

RESOLUTION NO. 25-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA; AFFIRMATIVELY ACCEPTING THE CONVEYANCE OF THAT CERTAIN REAL PROPERTY FROM THELMA C. RALEY, INC., TO THE TOWN OF DUNDEE, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN THE GENERAL WARRANTY DEED EXECUTED BY THELMA C. RALEY, INC., AND DELIVERED TO THE TOWN OF DUNDEE, FLORIDA, ON _____, 2025, AND RECORDED ON _____, 2025, IN OFFICIAL RECORDS BOOK _____, PAGE(S) _____, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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, Sections 163.3161 through 163.3215, Florida Statutes, empowers and mandates local governments to plan for future development in order to guide growth and development; and

WHEREAS, on May 29, 1911, that certain subdivision plat entitled *Florida Highlands Company's Subdivision* (the "Dundee Plat") was recorded in Plat Book 1C, Page 87, Public Records of Polk County Florida; 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 “A”** and made a part hereof by reference; and

WHEREAS, pursuant to the Dundee Plat (see **Composite Exhibit “A”**), Camp Endeavor Blvd was identified and depicted as a dedicated street, alley, easement and/or right of way for the use of the general public; and

WHEREAS, **THELMA C. RALEY, INC.** (the “Owner”), is the marketable fee simple title owner of the real property, which the Polk County Property Appraiser identifies as Parcel Numbers 272833-852500-000010, 272823-852500-000130, 272828-847020-000060 and 272828-847020-000010 (the “Property”); and

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

WHEREAS, the Property (see **Composite Exhibit “B”**) is located immediately adjacent to certain portion(s) of Camp Endeavor Blvd; and

WHEREAS, in consideration for the vacation and relocation of that certain portion of the publicly dedicated street, alley, easement and/or right of way located along the Southerly portion of that certain real property identified as Polk County Property Appraiser Parcel Identification No. 272828-847020-000010 (see **Composite Exhibit “B”**), the Owner offered to convey by donation marketable fee simple title to the Town of Dundee, Florida, certain portions of real property (the “Donations”) located immediately adjacent to Camp Endeavor Blvd in order to facilitate necessary transportation related improvement(s) and accommodate future growth and development; and

WHEREAS, copies of the Town of Dundee Description Sketches and Boundary Survey of and/or for the Donations are attached hereto as **Composite Exhibit “C”** and made a part hereof by reference; and

WHEREAS, on June 10, 2025, at a duly noticed public meeting, the Town Commission authorized and directed the Town Manager to take all necessary further actions to effectuate the intent of this **Resolution No. 25-18** which includes, but is not to be limited to, negotiating and executing any document(s) and/or agreement(s) related to the Town’s acceptance of the Donations (see **Composite Exhibit “C”**) which provide for the transfer and conveyance of real property to be used for the public rights-of-way located within and/or adjacent to the corporate limits of the Town of Dundee, Florida; and

WHEREAS, on _____, 2025, the Owner participated in a closing of and/or for the Donations (see **Composite Exhibit “C”**); and

WHEREAS, on _____, 2025, the Owner delivered that certain General Warranty Deed (the “Deed”) for the Donations (see **Composite Exhibit “C”**) to the City of Lake Alfred, Florida; and

WHEREAS, the Deed was recorded on _____, 2025, in Official Records Book _____, Page(s) _____ public records of Polk County, Florida; and

WHEREAS, on June 4, 2025, based on the assessed value of and/or for the contiguous citrus and pasture lands being conveyed by donation to the Town of Dundee, Florida, Rayl Engineering and Surveying, LLC, estimated the average total value (the “Estimated Value”) of the Donations (see **Composite Exhibit “C”**) to total approximately Three Thousand Fifty-Nine Dollars and thirty-nine cents (\$3,059.39); and

WHEREAS, a copy of the Estimated Value is attached hereto as **Exhibit “D”** and made a part hereof by reference; and

WHEREAS, on June 10, 2025, the Town Commission of the Town of Dundee, Florida, found and determined that the acceptance of the Donations (see **Composite Exhibit “C”**) preserves, enhances and encourages the most appropriate use of land consistent with the public interest; and

WHEREAS, on June 10, 2025, the Town Commission of the Town of Dundee, Florida, found and determined that, upon delivery of the Deed from the Owner, it is in the best interests of the residents and citizens of the Town of Dundee, Florida, for the Town Manager to accept delivery of the Deed and cause same to be recorded 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; and

WHEREAS, on June 10, 2025, at a duly noticed public meeting, the Town Commission of the Town of Dundee, Florida, finds that the passage of this **Resolution No. 25-18** 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. 25-18** 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. 25-18**, 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. 25-19. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this **Resolution No. 25-18**.

Section 2. Purpose; Authorization.

This **Resolution No. 25-18** serves only the purpose(s) expressly stated herein which includes, but shall not be limited to, memorializing the intent of the Town Commission of the Town of Dundee (the “Town Commission”) to affirmatively accept the delivery of the Deed from **THELMA C. RALEY, INC.**, to the Town of Dundee, Florida, conveying by donation the

Donations (see **Composite Exhibit “C”**) which are located on the Property (see **Composite Exhibit “B”**) and within the corporate limits of the Town of Dundee, Florida.

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. 25-18** which includes, but shall not be limited to, negotiating and executing any documentation necessary and incidental to the conveyance by donation of the Donations (see **Composite Exhibit “C”**) which are located on the Property (see **Composite Exhibit “B”**) and within the corporate limits of the Town of Dundee, Florida.

Section 3. Acceptance.

The Town Commission of the Town of Dundee, Florida, hereby affirmatively accepts from **THELMA C. RALEY, INC.**, the conveyance by donation of the Donations (see **Composite Exhibit “C”**) by the Deed delivered and recorded on _____, 2025, in Official Records Book _____, Page _____, of the public records of Polk County, Florida, a copy of which is attached hereto as **Composite Exhibit “E”** and incorporated herein by reference.

Upon receipt of duly executed and recorded General Warranty Deed, the Town Clerk is authorized and directed to record this Resolution No. 25-18 in the public records of Polk County, Florida.

Section 4. Conflicts.

All resolutions in conflict with this **Resolution No. 25-18** are repealed to the extent necessary to give this **Resolution No. 25-18** full force and effect.

Section 5. Severability.

The provisions of this **Resolution No. 25-18** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-18**, 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. 25-18**, 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. 25-18** 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. 25-18** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-18** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-18**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-18**, 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. 25-18** 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. 25-18** 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. Recordation.

The Town Clerk shall be responsible for recording this **Resolution No. 25-18**, 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 8. Effective Date.

This **Resolution No. 25-18** shall take effect immediately upon passage by the Town Commission of the Town of Dundee, 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 10th day of June, 2025.

TOWN OF DUNDEE

Samuel Pennant, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney