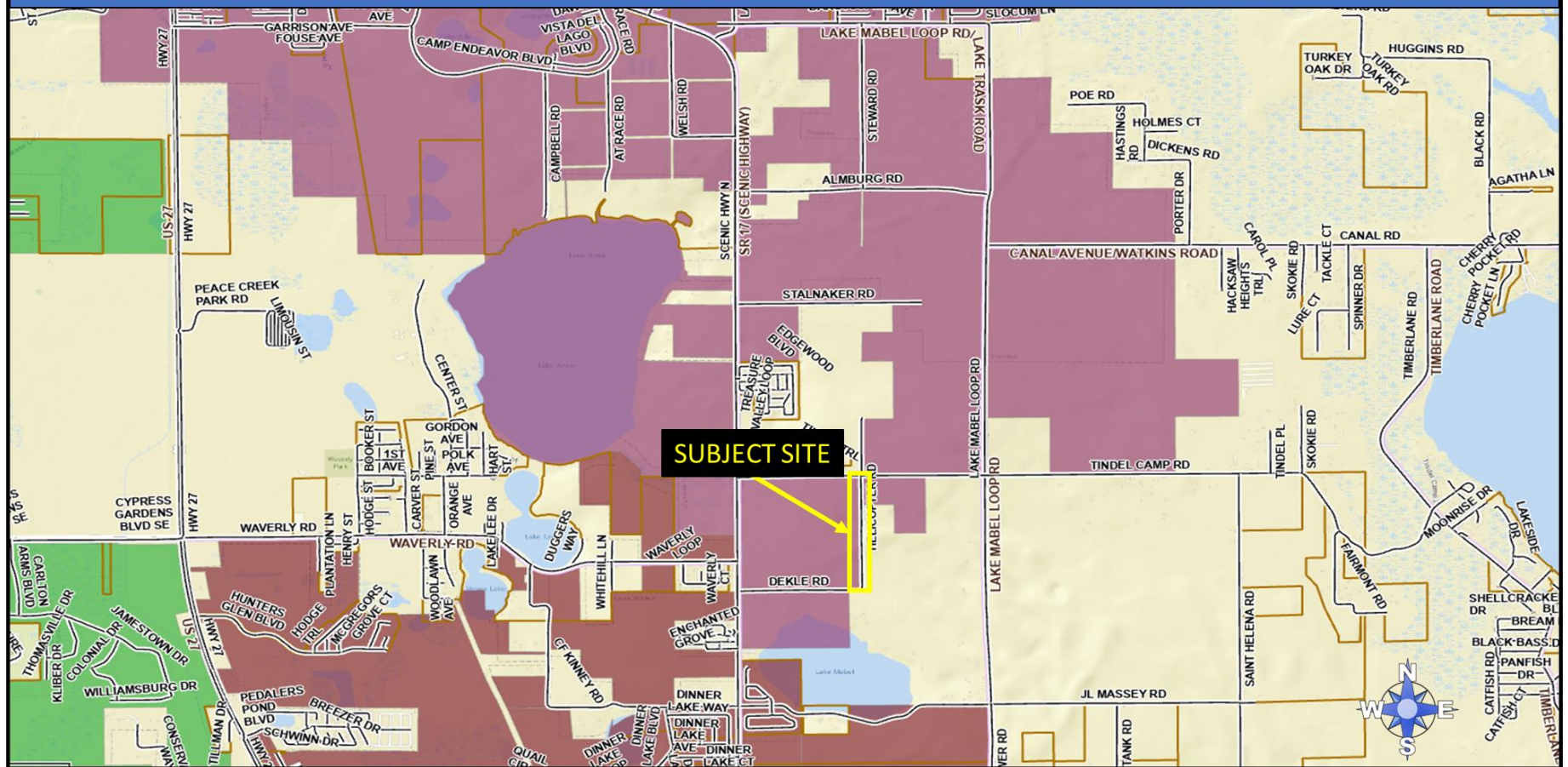
MOTION OPTIONS:

1. I move **approval of Resolution 22-54** to have the Town of Dundee vacate and abandon specific opened, unpaved, and unimproved rights-of-way as described in this staff report.
2. I move **approval of Resolution 22-54 with changes** to have the Town of Dundee vacate and abandon specific opened, unpaved, and unimproved rights-of-way as described in this staff report.
3. I move **denial of Resolution 22-54** to have the Town of Dundee vacate and abandon specific opened, unpaved, and unimproved rights-of-way as described in this staff report.
4. I move **continuation of the item until a date certain**.

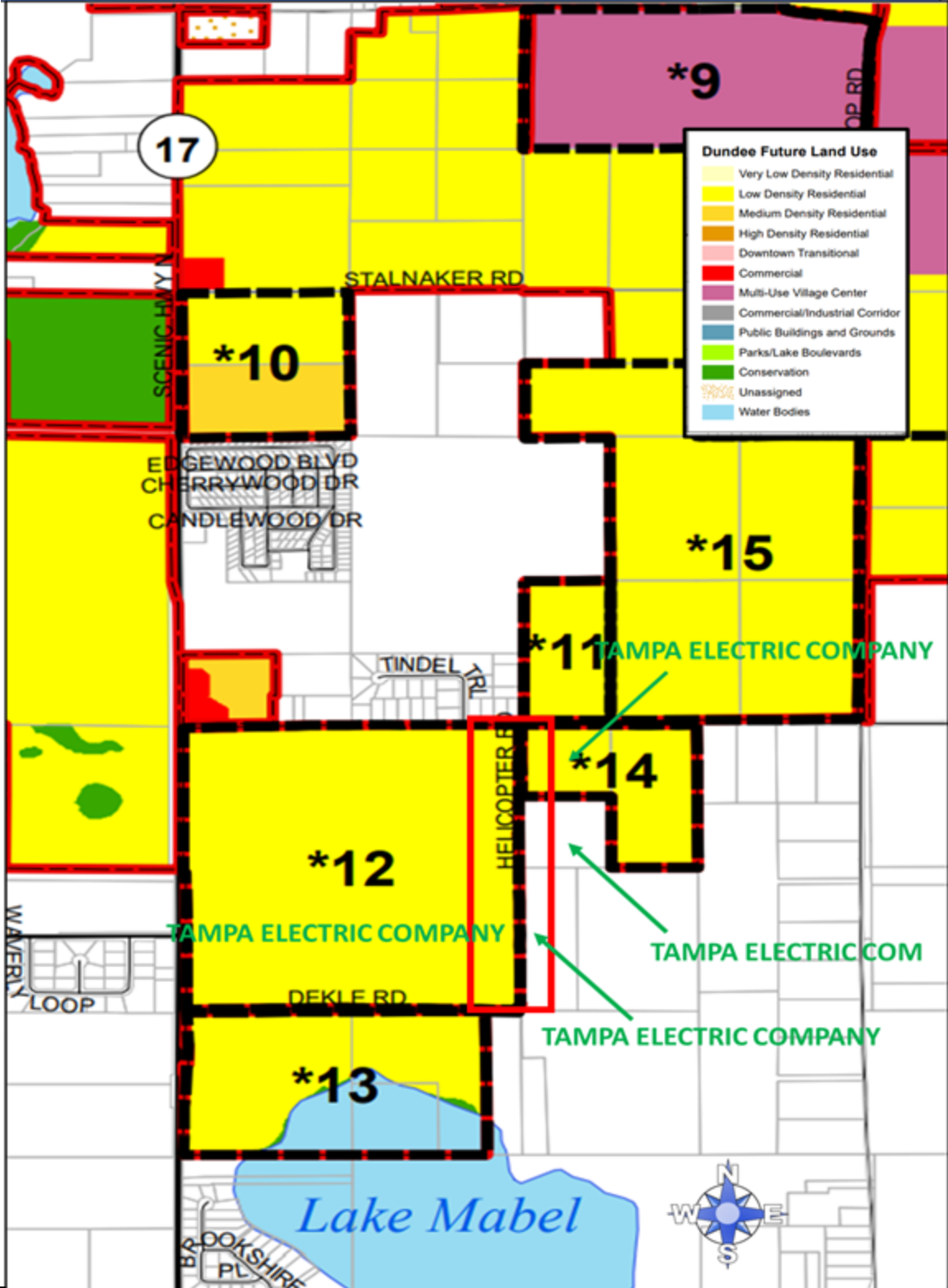
Attachments:

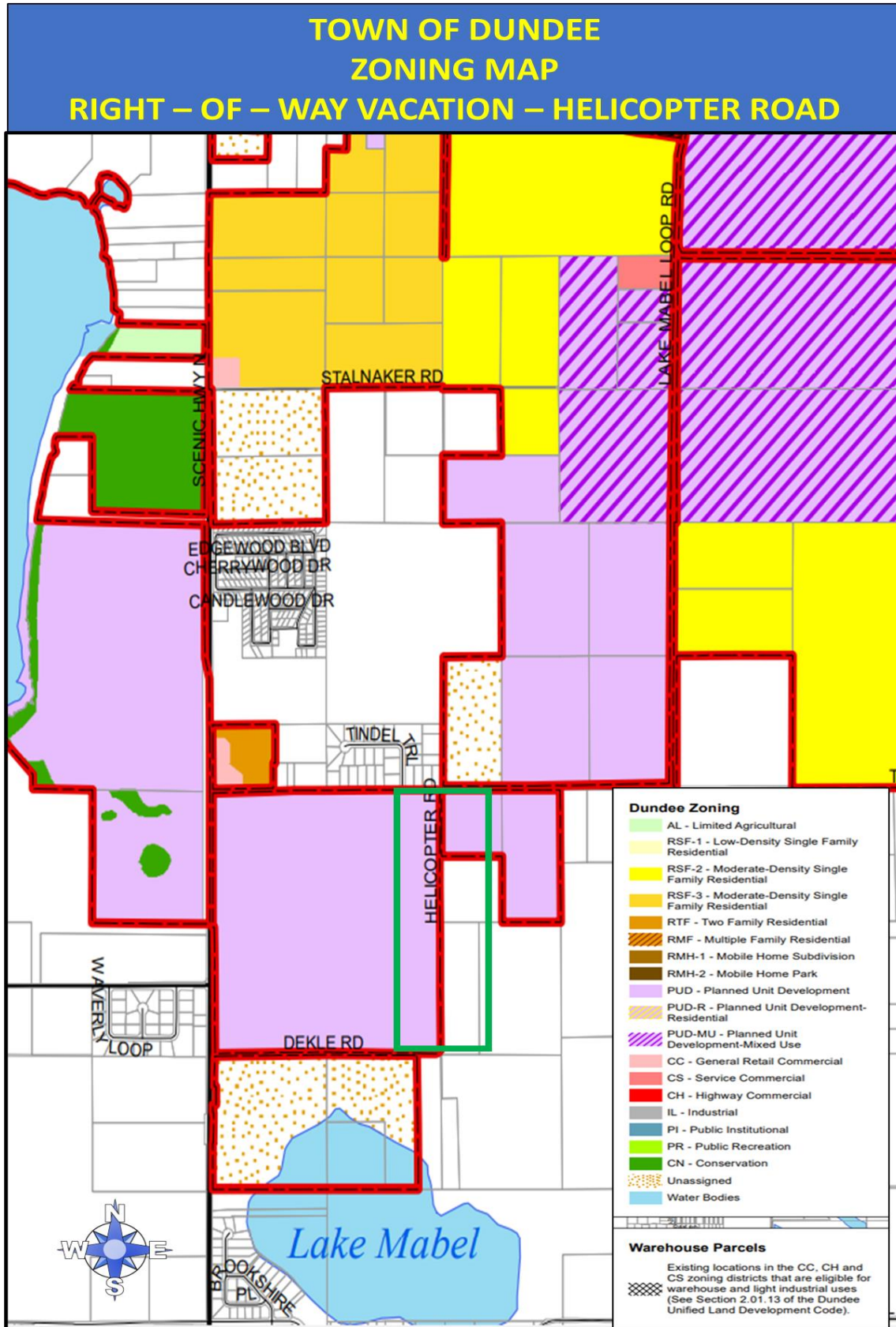
Location Map
Aerial and Surrounding Owner Map
Current Future Land Use Map
Current Zoning Map
Proof of Publication from the Ledger
Application for Right-of-Way Vacation with supporting documentation

TOWN OF DUNDEE LOCATION MAP HELICOPTER RD. RIGHT-OF-WAY VACATION



TOWN OF DUNDEE FUTURE LAD USE MAP RIGHT – OF – WAY VACATION – HELICOPTER ROAD





AUG 5 2002

000020gn envelope 3/2 18884643-7/72-4034-83/72-7253/88A/2/98

Town of Dundee

**Application for Vacating Streets, Alleys, And Public Ways
And Redirecting Traffic**

The following information is required for submission of an application to vacate streets, alleys and public ways. The Town Commission must approve or deny the request. It is important that all information is complete and accurate when submitted to the Town. The Town Commission holds meetings the 2nd and 4th Tuesday of every month at 6:30 p.m. These applications are heard once all requisite information has been submitted.

Please print or type the requested information below.

A. GENERAL INFORMATION:

Name of Applicant/Property Owner: Tampa Electric Company

Mailing Address: 702 N. Franklin Street, Tampa, FL 33602

Phone (Work): (813) 417-6131 Phone (Home): _____

Interest in Property (e.g. owner, buyer, etc.): Owner

Name of Agent, if applicable: Darren Stone

Mailing Address: 1408 N Westshore Blvd, Suite 115, Tampa, FL 33607

Phone (Work): (727) 741-9338 Phone (Home): _____

B. NATURE OF REQUEST:

Identify Right-of-Way Affected: Helicopter Road between Tindel Camp Road and Dekle Road

Legal Description of Right-of-Way: See attached sketch with legal description

Nature and Purpose of Request:

Vacate Helicopter Road right-of-way between Tindel Camp Road and Dekle Road.

C. 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.
None known.

2. Identify how abutting property owners will be affected by the proposed request.
Tampa Electric Company owns property along both sides of Helicopter Road between Tindel Camp Road and Dekle Road. There will be no negative impact to the abutting landowner as a result of the vacation of the ROW.

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 are no short range plans for the extension of public utilities to this area of the Town County. Utilities can be extended along Tindel Camp Road and Dekle Road in the future. No residential development is planned for at least 25 years where the Lake Mabel Solar project is proposed.

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.
Maintenance vehicles will be able to access the Lake Mabel Solar project once it is operational. Helicopter Road will remain open until after construction activities are complete. Residents located along the southern portion of Helicopter Road can access their properties from Dekle Road.

5. What is the cost of relocating any public utility lines?
There are no current utility lines, so there is no associated cost.

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.

D. PLEASE SUBMIT THE FOLLOWING INFORMATION AND EXHIBITS:

1. A letter from the petitioner or his/her agent addressed to the Town Manager requesting that the proposal be placed on the Town Commission agenda for review purposes.
2. A signed authorization form from the abutting property owner(s) making the request or who are a part of the request.
3. A survey or plat containing a description of all land uses abutting the affected right(s)-of-way.

4. Written request review responses from each franchise utility provider as well as from affected Town Departments, including Public Services, Fire, and Police. A list of contact persons and their addresses are attached.

5. Schematic drawing(s) showing the location of all utilities utilizing the subject right-of-way, as provided by each utility provider, i.e., electricity, gas, sewer, water, telephone, drainage, sanitation, or underground TV cable. Applicants may be able to obtain such schematic drawings from the Town Public Services Department and other applicable utility providers upon request.

6. A check or money order, made payable to the Town of Dundee to pay the required application fee. Please contact the Building Department staff for the current application fee.

E. ADDITIONAL DOCUMENTATION:

After initial application review by staff to determine likely impacts of implementing the vacation or street/traffic redirection proposal, the Town may require a traffic analysis report based on accepted transportation engineering criteria. This traffic analysis report may include, but shall not be limited to the following:

1. Background narrative containing the definition of the problem.
2. General data, including but not limited to:
 - a. A location map showing local streets.
 - b. Collector and arterial streets in the area as designated in the Town's Thoroughfare plan.
 - c. Zoning of the affected area.
 - d. Traffic counts.
 - e. Accident counts.
 - f. Width of pavements.
 - g. On-street parking.
 - h. Related demographic data.
 - i. Identification of major trip generators in the area.
3. Analysis of traffic characteristics, including:
 - a. Estimated trip generators that would be characteristic for the neighborhood.
 - b. Comparison of actual, observed traffic volumes with estimated traffic volumes to be generated in the neighborhood.
 - c. Determination of peak-hour flows.
 - d. Estimated impact of changes on parallel facilities (e.g. alternative routing).
4. Alternative solution identification, including:
 - a. An analysis of the impact of each alternative on the overall area traffic network.
 - b. An analysis of the impact on zoning, utilities, and drainage systems.
 - c. An analysis of costs of each alternative.
 - d. A prioritization of alternatives.

5. As part of the application process, if the Town Commission determines that additional of independent study is necessary, the applicant shall bear all associated costs in producing the study.

F. CHAPTER 15, SECTION 15-51, CITY POLICY:

1. No new construction shall occur on or over any existing right-of-way unless the petitioner or his successors and assigns assume and agree to pay all costs of relocating utility lines including legal costs resulting from development of the property.

2. All future costs involved in repairing hard surfaces placed over an easement shall be the responsibility of the petitioner or his successors and assigns.

3. The petitioner, his successors or assigns, will hold the town and all utilities harmless and immune for all claims for damages resulting from their use of the right-of-way, if any.

4. The Town Commission may condition any action for widening, or permanently redirecting traffic along city streets or alleys, or closing, abandoning, or vacating any street, alley or other right-of-way based upon the timely implementation of the project which necessitated such action.

G. FILING APPLICATIONS:

You are welcome and encouraged to contact the Building Department staff at (863) 438-8330 from 8:00 a.m. to 5:00 p.m. Monday through Friday to obtain help with this application. Meeting with staff can help to ensure that your application is complete. Staff can also explain and answer any questions you may have concerning the Town Commission and the hearing process.

The Building Department is located at 202 East Main Street, Dundee, Florida 33838. The mailing address is P.O. Box 1000, Dundee, Florida 33838. If you wish to contact us by fax, our number is (863) 438-8339.

Town Use Only:

AUG 5 2022

Date Received: _____

Received By: Brenda Carter

Fee Received: \$579.32

Receipt Number: Ref. # 27813

Case Number: _____

Date Accepted: 8-5-22

Tentative Meeting Date: _____

STATE OF FLORIDA:
COUNTY OF POLK:

(I)(WE) David Sweat Being
duly sworn, depose and say that (I) (WE) own one or more of the properties involved in this
petition and that (I) (WE) have familiarized (myself) (ourselves) with the rules and regulations of
the Town Commission with respect to preparing and filing this petition and that the foregoing
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
statement and information above referred to are in all respects true and correct to the best of (my)
(our) knowledge and belief.

SIGNED: David Sweat SIGNED: _____
SIGNED: _____ SIGNED: _____

STATE OF FLORIDA:
COUNTY OF POLK:

The foregoing instrument was acknowledged before me this 27th day of July,
20 22, by David Sweat, who is personally known to me or who has
produced personally known as identification and who did (did not) take an
oath.

Emily R. Sukloff
SIGNATURE OF NOTARY PUBLIC
Emily R. Sukloff
TYPED OR PRINTED NAME OF NOTARY PUBLIC



QG. 280957
NOTARY PUBLIC SERIAL # (IF ANY)

STAMP & DATE MY COMMISSION EXPIRES 12-02-2022

Agent, Lessee, or Buyer's Signature Page

(I) (We), PARREN STONE being duly

sworn, depose and say that (I) (We) serve as _____ for the

(Agent or Lessee)

owner(s) 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)

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Signature of Agent, Lessee, or Buyer(s)

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

Printed Name of Agent, Lessee, or Buyer

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

STATE OF FLORIDA:

COUNTY OF POLK: Hillsborough

The foregoing instrument was acknowledged before me this 2nd day of August

20 22, by Darren Stowe, who is personally known to me or who

has produced a Driver's License as identification and who did not take an oath.

Dene E Beroth

Notary Seal and Commission Expiration Date



Adjoining Property Owner Signature Form

I, David Sweat, understand that Tampa Electric
is requesting that the Town of Dundee to close, vacate, and abandon the Helicopter Road right-of-
way from Tindel Camp Road and Dekle Road

right-of-way which adjoins my property. I also understand that I will receive one-half of the
right-of-way fronting my property.

- ☒ I hereby approve or have no objections to this request.
☐ I hereby disapprove and have an objection to this request.

Digitized by:
David Sweat
SIGNATURE

Signature

David Sweat

Printed Name

702 N Franklin Street
Address

Tampa FL 33607
City, State, Zip Code

7/26/2022

Date

Affidavit of Publication

AFFIDAVIT OF PUBLICATION

Winter Haven Sun

Published Weekly

Winter Haven, Polk County, Florida

Case No. 11/17 Helicopter RD ROW

STATE OF FLORIDA COUNTY OF POLK

Before the undersigned authority, Anita Swain, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Winter Haven Sun, a newspaper published at Winter Haven in Polk County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

November 02, 2022

Affiant further says that the Winter Haven Sun newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

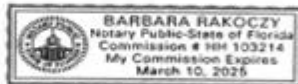
Anita Swain
Anita Swain

Sworn to and subscribed before me this 2nd day of November 2022 by Anita Swain, who is personally known

Barbara Rakoczy
Barbara Rakoczy, Clerk, Notary Number: #H1103214
Notary expires: March 10, 2025

00036780 00108339

Jenn Garcia
Town of Dundee
202 Main Street
Dundee, FL 33838



PUBLIC HEARING NOTICE TOWN OF DUNDEE PLANNING & ZONING BOARD

Please take notice that the Town of Dundee Planning & Zoning Board will hold a public hearing Thursday, November 17, 2022, at 5:30 p.m. in the Town of Dundee Commission Chambers at 202 East Main Street, Dundee, Florida to hear the following items:

REQUEST FOR RIGHT-OF-WAY VACATION - PORTION OF HELICOPTER ROAD BETWEEN TINDEL CAMP ROAD AND DEKLE ROAD NORTH

A REQUEST TO VACATE OPENED, UNPAVED, RIGHTS-OF-WAY INCLUDING A PORTION OF HELICOPTER ROAD, FROM DEKLE ROAD NORTH TO TINDEL CAMP ROAD, PORTION OF MAINTAINED RIGHT-OF-WAY AS DEPICTED ON MAP BOOK 6, PAGES 187 THROUGH 189 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, THAT LIES ALONG THE ABOVE-DESCRIBED CORRIDOR, ALL LYING AND BEING IN SECTION 11, TOWNSHIP 29, RANGE 27 EAST, POLK COUNTY FLORIDA.



AND SPECIAL EXCEPTION FOR AUTO SALES AND MINOR AUTO REPAIRS

A REQUEST BY MR. WILBERT MUNOZ IN COMPLIANCE WITH ZONING ORDINANCE, TO OBTAIN A SPECIAL EXCEPTION FOR AUTOMOBILE SALES AND MINOR AUTOMOTIVE REPAIR ON 1.24 +/- ACRES ZONED GENERAL RETAIL COMMERCIAL (GC) LOCATED AT 217 DUNDEE ROAD, FURTHER DESCRIBED AS PARCEL IDENTIFICATION NUMBER 272428-844000-009020.



Any person who might wish to appeal any decision made by the Town of Dundee Planning and Zoning Board, Polk County, Florida, in public hearing or meeting is hereby advised that he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based. Any person with disabilities requiring accommodations in order to participate should contact the Town Clerk prior to the meeting.

Affidavit of Publication

AUG 5 2022

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

TECO
702 N Franklin ST
Tampa FL 33602-4429

STATE OF WISCONSIN, COUNTY OF BROWN

The Ledger-News Chief, a newspaper printed and published in the city of Lakeland, and of general circulation in the County of Polk, State of Florida, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated or by publication on the newspaper's website, if authorized, on:

07/17/2022, 07/24/2022

and that the fees charged are legal.
Sworn to and subscribed before on 07/24/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1082.54

Order No: 7527564

Customer No: 788376

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

SARAH BERTELSEN
Notary Public
State of Wisconsin

Applicants Impact Analysis

Helicopter Road Right-of-Way Vacation Impact Analysis

Introduction

Tampa Electric Company has prepared an application and supporting documentation to vacate that portion of Helicopter Road between Tindel Camp Road and the northern right-of-way of Dekle Road. The Town of Dundee accepted the conveyance of Helicopter Road from Polk County pursuant to Resolution 21-27 dated October 26, 2021 and the road was annexed into the Town pursuant to Ordinance 22-06 (January 25, 2022).

Helicopter Road Existing Conditions

Helicopter Road is an unpaved 2-lane road that is substandard in width. There are no driveways accessing the road from any of the four parcels abutting the road, all of which are owned by Tampa Electric Company. There is no development other than agricultural use on either side of the road between Tindel Camp Road and Dekle Road. Helicopter Road is not identified in the Polk Transportation Planning Organization 2022 Roadway Network Database, which does include roads with annual average daily traffic with a minimum of 100 trips per day. This information along with observed traffic and the unpaved condition of the road suggest that traffic is very light.

There are no Town utilities such as water or sewer lines located in the ROW. There are no plans for the extension of Town utilities to this area in the Capital Improvement Element of the Comprehensive Plan.

Adjacent Parcels Information

The four parcels abutting the subject section of Helicopter Road are identified by the Polk County Property Appraiser online database as:

<u>Parcel ID Number</u>	<u>Owner</u>	<u>Use</u>
• 27-29-11-000000-013020	Tampa Electric Company	Citrus
• 27-29-11-000000-013030	Tampa Electric Company	Unplatted tracts
• 27-29-11-000000-014030	Tampa Electric Company	Unplatted tracts
• 27-29-11-000000-031010	Tampa Electric Company	Unplatted tracts

Parcels 27-29-11-000000-013020 and 27-29-11-000000-031010 are zoned Planned Unit Development-Residential. A text amendment to the Future Land Use Element of the Town's Comprehensive Plan specifically added a solar power generation facility as a permitted use. Parcels 27-29-11-000000-013030 and 27-29-11-000000-014030 are located in Polk County with a Future Land Use Map (FLUM) designation of Agricultural/Rural Residential (A/RR). A solar power generation facility is a permitted use with review and approval of a Level 2 (construction plan review) application.

Proposed Use

TEC proposes developing the four identified parcels as well as additional land in Dundee, Lake Wales, and unincorporated Polk County as the Lake Mabel Solar facility. TEC has obtained all of the necessary land use approvals required for development of a solar facility. Currently, all three

jurisdictions are reviewing construction plans for the permitting of the facility. Helicopter Road, once vacated, will be used as a part of the solar facility along with all the contiguous property.

Impact Analysis

The proposed development of a solar facility will not require the extension of public utilities to the parcels abutting the road. After construction, the parcels abutting Helicopter Road will be accessed for maintenance by driveways located south of Tindel Camp Road. Solar farms are remotely controlled and monitored and require very little maintenance traffic. Based on its experience with solar facilities that are operational in Polk and Hillsborough Counties and in Bartow, Tampa Electric estimates that fewer than one trip per day and fewer than five trips per week are generated by a completed, operating solar facility. This is well below the *de minimus* traffic impact level. For the duration of the solar facility operation, residential development on either side of the subject section of Helicopter Road is forestalled. The solar facility development will eliminate the need for public utilities to service the displaced residential units and will greatly reduce the number of potentially generated trips.

Access to developed parcels along Tindel Camp Road will be unaffected by the ROW vacation of Helicopter Road. Access to developed properties south of Dekle Road are accessible from driveways connecting to Dekle Road. The currently unpaved Dekle Road provides access to State Road (SR) 17 to the west. Dekle Road is not identified in the Polk Transportation Planning Organization 2022 Roadway Network Database.

Currently four parcels access Dekle Road between Helicopter Road and SR 17. Two of the parcels are developed with single family homes, one is developed with miscellaneous improvements, and the fourth parcel is planted citrus. There is no zoning district assigned to these parcels. The Town of Dundee FLUM designates the area south of Dekle Road as Low Density Residential (LDR), Conservation, and Lake. Policy 2.14 m. of the Future Land Use Element of the Comprehensive Plan limits the 49.5 acres of LDR to a maximum of 93 units through the 2030 planning horizon. Prior to further development of these parcels at a density greater than one unit per 5 acres, the parcel or parcels would have to be rezoned. Development at or near the maximum allowable would presumably require improvements to Dekle Road sufficient to support the proposed development. Proposed residential development would not propose to use Helicopter Road as it is also unpaved and would also require improvement to be used as a point of access. The Town of Dundee has not been experiencing significant residential growth in this portion of the Town. The vacation of Helicopter Road would not be anticipated to impact traffic flow in the area with most residents accessing SR 17 to the west.

The ROW vacation will eliminate the need for perimeter fencing along Helicopter Road and will eliminate traffic through separated areas of a secure solar power generation facility. Construction and operation of the facility will be more efficient without a ROW between the parcels on either side of the road, will not impede access to any property, will not interrupt any future capital improvement plans, and will not hinder development along Dekle Road.