



**RESOLUTION NO. 24-25**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, APPROVING THAT CERTAIN PLAT ENTITLED "SEASONS AT BELLA VISTA" FOR FILING IN ACCORDANCE WITH CHAPTER 177, FLORIDA STATUTES, AND APPLICABLE PROVISIONS OF THE TOWN OF DUNDEE CODE OF ORDINANCES AND TOWN OF DUNDEE LAND DEVELOPMENT CODE; 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 "SEASONS AT BELLA VISTA" AND ACCEPTING A MAINTENANCE BOND FOR CERTAIN ITEMS OF INFRASTRUCTURE AND IMPROVEMENTS WITHIN THE SEASONS AT BELLA VISTA 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 SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. (General Location: East and West of 4th Street, North of Lincoln Avenue and South of Florida Avenue, further identified as Polk County Property Appraiser's Parcel Identification Numbers 272828-847000-000300, 272828-847000-000320, and 272828-847000-000490).**

**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 August 23, 2022, at a duly noticed public meeting, the Town Commission of the Town of Dundee, Florida (the "Town Commission"), adopted *Town of Dundee Resolution No. 22-29* (the "Resolution") conditionally approving the Certified Subdivision Plan ("CSP") for the *Bella Vista Subdivision*; and

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

**WHEREAS**, pursuant to the Resolution (see **Exhibit "A"**), 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 was 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 (see **Exhibit "A"**), and applicable Florida law are fully operational and accepted by the Town and/or entity with jurisdiction; 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*, pending a satisfactory concurrency evaluation, the *Seasons at Bella Vista Subdivision* (the "Subdivision") was specifically and conditionally exempt from the Moratorium; and

**WHEREAS**, the Subdivision is to occur on approximately 28.1 +/- acres which are located East and West of 4th Street, North of Lincoln Avenue and South of Florida Avenue in the Town of Dundee, Florida, further identified as Polk County Property Appraiser's Parcel Identification Numbers 272828-847000-000300, 272828-847000-000320, and 272828-847000-000490; and

**WHEREAS**, the applicant, **Richmond American Homes of Florida, LP** (the "Owner" and/or "Applicant"), an active Foreign Limited Partnership, is the owner of the of the below-described lands, which is the subject of the Subdivision, and submitted that certain plat entitled *Seasons at Bella Vista* (the "Plat") for approval for filing by the Town Commission in accordance Chapter 177 of the Florida Statutes, Section 7.01.00 of the LDC, and the Resolution (see **Exhibit "A"**) and

**WHEREAS**, a copy of the Plat is attached hereto as **Composite Exhibit "B"** and

made a part hereof by reference; and

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

**WHEREAS**, all required conditions and/or performance items set forth by the Resolution (see **Exhibit “A”**) 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 (see **Exhibit “A”**) 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 applicable law and the Resolution (see **Exhibit “A”**), upon acceptance by the Town Engineer of all subdivision improvements, or the Town’s acceptance of a performance surety, the Applicant may present a final plat to the Town Commission for approval; and

**WHEREAS**, pursuant to the Resolution (see **Exhibit “A”**) and applicable law, a Maintenance Warranty Bond/Adequate Defect Security (the “Maintenance Bond”) is required in 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 and Engineer’s Certification of Costs for Total Construction are attached hereto as **Composite Exhibit “C”** and made a part hereof by reference; and

**WHEREAS**, on August 19, 2024, the Certificate of Completion (the “Certificate”) was issued by Town staff and/or Town Consultants for all improvements required by the approved construction plans and/or applicable plans for the Subdivision; and

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

**WHEREAS**, the Maintenance Bond (see **Composite Exhibit “C”**) ensures the completion of the dedications, improvements, and required infrastructure for the Subdivision as shown on the Plat (see **Composite Exhibit “B”**) in accordance with applicable Florida law, the requirements and standards set forth by the LDC and Town

of Dundee Code of Ordinances, and the Resolution (see **Exhibit “A”**); and

**WHEREAS**, the Plat (see **Composite Exhibit “B”**) was reviewed by Town staff and Town Consultants and, pursuant to said technical review, determined to meet the requirements of Chapter 177 of the Florida Statutes, the LDC and Town of Dundee Code of Ordinances, and the Resolution (see **Exhibit “A”**); and

**WHEREAS**, on October 22, 2024, at a duly noticed public meeting, the Town Commission considered the applicant-initiated request for approval of the Plat (see **Composite Exhibit “B”**) for filing and Town acceptance of the dedications notated thereon; and

**WHEREAS**, on October 22, 2024, the Town Commission, at a duly noticed public meeting, held a public hearing to consider the Plat (see **Composite Exhibit “B”**) for approval and recording; and

**WHEREAS**, on October 22, 2024, the Town Commission found that approval of the Plat (see **Composite 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 (see **Exhibit “A”**), and the Town of Dundee Land Development Code; and

**WHEREAS**, on October 22, 2024, the Town Commission held a duly noticed public hearing in order to approve the Plat (see **Composite Exhibit “B”**) and accept the Maintenance Bond (see **Composite Exhibit “C”**), 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 *Seasons at Bella Vista* and found that the approval of this **Resolution No. 24-25** 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. 24-25** 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. 24-25** 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, 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.

**Section 2. Plat Acceptance.**

The applicant, **Richmond American Homes of Florida, LP** (the "Owner" and/or "Applicant"), an active Foreign Limited Partnership authorized to transact business in the State of Florida, is the owner of the real property, which is the subject of that certain plat entitled *Seasons at Bella Vista* (the "Plat") and described in **Composite 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 approves the Plat (see **Composite Exhibit "B"**) for filing by the Town Commission in accordance Chapter 177 of the Florida Statutes, Section 7.01.00 of the LDC, and the Resolution (see **Exhibit "A"**); and the Town Commission 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 **Composite 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 **Composite Exhibit "B"**) was presented to and reviewed by the Town Commission; and, on October 22, 2024, the Town Commission having been otherwise fully advised in the premises approves the Plat for filing and authorizes the Mayor and Town Clerk to sign the copy of the Plat to be recorded.

**Section 3. Maintenance Bond.**

Pursuant to the Resolution (see **Exhibit "A"**) and applicable law, the Applicant has provided a Maintenance Warranty Bond/Adequate Defect Security (the "Maintenance Bond"), which is attached hereto as **Composite Exhibit "C"** and made a part hereof, issued by Sirius Point America Insurance Company in the amount of **\$331,678.30**, 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 *Seasons at Bella Vista Subdivision* (the "Subdivision") and shown on the Plat (see **Exhibit "A"**) 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 from the effective date of this **Resolution No. 24-25** accepting the improvements.

**Section 4. Authorization.**

The Town Manager, or her designee, is hereby authorized to take any and all

necessary further action(s) to effectuate the intent of this **Resolution No. 24-25** 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 more specifically identified by the Plat (see **Composite Exhibit "B"**).

**Section 5. Conflicts.**

All Resolutions in conflict herewith are repealed in order to give this Resolution full force and effect.

**Section 6. Severability.**

The provisions of this **Resolution No. 24-25** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 24-25**, 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. 24-25**, 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. 24-25** 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. 24-25** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 24-25** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 24-25**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 24-25**, 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. 24-25** 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. 24-25** 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. Effective Date.**

This **Resolution No. 24-25** 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 22nd day of October 2024.

**TOWN OF DUNDEE**

\_\_\_\_\_  
Sam Pennant, Mayor

ATTEST WITH SEAL:

\_\_\_\_\_  
Lita O'Neill, Town Clerk

Approved as to form:

\_\_\_\_\_  
Frederick J. Murphy, Jr., Town Attorney

Town of Dundee  
Resolution No. 24-25  
Seasons at Bella Vista

**Resolution No. 24-25  
Exhibit "A"**



Town of Dundee  
Resolution No. 24-25  
Seasons at Bella Vista

**Resolution No. 24-25  
Composite Exhibit "B"**

Town of Dundee  
Resolution No. 24-25  
Seasons at Bella Vista

**Resolution No. 24-25  
Composite Exhibit "C"**

**Resolution No. 24-25**

**Composite Exhibit "D"**