

EXHIBIT A

INSTR # 2024091103
BK 13085 Pgs 1317-1327 PG(s)11
04/22/2024 08:48:55 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 95.00

RESOLUTION NO. 22-29

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, APPROVING THE CERTIFIED SUBDIVISION PLAN (CSP) FOR THE BELLA VISTA SUBDIVISION WITH CERTAIN CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the proposed Bella Vista Subdivision (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, further identified as Polk County Property Appraiser's Parcel Identification Numbers 272828-847000-000300, 272828-847000-000320, and 272828-847000-000490; and

WHEREAS, the location map for the Subdivision is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, pursuant to Section 7.01.07 of the Town of Dundee Land Development Code, LSREM, LLC., submitted a Certified Subdivision Plan (the "CSP") the Subdivision for approval by the Town Commission of the Town of Dundee, Florida; and

WHEREAS, the CSP is attached hereto as Exhibit "B" and made a part hereof by reference; and

WHEREAS, the CSP includes 110 single-family lots and 1.145 acres of recreational land to be owned and maintained by a Home Owner's Association; and

WHEREAS, on February 8, 2022, the Town Commission approved a credit for 1.145 acres of privately owned recreation space and a \$3,275 fee in lieu of land dedication; and

WHEREAS, LSREM LLC, complied with the requirements set forth in Section 7.01.07 of the Town of Dundee Land Development Code regarding the preparation of the CSP for the development of the infrastructure required to be installed the Subdivision; and

WHEREAS, LSREM, LLC., requests the Town Commission's approval for construction of streets, drainage facilities, and/or other subdivision improvements prior to actual final platting in accordance with applicable Town of Dundee Land Development Code and the conditions set forth by this Resolution.

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

1. The above factual recitals (WHEREAS clauses) are hereby adopted by the Town Commission of the Town of Dundee as the legislative findings and form a factual and material basis for this Resolution.
2. The Certified Subdivision Plan (the "CSP") for the Bella Vista Subdivision (the "Subdivision") is attached hereto as Exhibit B and incorporated herein by reference. The Subdivision is located 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 and is depicted by the location map which is attached hereto as Exhibit "A" and incorporated herein by reference. The CSP was presented to the Town Commission for approval on the 23rd day of August 2022.

The Town Commission having reviewed the CSP and having been otherwise fully advised in the premises hereby conditionally approves 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 and the conditions set forth in this Resolution.

3. The approval of this Resolution is conditioned upon the completion and/or resolution of the comments set forth by the Transportation Review Comments dated August 17, 2022 (the "Transportation Comments"). The Town Manager and Town Consulting Engineer(s) shall determine, in the sole and absolute discretion of the Town Manager, whether the Transportation Comments have been completed and/or resolved. No improvements shall be constructed for the Subdivision (see Exhibit "A") unless and until the Town Manager provides written confirmation to the applicant that the Transportation Comments are complete and/or resolved. The Transportation Comments are attached hereto as Exhibit "C" and made a part hereto by reference.
4. No building permits for any structures will be issued until all required infrastructure systems and improvements required by the Town of Dundee Land Development Code, Code of Ordinances, this Resolution, and applicable Florida law are fully operational and have been accepted by the Town and/or appropriate entity with jurisdiction.
5. In the event the construction of the required infrastructure systems and improvements are not complete and accepted by the Town, Final Subdivision Plat approval for the Subdivision shall be conditioned upon the following: (a) a developer's agreement or development agreement shall be approved by the Town Commission, executed by the parties, and recorded in the public records in and for Polk County, Florida; and (b) when approved by the Town, the applicant shall provide the Town with adequate performance security and

adequate defect security pursuant to the terms and provisions of a developer's agreement or development agreement.

For purposes of this Resolution, "adequate performance security" and "adequate defect security" shall mean, at a minimum, as follows:

- (a) Adequate performance security shall be satisfactory in form to the Town Attorney and the Town Engineer and the Town's planning staff and be in an amount equal to one hundred and twenty-five (125%) percent of the developer's contract for the work that remains uncompleted and not accepted at the time of final plat or final site development plan approval, as certified in writing by the engineer of record, subject to the approval by the Town's planning staff and the Town Engineer. No more than fifty percent (50%) of the value of the total required improvements for each phase of the development shall be considered for bonding and/or letter of credit given hereunder. Subject to the terms of the applicable agreement, the performance security shall be released by the Town when all private improvements are installed, inspected and approved and when all public improvements are installed, inspected and accepted. When providing a bond for performance security, the bonding company shall have a B+ or better rating in accordance with "Best Bond Book." In the case of a letter of credit, provisions for drawdowns from the letter of credit as improvements are completed and accepted shall accompany the surety. The letter of credit shall have a duration of twenty-four (24) months; and
- (b) Adequate defect security shall warrant and guarantee the materials and workmanship of all infrastructure and infrastructure improvements within the Subdivision that are dedicated to the public, including streets, curb and gutter, sidewalks, potable water distribution system, sanitary sewer collection and transmission system, reclaimed water system and stormwater management system. This guarantee shall be for an amount equal to ten (10) percent (%) of the actual construction costs of improvements and/or other adequate written assurances which are set forth in an applicable developer's agreement or development agreement for the purpose of correcting any construction, design or material defects or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such securities shall be subject to the approval of the Town Attorney. The effective period for such security shall be one (1) year and thirty (30) days following the Town's acceptance of the installed improvements. Upon default, the Town may exercise its rights under the security instrument, upon ten (10) days' written notice by certified mail to the parties to the instrument or as otherwise set forth in an applicable agreement.

6. This Resolution shall take effect immediately upon passage.

INTRODUCED AND PASSED by the Town Commission of the Town of Dundee, Florida, this 23rd day of August, 2022.

TOWN OF DUNDEE



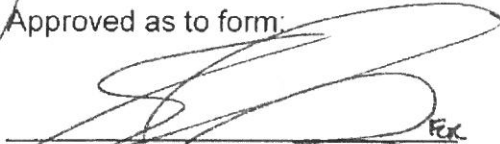
Mayor – Sam Pennant

ATTEST:



Town Clerk – Jenn Garcia

Approved as to form:



Town Attorney – Frederick J. Murphy, Jr.

EXHIBIT "A"
RESOLUTION 22-29
LOCATION MAP

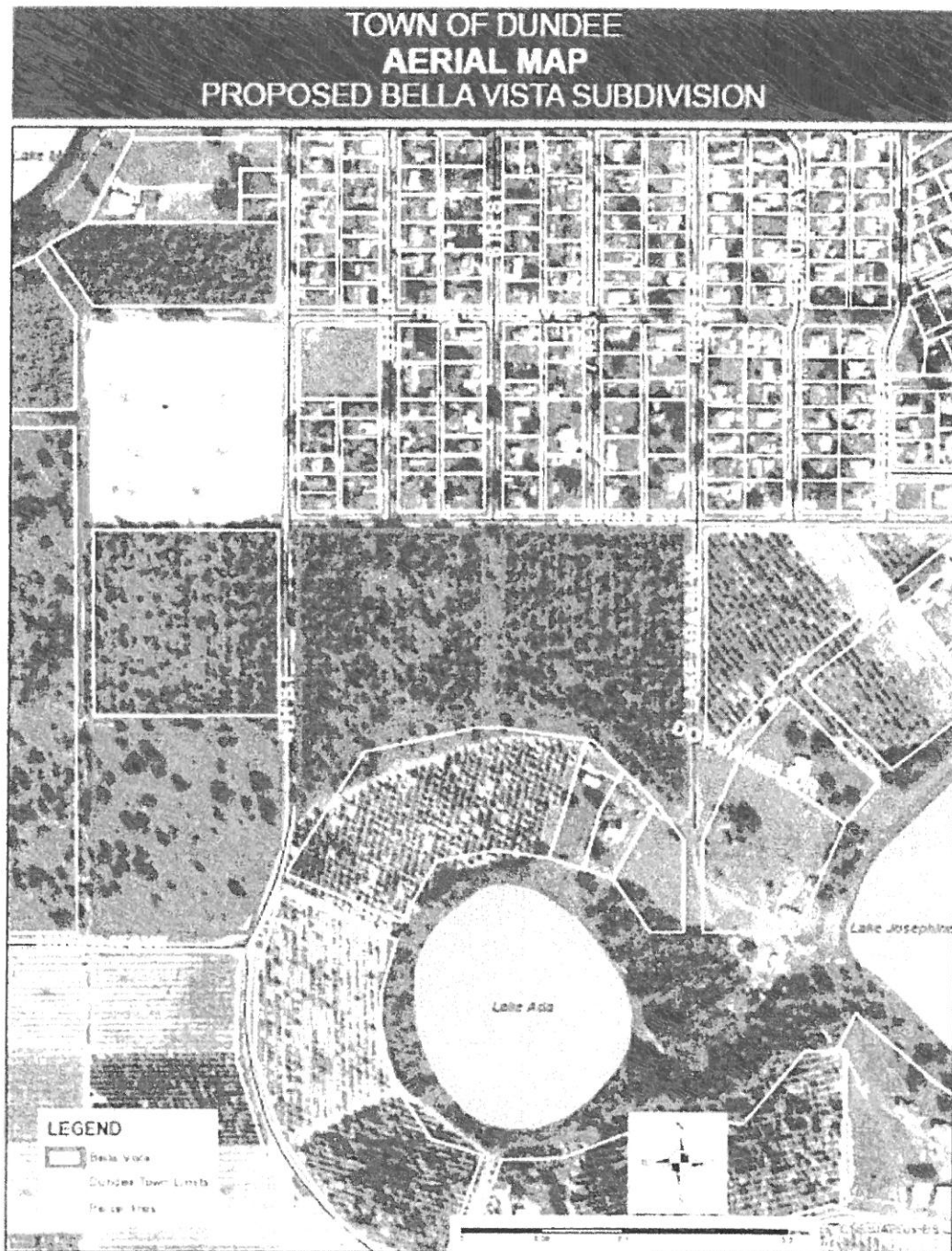


EXHIBIT "B" RESOLUTION 22-29 CERTIFIED SUBDIVISION PLAN

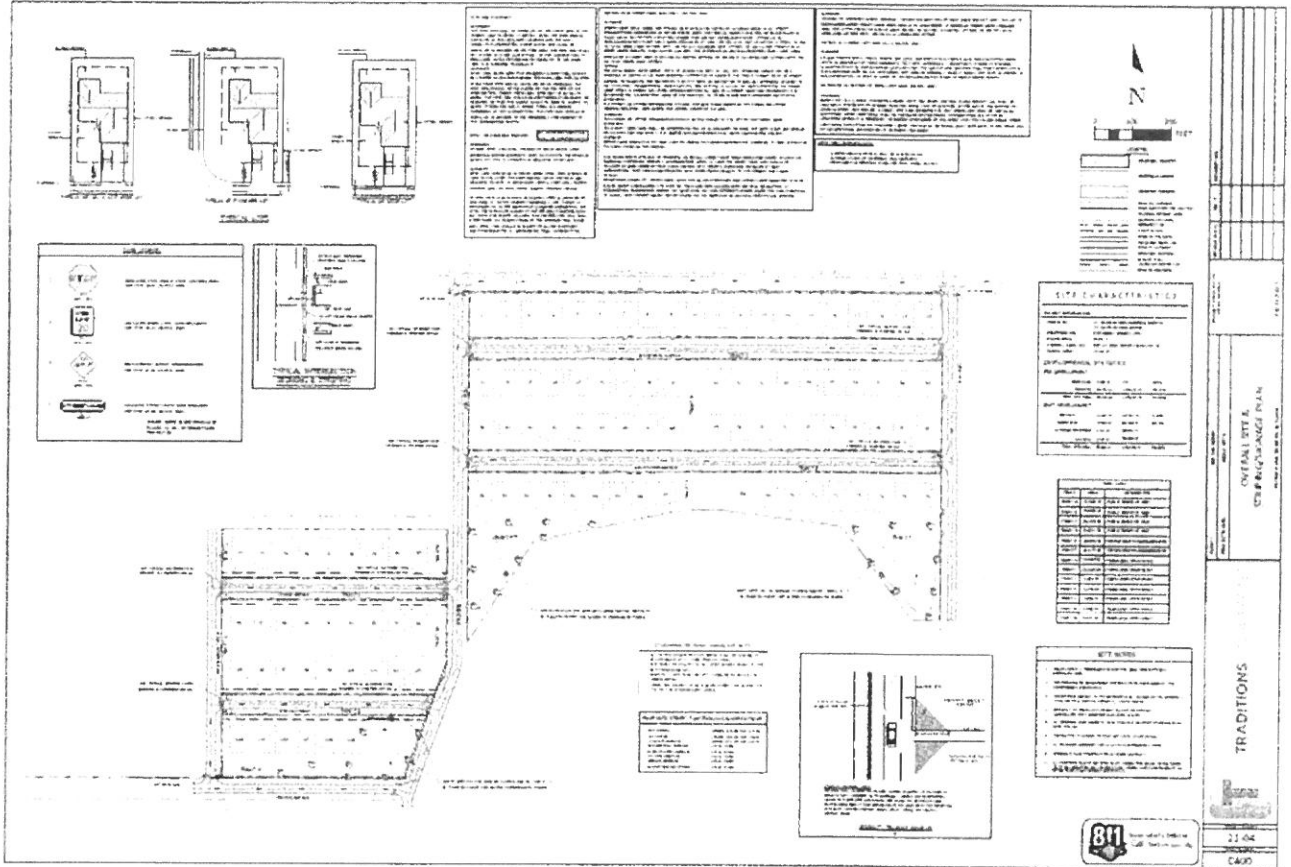


EXHIBIT "C"
RESOLUTION 22-29
TRANSPORTATION REVIEW COMMENTS



2905 Bayshore Boulevard
Suite 200
Tampa, FL 33629
(O) 813-839-2811
(F) 813-839-1481

August 17, 2022

Ms. Brenda Carter (via email)
Town of Dundee
202 East Main Street
Dundee Florida, 33838

RE: Bella Vista Subdivision
Transportation Review Comments on the "Updated Methodology" dated August
2022. (received via email August 16, 2022)

Dear Ms. Carter,

As requested, per transportation review subconsultant contract with Rayl Engineering and
Surveying, LLC, below are my transportation review comments on the Bella Vista Subdivision
"Updated Methodology" dated August 2022.

Comments:

A. General Comments (to be used in future projects by the Applicant)

1. The Town of Dundee assess traffic impact based on the procedures noted in the Polk County Land Development Code, Appendix C: Polk County Traffic Impact Study, Methodologies and Procedures (revised 1/7/2020).
2. When documenting project trip generation, please provide the actual calculations. Additionally, when using the ITE Trip Generation Manual, 11th Edition, per ITE procedures, please use the "Fitted Curve" volumes when the "R²" is greater than 0.75, and there are more than 20 data points.
3. Please use the latest SYNCHRO model, currently Version 11.
4. The Applicant's traffic engineer needs to contact me to discuss the traffic impact study specific requirements.
4. The Applicant's traffic engineer will be required to prepare a Traffic Analysis Impact Statement that notes the methodologies, procedures, documentation, and analyses to be used in the Applicant's Traffic Analysis Impact Study.
5. After the Traffic Analysis Impact Statement is reviewed and requested changes made, then the Applicant's traffic engineer conducts the Traffic Analysis Impact Study and submits it for review and comment.

B. Specific Comments Related to the Bella Vista Subdivision "Updated Methodology" dated August 2022 (see attached Figures A and B)

1. In the Applicant's Updated Methodology" dated August 2022, (see Figure B) approximately 46% of the project trips are assigned to Southern Road. Based on



Google Streetview, it appears that a significant portion of eastern segment of Southern Road is a two lane dirt road. If it is a dirt road, then the Applicant's roadway capacity should be updated to reflect the reduced capacity of a dirt road. Additionally, the Applicant should verify with the Town of Dundee (if Southern Road is a dirt road), that a dirt road is acceptable in the Traffic Impact Analysis.

If the applicant assumes that Southern Road will become a paved road, please provide the documentation for the paving of Southern Road. The documentation may be a copy of a Developer's Agreement, or an entry in the Town's Transportation Improvement Program.

2. Figure A shows the original Bella Vista Subdivision trip distribution plot from the Polk County Regional Model. The distributions from the Bella Vista Subdivision are:
 - 49.9% to/from the west via Lincoln Avenue
 - 27.4% to/from the north via 4th Street
 - 22.6 to/from the east via Florida Avenue and Southern Road
3. Figure B is the Applicant's August 2022 Updated Trip Distribution (eliminated any trip distribution on Lincoln Avenue). The distributions from the Bella Vista Subdivision are:
 - 0% to/from the west via Lincoln
 - 28% to/from the north via 4th Street
 - 26% to/from the east via Florida Avenue
 - 46% to/from the east via Southern Road
4. There are significant differences between the two distribution figures in reference to the distribution of trips to the north, west, east and south. Some of the significant differences are:
 - Distribution to the west:
 - Figure A = 49.9%
 - Figure B = Unknown (perhaps part of 28% on 4th Street)
 - Distribution to the north via 4th Street
 - Figure A = 27.4%
 - Figure B = 28%
 - Distribution to the east via Florida Avenue and Southern Road
 - Figure A = 22.26%
 - Figure B = 26% (Florida Avenue)
+46% (Southern Road) = 72%

It appears that the Applicant's Updated Trip Distribution should be revised because there are too few trips going to/from the west, and to many trips going to/from the east.

It is suggested that to more closely match the Figure A, that the Applicant's Updated Trip Distribution be revised as noted below:



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PROPERTY SERVICES

Ms. Carter, August 17, 2022, Page 3

- o Distribution to the west: The only indirect route to the west (excluding Lincoln Avenue) is via 4th Street. Therefore, assign the (Figure A) 49.9% trips to/from the west to 4th Street. The new 4th Street trip distribution percent = 27.4% (Figure A) plus 49.9% (Figure A) = 77.3%.
- o The remaining percentage of total trips = 100% - 77.3% = 22.7% should be assigned to/from the east via a combination of 4th Street and Southern Road.

One of the results of my suggested revisions is that 4th Street project volumes will exceed the 5% threshold denoting significant impacted roadway segments, and additional transportation analysis will be needed.

If the applicant would like to obtain another opinion on the Bella Vista Subdivision Updated trip distribution, it is suggested that the Applicant contact Ryan Kordek, Polk County, Transportation Planning Organization, Administrator.

Sincerely,

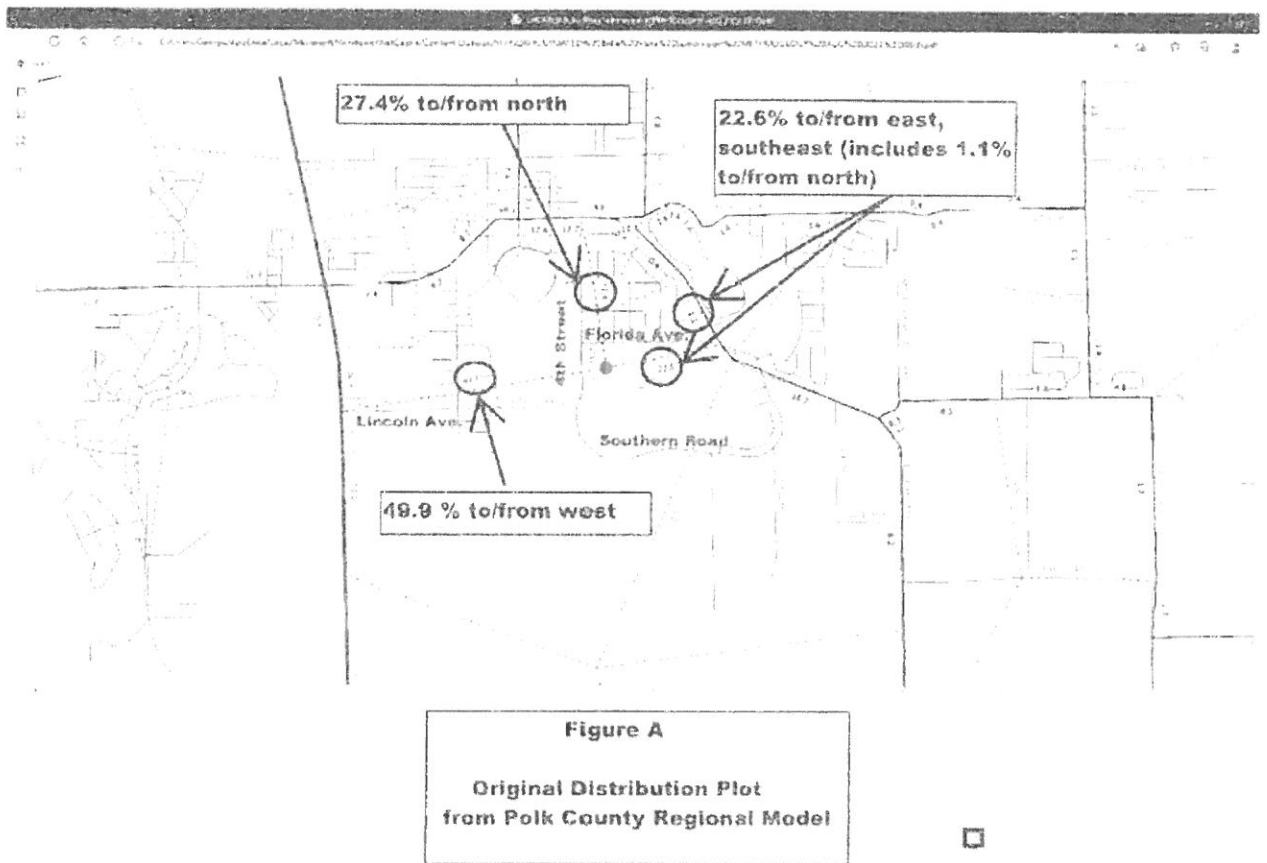
Deakin Property Services, Inc.

George Deakin, P.E.
Vice President
Office: 813-839-2811
Mobile: 813-765-9796
E-Mail: George@DeakinProperties.com

Attachments: Figure A, Figure B

CC: Seth Claytor <seth@bosdun.com>; Marisa Barnby <mbarnby@efrpe.org>; Glenn Clover <glenn@raylengineering.com>; Chad Brooker <cbrooker@traditions-eng.com>; Lee Saunders <lee@landsearchfl.com>; Johnathon Vice <jvice@townofdundee.com>; Raymond Morales <rmorales@townofdundee.com>; Alan Rayl <alan@raylengineering.com>; Tandra Davis <tdavis@townofdundee.com>; Jennifer Codo-Salisbury <jcodosalisbury@efrpe.org>; Jeff Schmucker <jschmucker@efrpe.org>; John Murphy <jjm@bosdun.com>; Teri Warren <Teri@bosdun.com>; Beth Hunt beth@bosdun.com; Elizabeth Rodriguez <libbytraffic@yahoo.com>; Dan Lewis <dan@rpm-ls.com>

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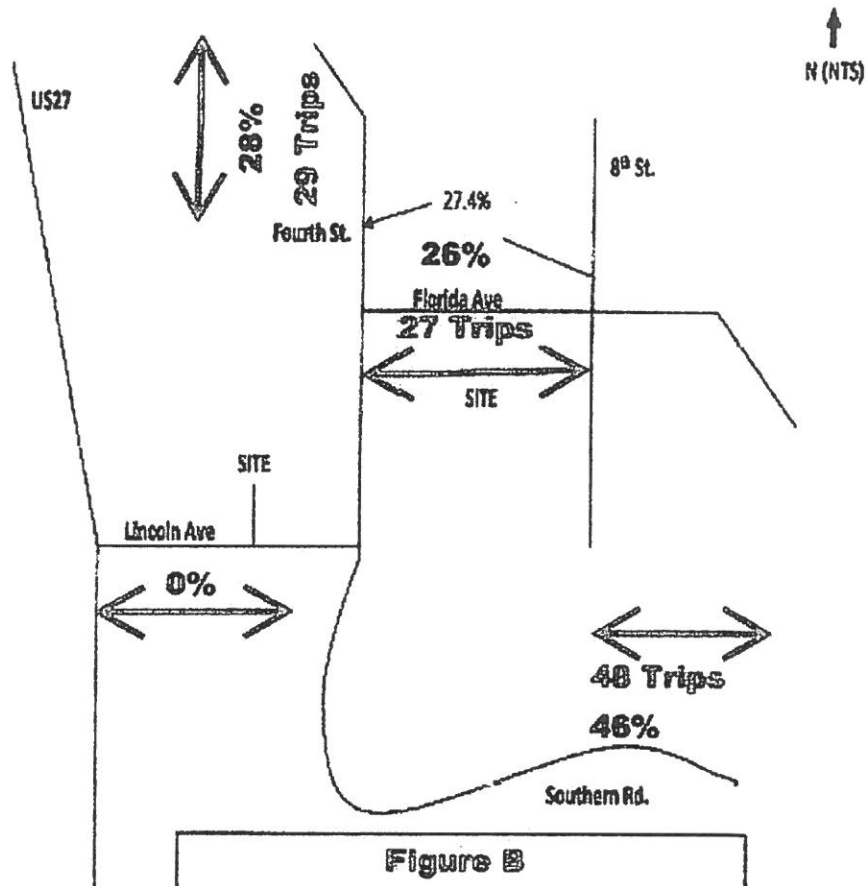


Figure B
Updated Trip Distribution By Applicant, August 16, 2022