



RESOLUTION NO. 24-26

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, APPROVING THAT CERTAIN PLAT ENTITLED "LANDINGS AT LAKE MABEL LOOP PHASE 1" 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; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR CONDITIONS; 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; AND PROVIDING FOR AN EFFECTIVE DATE. (General Location: South and West of Lake Mabel Loop Road, East of Stewart Road, North of Almburg Road in Dundee, Florida, further identified as Polk County Property Appraiser's Parcel Identification Numbers 272835-000000-012010, 272835-000000-021020, 272835-000000-023020, and 272835-853050-000071; and the total area covered by this request is approximately 65.61± acres)

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

Town of Dundee
Resolution No. 24-26
Landings at Lake Mabel Loop Phase 1

Commission of the Town of Dundee (the "Town Commission") approved and passed 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, a copy of the Resolution is attached hereto as **Exhibit "A"** and made a part hereof by reference; 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 of the below-described lands and has submitted that certain plat entitled *Landings at Lake Mabel Loop Phase 1* (the "Plat") for approval for filing by the Town Commission in accordance with Chapter 177 of the Florida Statutes, Section 7.01.00 of the Town of Dundee Land Development Code (the "LDC"), and the Resolution (see **Exhibit "A"**); and

WHEREAS, the Subdivision is to occur on approximately 65.61 +/- acres which are located South and West of Lake Mabel Loop Road, East of Stewart Road, North of Almburg Road in Dundee, Florida, further identified as Polk County Property Appraiser's Parcel Identification Numbers 272835-000000-012010, 272835-000000-021020, 272835-000000-023020, and 272835-853050-000071 (collectively referred to as the "Property"); and

WHEREAS, copies of the Plat, location map, and boundary survey for the Subdivision are attached hereto as **Composite Exhibit "B"** and made a part hereof by reference; 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, the Owner requests that the Plat for the Subdivision be approved by the Town Commission prior to all the dedicated and required infrastructure and/or improvements being satisfactorily installed and/or constructed; and

WHEREAS, the Owner has provided an acceptable performance bond (the "Bond") in the amount of 125% of the estimated cost of all required and/or publicly dedicated and required infrastructure and improvements onsite and offsite in favor of the Town of Dundee; and

WHEREAS, copies of the Bond and Engineer's Cost Estimate are attached hereto as **Composite Exhibit "C"** and made a part hereof by reference; and

WHEREAS, the Bond (see **Composite Exhibit "C"**) ensures the completion of

the dedicated and required infrastructure and improvements 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 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 and applicable provisions of the Resolution (see **Exhibit “A”**), the LDC, and Town of Dundee Code of Ordinances; and

WHEREAS, on October 22, 2024, pursuant to Florida law, applicable provisions of the Resolution (see **Exhibit “A”**), the LDC, and the Town of Dundee Code of Ordinances, the Owner requested and that the Town Commission review and conditionally approve the Plat (see **Composite Exhibit “B”**) for filing; 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 conditional approval and recording; and

WHEREAS, pursuant to the LDC and Florida law, the Town Commission may by resolution, approve the Plat and dedication(s), and/or conditionally approve the Plat and dedications (see **Composite Exhibit “B”**); and

WHEREAS, on October 22, 2024, the Town Commission found that conditional 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, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Resolution No. 24-26** 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. 24-26** 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, **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 real property and/or lands more specifically described in **Composite Exhibit "B"** which is attached hereto and incorporated herein by reference.

Pursuant to the Resolution (see **Exhibit "A"**) and applicable law, the Applicant has provided a performance bond (the "Bond"), which is attached hereto as **Composite Exhibit "C"** and made a part hereof, issued by the Harco National Insurance Company in the amount of **\$2,444,777.50**, or 125% of the cost of all outstanding dedicated and required infrastructure, improvements, and offsite infrastructure in favor of the Town of Dundee, Florida, in order to ensure completion of all dedicated and/or required infrastructure and improvements within the proposed *Landings at Lake Mabel Loop Phase 1 Subdivision* (the "Phase 1 Subdivision") and shown on the Plat (see **Exhibit "A"**) being approved for filing herein.

Further, the Engineer's Certified Estimate of Cost(s) (see **Composite Exhibit "C"**) for completing said infrastructure and improvements is in the amounts as presented by an authorized representative of the Owner/Applicant and approved by the Town's Engineering consultant, as more specifically identified on **Composite Exhibit "C"** attached hereto and incorporated by reference..

That certain final subdivision plat entitled *Landings at Lake Mabel Loop Phase 1* (the "Plat"), as depicted and described in **Composite Exhibit "B"** and attached hereto and incorporated by reference, was presented to the Town Commission on October 22, 2024. On October 22, 2024, the Town Commission, at a duly noticed public meeting, reviewed the Plat for filing, conditionally approves the Plat, and authorizes the Mayor and Town Clerk to sign the copy of the Plat to be recorded.

Section 3. Conditions. Approval of the Plat (see **Composite Exhibit "B"**) is conditioned, as follows:

(a) The Town of Dundee does not accept the utility systems for the subject lands which includes, but shall not be limited to, water and wastewater systems until all such systems as may be constructed and/or noted by the Resolution (see **Exhibit "A"**) and on the Plat (see **Composite Exhibit "B"**) have passed all required tests, all required certifications have been obtained, and the systems are fully operational pursuant to Town standards.

(b) The Town shall not issue any *certificates of occupancy* (CO) for any structures constructed in and/or for the Phase 1 Subdivision, which is the subject of

the Plat (see **Composite Exhibit “B”**), unless and until all such street(s), utility system(s), and other required infrastructure, improvements, and/or dedicated improvements are constructed in strict accordance with the construction plans approved by the Town, are fully operational pursuant to Town standards, and have been accepted by the Town in accordance with the requirements set forth and/or required by the Resolution (see **Exhibit “A”**), the LDC, Town of Dundee Code of Ordinances, and applicable Florida law.

(c) All surface and/or storm water systems for the Phase 1 Subdivision, as shown on the Plat (see **Composite Exhibit “B”**), being approved for filing herein shall be dedicated to the Homeowners Association established by or on behalf of the Phase 1 Subdivision which, along with the developer, shall have the sole responsibility for the maintenance, repair, and liability for the entire surface and/or storm water systems, including all collection, transmission, and piping components. It is the express intention of the Town of Dundee that it will not accept said surface and/or storm water systems.

Section 4. Authorization.

The Town Manager, or her designee, is hereby authorized to take any and all necessary further action(s) to effectuate the acceptance of the infrastructure and required infrastructure and improvements for the Phase 1 Subdivision which includes, but shall not be limited to, negotiating and executing any documentation 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. 24-26** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 24-26**, 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. 24-26**, 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. 24-26** 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. 24-26 shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 24-26** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 24-26**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 24-26**, 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. 24-26** 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. 24-26** 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. 24-26 shall take effect upon passage and shall remain valid for one (1) year from the date of 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
Resolution No. 24-26

Town of Dundee
Resolution No. 24-26
Landings at Lake Mabel Loop Phase 1

Exhibit "A"

Resolution No. 24-26

Page 7 of 9

Town of Dundee
Resolution No. 24-26
Landings at Lake Mabel Loop Phase 1

Composite Exhibit "B"

Resolution No. 24-26

Town of Dundee
Resolution No. 24-26
Landings at Lake Mabel Loop Phase 1

Composite Exhibit "C"