

## RESOLUTION 24-15

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, APPROVING THE REQUEST OF VISTA DEL LAGO OF POLK COUNTY, LLC AND AUTHORIZING THE CONVEYANCE BY QUIT CLAIM DEED OF CERTAIN UNOPENED, UNPAVED, AND UNIMPROVED RIGHTS-OF-WAY PURSUANT TO SECTION 255.22, FLORIDA STATUTES; AUTHORIZING THE MAYOR AND OTHER TOWN OFFICIALS TO EXECUTE AND DELIVER THE QUIT CLAIM DEED AND FURTHER AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY FURTHER ACTION(S) WITH REGARD TO EFFECTUATING THE INTENT OF THIS RESOLUTION; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'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**, *Vista Del Lago of Polk County, LLC* (the "Applicant"), is an active Florida limited liability company, is the owner of real property which abuts the subject unpaved and unimproved platted rights-of-way located within the plat of "Florida Highlands Company's Subdivision" as recorded in Plat Book 1, Page 87, public records of Polk County, Florida; and

**WHEREAS**, pursuant to Section 255.22, Florida Statutes (2024), if no valuable consideration is provided for a dedication and/or conveyance of real property, upon the written demand of grantor's successors in title owning adjoining land on at least one side, a municipality may execute and deliver a quitclaim deed to the party making the demand provided the municipality has failed to use such real property for the specific purpose for which it was dedicated and/or conveyed; and

**WHEREAS**, Town has failed to use the unpaved and unimproved platted rights-of-way as more specifically described in **Exhibit "A"** attached hereto and incorporated herein by reference; and

**WHEREAS**, the application and/or demand submitted by the Applicants for the conveyance of certain unpaved and unimproved platted rights-of-way (see **Exhibit "A"**) has been

found, upon review by the Town Engineer/Surveyor and Town Attorney's Office, to be sufficient for presentation to and action by the Town Commission; and

**WHEREAS**, the written findings of the Town Engineer/Surveyor dated June 17, 2024, are specifically set forth in **Exhibit “B”** attached hereto and incorporated herein by reference; and

**WHEREAS**, Applicant did not mail notices via United States certified/registered mail, including adjoining property owner signature forms, to all adjoining property owners because the Applicant owns the adjacent property except for a piece owned by the Town of Dundee; and

**WHEREAS**, all conditions precedent and necessary to effectuate the conveyance of certain unpaved and unimproved platted rights-of-way (see **Exhibit “A”**) have been met and the application and/or demand satisfies the requirements of Section 255.22 of the Florida Statutes; and

**WHEREAS**, a copy of the proposed Quit Claim Deed conveying the Town’s right(s), title, and interest(s) in that certain unpaved and unimproved platted rights-of-way is attached hereto as **Exhibit “C”** and made a part hereof by reference; and

**WHEREAS**, on July 23, 2024, a public hearing by the Town Commissioner was duly held considering the advisability of granting said application and/or demand, and the Town Commission was fully advised and informed in the premises; and

**WHEREAS**, the Town Commission, after having made a thorough study of the changing conditions in the neighborhood, being apprised of the existing facts, taking into consideration the other streets and alleys whereby property owners have access to their property, and in accordance with Section 255.22 of the Florida Statutes, has determined that conveying and all right(s), title, and interest(s) in that certain unpaved and unimproved platted rights-of-way (see **Exhibit “A”**) would not be in derogation of the public rights or needs of the Town of Dundee, Florida and that said underlying, platted, unpaved, and unimproved right-of-way as more specifically described and illustrated in **Exhibit “A”** should be forever conveyed to the Applicant; and

**WHEREAS**, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this Resolution No. 24-15 is intended 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. 24-15 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 passage 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 passage of this Resolution. The above factual recitals are

hereby incorporated herein and serve as a factual and material basis for the passage of this Resolution.

**Section 2. Conveyance of Right-of-Way.** Upon the application and/or demand of *Vista Del Lago of Polk County, LLC* (the “Applicant”), the Town Commission of the Town of Dundee, Florida, hereby conveys, renounces, and disclaims any right(s) and/or interest(s) of the Town and the public in and to that certain unpaved and unimproved platted rights-of way located within the plat of “Florida Highlands Company’s Subdivision” as recorded in Plat Book 1, Page 87, public records of Polk County, Florida and as more specifically described and illustrated in **Exhibit “A”** attached hereto and incorporated herein by reference.

The Town Commission of the Town of Dundee, Florida, hereby affirmatively approves the Quit Claim Deed and the release of any reservation and right of entry under the provisions of Section 270.11 of the Florida Statutes, a copy of such Quit Claim Deed being attached hereto as **Exhibit “C”** and incorporated herein by reference and authorizes the Mayor and other Town Officials to execute and deliver the Quit Claim Deed to the Applicant; and, pursuant to Section 255.22, Florida Statutes (2024), authorizes the Town Manager to take all other necessary and further actions with regard to effectuating the intent of this Resolution.

**Section 3. Purpose.** This Resolution serves only that purpose expressly stated in Section 2, above. Nothing herein shall be construed or interpreted as a representation of the rights or interests accruing to or existing in the Applicant or any third party to the lands described in **Exhibit "A"** attached hereto and incorporated herein by reference as a result of the conveyance authorized herein.

**Section 4. Severability.** The provisions of this Resolution are severable. If any section, subsection, sentence, clause, phrase of this Resolution, 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, 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 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 shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Resolution, 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 5. Conflicts.** Any Resolution in conflict herewith is hereby repealed but only to the extent of the conflict and as required to give this Resolution full force and effect.

**Section 6. Administrative Correction of Scrivener’s Errors.** It is the intention of the Town Commission that sections of this Resolution 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 regardless of whether such inclusion in the Code of Ordinances of the Town of Dundee is accomplished, sections of this Resolution 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 Applicant shall be responsible for recording the Quit Claim Deed for the conveyance of that certain unpaved and unimproved platted rights-of way located within the plat of “Florida Highlands Company’s Subdivision” as recorded in Plat Book 1, Page 87, public records of Polk County, Florida and as more specifically described and illustrated in **Exhibit “A”** attached hereto and incorporated herein by reference.

**Section 8. Effective Date.** This Resolution shall become effective immediately upon its passage.

**INTRODUCED AND PASSED** by the Town Commission of the Town of Dundee, Florida, in regular session, this 23rd day of July, 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

# EXHIBIT "A"

## SKETCH OF DESCRIPTION

SECTION 34, TOWNSHIP 28 SOUTH, RANGE 27 EAST  
POLK COUNTY, FLORIDA

THIS IS NOT A BOUNDARY SURVEY

### LEGAL DESCRIPTION (RIGHT OF WAY VACATION PARCEL)

A parcel of land representing the South 1/2 of the right of way of an Unnamed Street lying North of Lot 12, FLORIDA HIGHLANDS COMPANY'S SUBDIVISION as recorded in Plat Book 1 Page 87, all lying and being in Section 34, Township 28 South, Range 27 East, Polk County, Florida and being more particularly described as follows:

BEGIN at a found 5/8" iron rod marking the Northwest corner of said Lot 12 said point also being on the South right of way line of said Unnamed Street and also being a point on the East right of way line of A.T. Race Road, thence N.00 degrees 46'35"W., on the East right of way line of said A.T. Race Road, a distance of 30.00 feet to a point on the center line of said Unnamed Street; thence N.89 degrees 09'28"E., on the center line of said Unnamed Street, a distance of 634.74 feet; thence S.00 degrees 45'15"E., a distance of 30.00 feet to the Northeast corner of said Lot 12 also being a point on the South right of way line of said Unnamed Street; thence S.89 degrees 09'28"W., on the North line of said Lot 12 also being the South right of way line of said Unnamed Street, a distance of 634.76 feet to the POINT OF BEGINNING.

Parcel contains 0.44 acres, more or less.

### SURVEYOR'S REPORT

1. This sketch not valid unless embossed or stamped with a surveyor's seal.
2. Underground encroachments such as utilities and foundations, that may exist, have not been located.
3. This is NOT a Boundary Survey.
4. Parcel numbers, owners name, and address shown hereon obtained from the Polk County Property Appraisers web site.
5. Legal description shown hereon prepared by the undersigned surveyor.
6. This sketch was prepared without the benefit of a Title Commitment, Title Opinion or Ownership and Encumbrance Report. Therefore there may be easements, rights of way or other encumbrances that are not shown on this sketch that may be found in the Public Records of Polk County, Florida.
7. Bearings shown hereon are relative to the Florida State Plane Coordinate System, West Zone, 1983-2011 adjustment, holding the East right of way line of A.T. Race Road as being N.00 degrees 46'35"W.
8. Subject property contains 0.44 acres, more or less.
9. This sketch does NOT represent a field survey.

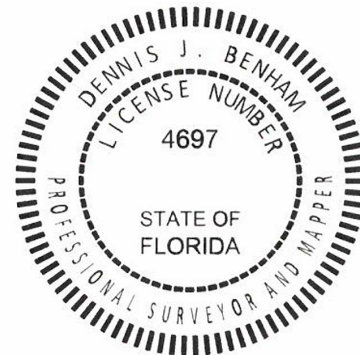
### SURVEYOR'S CERTIFICATE

I, the undersigned Professional Surveyor and Mapper, hereby certify that this Sketch of Description was prepared under my direct supervision, that to the best of my knowledge, information and belief is a true and accurate representation of the land shown and described, and that it meets the Standards of Practice for Land Surveying in the State of Florida Chapter 5J-17, Florida Administrative Code.



05/24/2024

Dennis J. Benham  
Professional Surveyor and Mapper No. 4697  
State of Florida



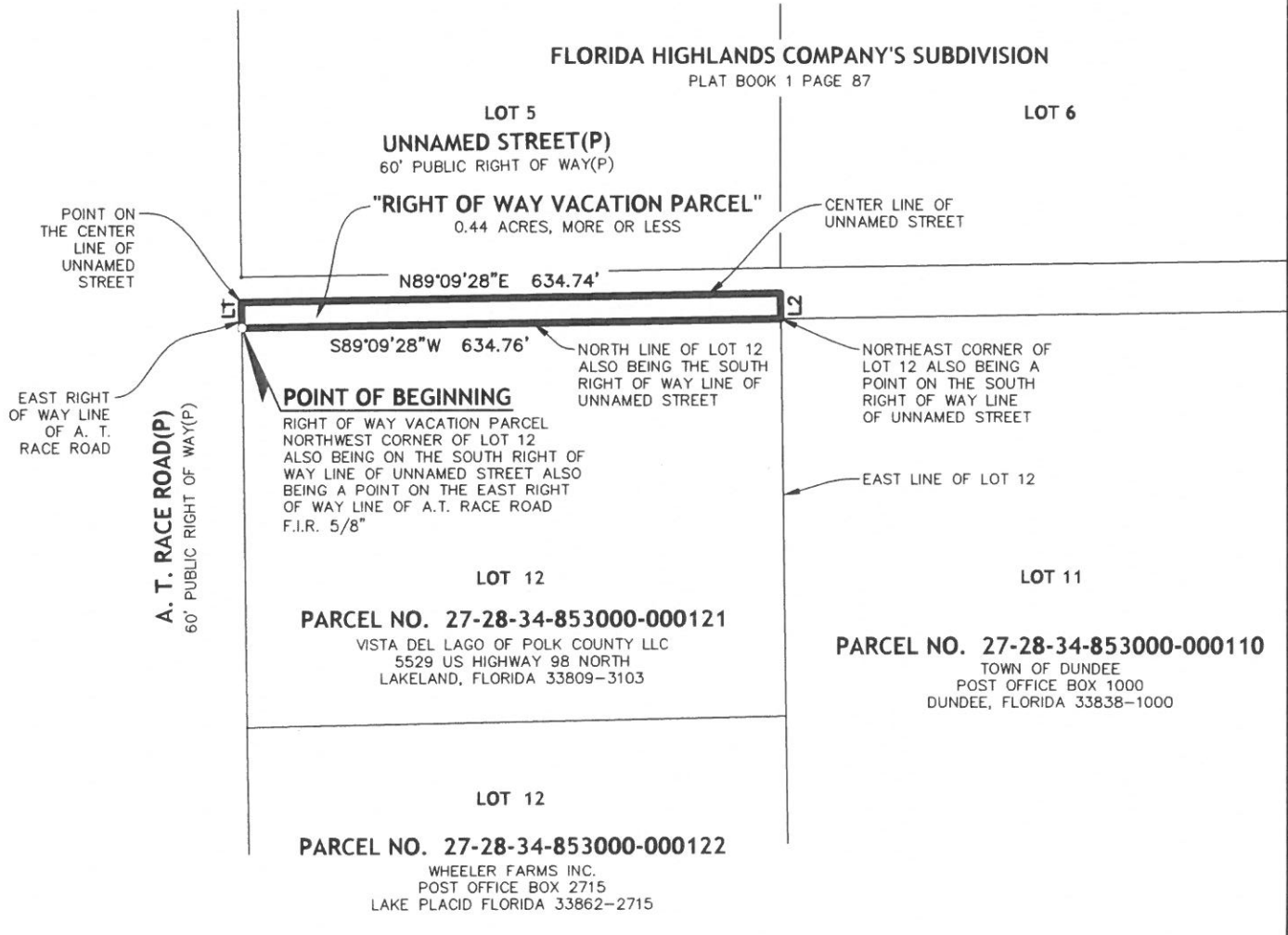
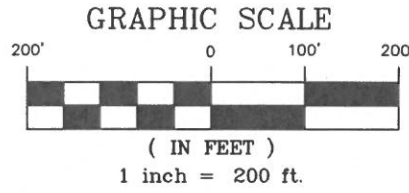
PREPARED BY <b>ACCURATE SURVEY OF FLORIDA, INC.</b> 4206 NATIONAL GUARD DRIVE PLANT CITY, FLORIDA 33563 TEL: (813) 645-2300 LICENSE BUSINESS NO. 8211	PREPARED FOR <b>VISTA DEL LAGO OF POLK COUNTY LLC</b> POLK COUNTY, FLORIDA	CREW CHIEF: N/A	PROJECT # LOT 12 FH	
	SHEET NAME <b>SKETCH OF DESCRIPTION</b> <b>SOUTH 1/2 OF UNNAMED STREET</b> POLK COUNTY, FLORIDA	DRAWN BY: A.M.M	DATE: 05/24/2024	
		CHECKED BY: D.J.B.	SHEET <b>1</b> OF <b>2</b>	
		REVISION DATE: 05/24/2024		

# SKETCH OF DESCRIPTION

SECTION 34, TOWNSHIP 28 SOUTH, RANGE 27 EAST  
POLK COUNTY, FLORIDA

THIS IS NOT A BOUNDARY SURVEY

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°43'33"W	30.00'
L2	S00°45'15"E	30.00'



**LEGEND:**  
F.I.R. = FOUND IRON ROD

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		CHECKED BY: D.J.B.	SHEET 2 OF 2	
		REVISION DATE: 05/24/2024		



EXHIBIT "B"



July 17, 2024

Town of Dundee  
Tandra S. Davis, M.B.A  
Town Manager  
202 E. Main Street  
Dundee, FL. 33838-4306  
Office: 863-438-8330 Ext. 222  
[tdavis@townofdundee.com](mailto:tdavis@townofdundee.com)

RE: **Vista Del Lago Phase IV – “Sketch of Description, South ½ of Unnamed Street, Polk County, Florida”**  
**RES: 24-123**

Dear Mrs. Davis,

We have reviewed the document, “SKETCH OF DESCRIPTION, SOUTH 1/2 OF UNNAMED STREET, POLK COUNTY, FLORIDA” prepared by Accurate Survey of Florida, Inc., dated 05/24/2024 and attached to this letter.

If confirmed by the Town Attorney, it appears that the subject right-of-way depicted and described in said Sketch could meet the requirements of FS 255.22, “Reconveyance of lands not used for purpose specified”.

The existing right-of way is open, but unimproved and unused for the purpose identified and as dedicated in the plat of “Florida Highlands Company’s Subdivision” as recorded in Plat Book 1, Page 87 of the public records of Polk County, Florida.

As the Town’s Professional Surveying Consultant, we have no objection to the subject lands being deeded to the adjoining landowner.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan L. Rayl".

Rayl Engineering & Surveying, LLC  
Alan L. Rayl, PE, PSM  
Registered Professional Engineering in FL, GA, & IN  
Registered Professional Surveyor & Mapper in FL

810 E Main Street • Bartow, FL 33830 • 863-537-7901 • [alan@raylengineering.com](mailto:alan@raylengineering.com)  
[www.raylengineering.com](http://www.raylengineering.com)



# SKETCH OF DESCRIPTION

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POLK COUNTY, FLORIDA

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Parcel contains 0.44 acres, more or less.

## SURVEYOR'S REPORT

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05/24/2024

Dennis J. Benham  
Professional Surveyor and Mapper No. 4697  
State of Florida



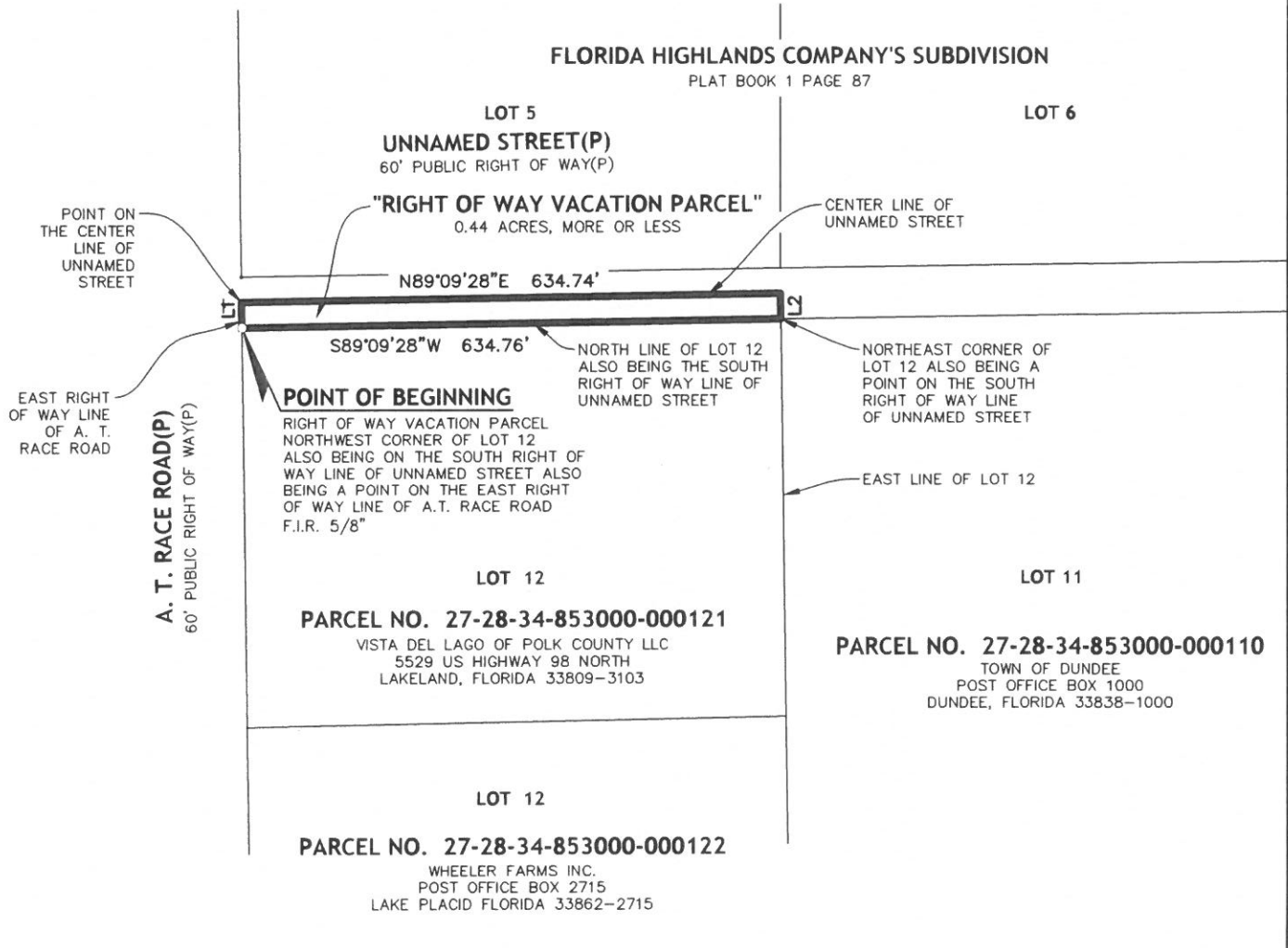
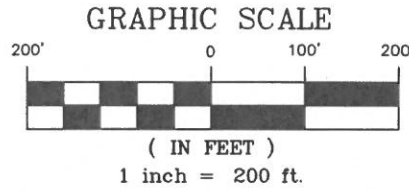
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	SHEET NAME <b>SKETCH OF DESCRIPTION</b> <b>SOUTH 1/2 OF UNNAMED STREET</b> POLK COUNTY, FLORIDA	DRAWN BY: A.M.M	DATE: 05/24/2024
		SHEET <b>1</b> OF <b>2</b>	
		REVISION DATE: 05/24/2024	

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		CHECKED BY: D.J.B.	SHEET <b>2</b> OF <b>2</b>	
		REVISION DATE: 05/24/2024		



# EXHIBIT "C"

Prepared by and return to:  
**Frederick J. Murphy, Jr.**  
Attorney at Law  
**Boswell & Dunlap LLP**  
P.O. Drawer 30  
Bartow, FL 33831-0030  
863-533-7117

[Space Above This Line For Recording Data]

## Quit Claim Deed

**This Quit Claim Deed** executed this **23rd** day of **July, 2024** by first party, Grantor **the Town of Dundee, Florida, a Florida municipal corporation**, whose post office address is **202 East Main Street, Dundee, Florida 33838**, to second party, Grantee **Vista Del Lago of Polk County, LLC, a Florida limited liability company**, whose post office address is **5529 US HWY 98 N, Lakeland, Florida 33809**.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said first party, for the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid by the second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described land, situate, lying and being in **Polk County, Florida** to-wit:

**See attached Exhibit "A" and incorporated herein by reference.**

The First Party also hereby releases any reservation and right of entry in accordance with Florida Statutes Section 270.11 in and to the above described lands.

**In Witness Whereof**, first party has hereunto set first party's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Town of Dundee, Florida,  
a Florida Municipal Corporation

ATTEST WITH SEAL:

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

By \_\_\_\_\_  
Samuel Pennant, Mayor

Approved as to correctness and form:

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

State of Florida  
County of Polk

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 23rd day of July, 2024, by Samuel Pennant, as the Mayor of the Town of Dundee, Florida, who  is personally known or  has produced a driver's license as identification and who is authorized to execute same on behalf of the Town of Dundee, Florida, a Florida Municipal Corporation.

[Notary Seal]

\_\_\_\_\_  
Notary Public, State of Florida

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# EXHIBIT "A"

## SKETCH OF DESCRIPTION

SECTION 34, TOWNSHIP 28 SOUTH, RANGE 27 EAST  
POLK COUNTY, FLORIDA

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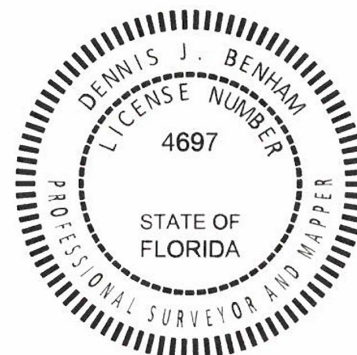
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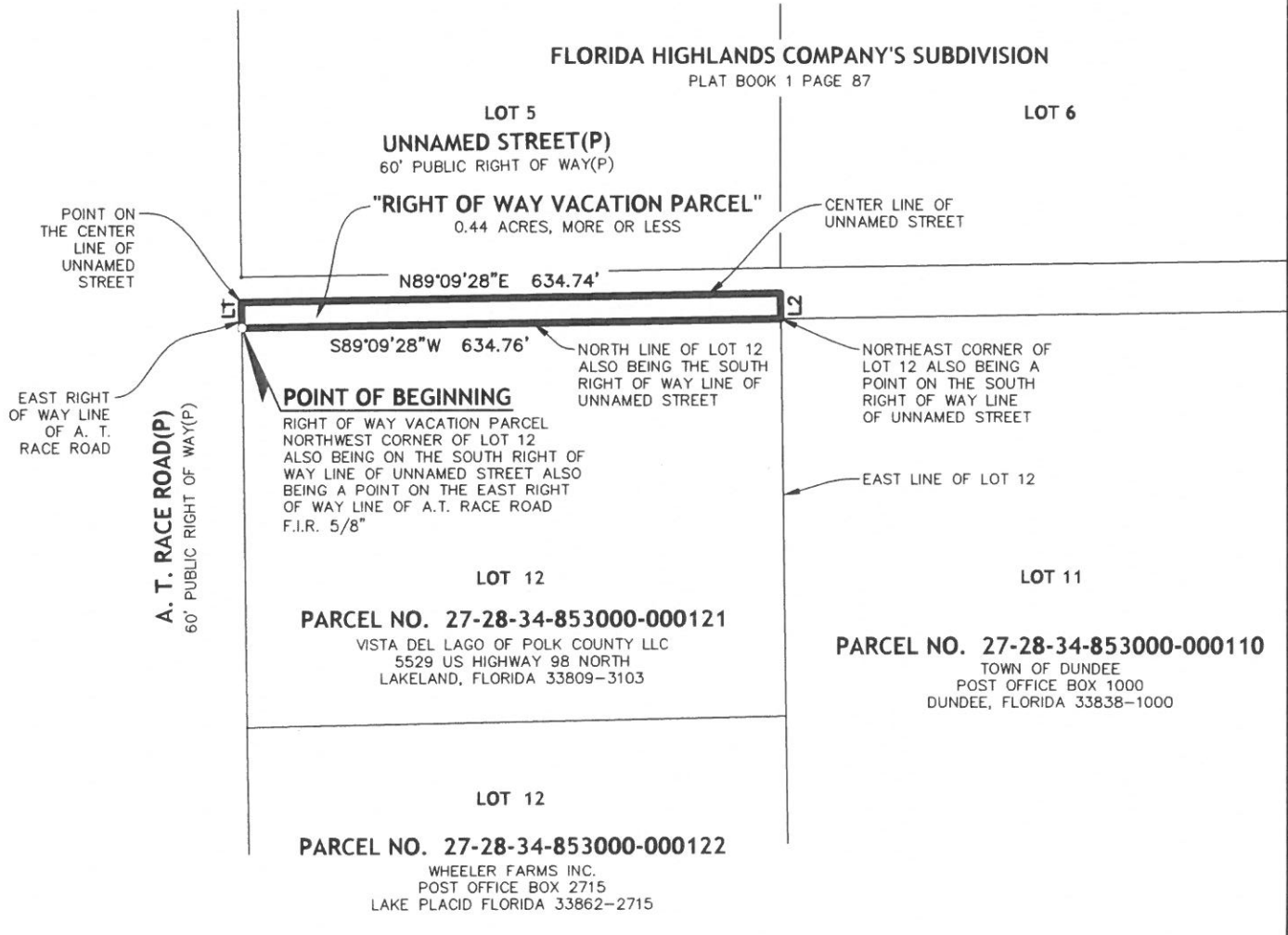
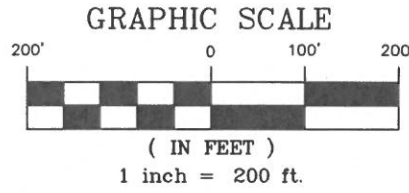
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LINE	BEARING	DISTANCE
L1	N00°43'33"W	30.00'
L2	S00°45'15"E	30.00'



LEGEND:  
F.I.R. = FOUND IRON ROD

PREPARED BY <b>ACCURATE SURVEY OF FLORIDA, INC.</b> 4206 NATIONAL GUARD DRIVE PLANT CITY, FLORIDA 33563 TEL: (813) 645-2300 LICENSE BUSINESS NO. 8211	PREPARED FOR <b>VISTA DEL LAGO OF POLK COUNTY LLC</b> POLK COUNTY, FLORIDA	CREW CHIEF: N/A	PROJECT # LOT 12 FH	
	SHEET NAME <b>SKETCH OF DESCRIPTION</b> SOUTH 1/2 OF UNNAMED STREET POLK COUNTY, FLORIDA	DRAWN BY: A.M.M.	DATE: 05/24/2024	
		CHECKED BY: D.J.B.	SHEET <b>2</b> OF <b>2</b>	
		REVISION DATE: 05/24/2024		