

Space for Recording

RESOLUTION NO. 25-39

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, CONFIRMING THE ACCEPTANCE OF IMPROVEMENTS, INFRASTRUCTURE, AND DEDICATIONS IN FAVOR OF THE GENERAL PUBLIC AND TOWN OF DUNDEE, FLORIDA, AS NOTATED ON THAT CERTAIN PLAT ENTITLED “LANDINGS AT LAKE MABEL LOOP PHASE 1” AND AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND PROVIDED AS A GUARANTY FOR THE CONSTRUCTION AND COMPLETION OF CERTAIN ITEMS OF INFRASTRUCTURE AND IMPROVEMENTS DEDICATED IN FAVOR OF THE PUBLIC/TOWN OF DUNDEE WITHIN THE LANDINGS AT LAKE MABEL LOOP PHASE 1 SUBDIVISION; AND ACCEPTING A MAINTENANCE BOND FOR CERTAIN ITEMS OF INFRASTRUCTURE AND IMPROVEMENTS WITHIN THE LANDINGS AT LAKE MABEL LOOP PHASE 1 SUBDIVISION; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVERNER'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 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, on November 8, 2022, at a duly noticed public meeting, the Town Commission of the Town of Dundee (the "Town Commission") approved and passed *Town of Dundee Resolution No. 22-49* (the "Resolution") conditionally approving the Certified Subdivision Plan ("CSP") for the proposed *Landings at Lake Mabel Loop Subdivision* (the "Subdivision"); and

WHEREAS, pursuant to the Resolution, the Town Commission conditionally approved the CSP for construction of utility systems and other required infrastructure in accordance with *Section 7.01.07 of the Town of Dundee Land Development Code* (the "LDC") and the conditions set forth in the Resolution which included, but were not limited to, the condition that, prior to the issuance of a building permit for *any* structure located on or within the Subdivision, all required infrastructure systems and improvements required by the LDC, the Town of Dundee Code of Ordinances, the Resolution, and applicable Florida law are fully operational and accepted by the Town and/or entity with jurisdiction; and

WHEREAS, **KB Home Orlando, LLC** (the "Owner" and/or "Applicant"), an active Delaware limited liability company authorized to transact business in the State of Florida, is the owner of the below-described lands and submitted that certain plat entitled "The Landings at Lake Mabel Loop Phase 1" Subdivision (the "Plat") for approval for filing by the Town Commission of the Town of Dundee, Florida (the "Town Commission"), and

WHEREAS, the Owner provided an acceptable performance bond (the "Performance Bond") issued by the Harco National Insurance Company in the amount of \$2,444,777.50 in favor of the Town of Dundee, Florida; and

WHEREAS, on October 22, 2024, the Town Commission considered and approved *Town of Dundee Resolution No. 24-26* (the "Plat Resolution") which approved for filing that certain plat entitled "The Landings at Lake Mabel Loop Phase 1" Subdivision subject to certain conditions/performance items; and

WHEREAS, the Plat was recorded in Plat Book 209, Pages 45-47, of the Public Records of Polk County, Florida; and

WHEREAS, a copy of the Performance Bond is attached hereto as **Exhibit "A"** and made a part hereof by reference; and

WHEREAS, a copy of the Plat is attached hereto as **Exhibit "B"** and made a part hereof by reference; and

WHEREAS, on September 10, 2024, at a duly noticed public meeting, the Town Commission passed and adopted *Town of Dundee Ordinance No. 24-10* (the “Moratorium”) establishing a moratorium on and/or for the acceptance and processing of applications for annexations, rezonings, building permits, planned developments, master planned communities, development order(s), and development permit(s); and

WHEREAS, pursuant to the terms and conditions of *Town of Dundee Ordinance No. 24-10*, the Subdivision was exempt from the Moratorium; and

WHEREAS, Town of Dundee staff and consultants have confirmed that, pursuant to all approved plans, all improvements for that certain subdivision known as “The Landings at Lake Mabel Loop Phase 1” Subdivision have been completed in accordance with Town standards, have passed all required tests, all certifications have been obtained, and the systems are fully operational pursuant to Town standards; and

WHEREAS, on October 1, 2025 the site Certificate of Completion (the “Certificate”) was issued by Town staff and/or consultants for all improvements identified in the Certified Subdivision Plan; and

WEHEREAS, a copy of the Certificate is attached hereto as **Exhibit “C”** and made a part hereof by reference; and

WHEREAS, on May 21, 2025, pursuant to the Code, the LDC and applicable agreements, the Owner submitted a request to the Town for an *adequacy determination* related to potable water concurrency for the Subdivision (the “Development”); and

WHEREAS, on July 16, 2025, the Owner and Town executed the *Town of Dundee, Florida Concurrency Certification Potable Water Capacity* (the “Certification”) for the Development; and

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

WHEREAS, the Plat (see **Exhibit “B”**) includes certain improvements and dedications in favor of the general public and Town of Dundee, Florida; and

WHEREAS, all required conditions and/or performance items set forth by the Resolution and Plat Resolution for the Subdivision which included, but were not limited to, road rights-of-way, utility system(s), stormwater management infrastructure and improvements, and wetland mitigation, if any, have been satisfactorily performed and/or completed in accordance with applicable Town requirements and/or standards; and

WHEREAS, Town staff and Town Consultants have confirmed that, pursuant to the Resolution, Plat Resolution, and all approved construction plans and/or applicable plans for the Subdivision, all improvements have been completed in accordance with

applicable Town standards, passed all required tests, all required certifications have been obtained, and the systems are fully operational pursuant to Town requirements and/or standards; and

WHEREAS, pursuant to the Resolution and applicable law, a Maintenance Warranty Bond/Adequate Defect Security (the "Maintenance Bond") is required in the amount of ten percent (10%) of the actual cost(s) of construction for all public improvements, to be in force for a period of one (1) year and thirty (30) days following acceptance by the Town, via resolution, of said public improvements and dedications; and

WHEREAS, copies of the Maintenance Bond, Engineer's Certification of Costs, and Town of Dundee Developer Utility Infrastructure Form (collectively referred to as the "COC Documents") are attached hereto as **Composite Exhibit "E"** and made a part hereof by reference; and

WHEREAS, the Maintenance Bond (see **Composite Exhibit "E"**) warrants and indemnifies the Town of Dundee, Florida, against all losses sustained resulting from defects in construction, design, or materials on and/or for all dedicated and required infrastructure, improvements, and offsite infrastructure as shown on the Plat (see **Composite Exhibit "E"**) in accordance with applicable Florida law which includes but is not to be limited to, the requirements and standards set forth by the LDC and Town of Dundee Code of Ordinances; and

WHEREAS, pursuant to *Section 8.08.00 of the LDC*, the Owner is required to pay any and all applicable fees and costs related to and/or arising out of the Town's development and technical review of and/or for the Subdivision; and

WHEREAS, on October 28, 2025, at a duly noticed public meeting, Town staff is requesting that the Town Commission accept the Maintenance Bond, release the Performance Bond, and confirm and ratify the Town of Dundee's affirmative acceptance of the improvements and dedications in favor of the public/Town of Dundee as notated on the plat entitled "The Landings at Lake Mabel Loop Phase 1" Subdivision; and

WHEREAS, on October 28, 2025, the Town Commission found that the approval and acceptance of the dedicated improvements which are the subject of the Plat (see **Exhibit "B"**) preserves, enhances and encourages the most appropriate use of land consistent with the public interest, the Town of Dundee 2030 Comprehensive Plan policies and objectives, the Resolution and Plat Resolution, and the Town of Dundee Land Development Code; and

WHEREAS, on October 28, 2025, the Town Commission held a duly noticed public hearing in order to approve and accept the Maintenance Bond (see **Composite Exhibit "E"**), confirm and ratify the Town's affirmative acceptance of the improvements and dedications in favor of the general public and Town of Dundee, Florida, as notated on the plat entitled The Landings at Lake Mabel Loop Phase 1 and found that the

approval of this **Resolution No. 25-39** preserves, enhances, and encourages the most appropriate use of land consistent with the public interest and the *Town of Dundee 2030 Comprehensive Plan* policies, goals, and objectives; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Resolution No. 25-39** is intended and necessary to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest and preserves, enhances, and encourages the most appropriate use of land; and this **Resolution No. 25-39** 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. 25-39**, 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. 25-39**.

Section 2. Acceptance.

The owner, **KB Home Orlando, LLC**, an active Delaware limited liability company authorized to transact business in the State of Florida (the "Owner" and/or "Applicant"), is the owner of the real property, which is the subject of that certain plat entitled The Landings at Lake Mabel Loop Phase 1 (the "Plat") and described in **Exhibit "B"** which is attached hereto and incorporated herein by reference.

The Town Commission of the Town of Dundee (the "Town Commission") having been otherwise fully advised in the premises hereby confirms and ratifies the Town's acceptance of the dedications to the general public and Town of Dundee, Florida, as notated on the Plat (see **Exhibit "B"**) which includes, but not limited to, the rights-of-way, utility easements, and infrastructure in accordance with *Chapter 177, Florida Statutes*.

On October 22, 2024, at a duly noticed public meeting, the Plat (see **Exhibit "B"**) was presented to and reviewed by the Town Commission; and, on October 28, 2025, the Town Commission having been otherwise fully advised in the premises approves and accepts those certain improvements and dedication(s) as notated on the Plat and described in the COC Documents (see **Exhibit "D"** and **Composite Exhibit "E"**).

Section 3. Maintenance Bond.

Pursuant to *Town of Dundee Resolution No. 22-49* and applicable law, the Owner has provided a Maintenance Warranty Bond/Adequate Defect Security (the "Maintenance Bond"), which is attached hereto as **Composite Exhibit "E"** and made a part hereof, issued by the Liberty Mutual Insurance Company in the amount of \$327,128.88 or 10% of the cost of all dedicated and required infrastructure, improvements, and offsite infrastructure in favor of the Town of Dundee, Florida, for the Landings at Lake Mabel Loop Phase 1 Subdivision (the "Subdivision") as shown on the Plat (see **Exhibit "B"**) and more specifically described in the COC Documents (see **Composite Exhibit "E"**) which shall warrant and indemnify the Town of Dundee, Florida, against all losses sustained resulting from defects in construction, design, or materials for a period of one (1) year and thirty (30) days commencing on the effective date of this **Resolution No. 25-39** accepting those certain improvements and dedications.

Section 4. Authorization.

The Town Manager, or his designee, is hereby authorized to take any and all necessary further action(s) to effectuate the intent of this **Resolution No. 25-39** which includes, but shall not be limited to, negotiating and executing any documentation and/or instrument necessary and incidental to the acceptance and approval of the infrastructure and/or required improvements as depicted by the Plat (see **Exhibit "B"**) and more specifically described and/or identified in the COC Documents (see **Composite Exhibit "E"**).

The Town Manager is hereby authorized to release the Performance Bond (see **Exhibit "A"**) which was issued for the completion of all required infrastructure and improvements in the said subdivision.

Section 5. Conflicts.

All resolutions in conflict herewith are repealed in order to give this **Resolution No. 25-39** full force and effect.

Section 6. Severability.

The provisions of this **Resolution No. 25-39** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-39**, 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. 25-39**, 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.**

25-39 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. 25-39** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-39** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-39**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-39**, 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 7. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Resolution No. 25-39** 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. 25-39** 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 8. Recordation.

The Town Clerk shall record this **Resolution No. 25-39**, 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 9. Effective Date.

This **Resolution No. 25-39** shall take effect upon passage by the Town Commission of the Town of Dundee, Florida.

INTRODUCED AND PASSED by the Town Commission of the Town of Dundee, Florida, in Regular Session this 28th day of October 2025.

TOWN OF DUNDEE

Sam Pennant, Mayor

ATTEST WITH SEAL:

Erica Anderson, CMC, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney