



## TOWN OF DUNDEE

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**TO:** Town of Dundee Town Commission

**PREPARED BY:** Lorraine Peterson, Development Director

**AGENDA DATE:** December 12, 2023

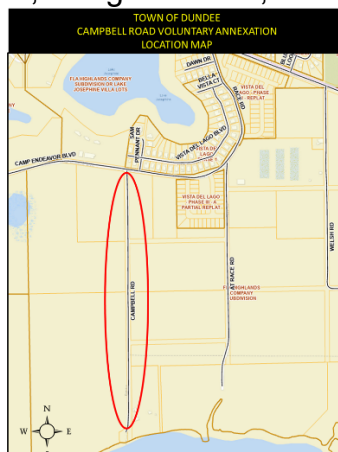
**REQUESTED ACTION:** Ordinance 23-13  
The Town Commission will consider the second (adoption) reading of Ordinance 23-13, Campbell Road Right-of-Way Voluntary Annexation.

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### **STAFF ANALYSIS:**

The Town of Dundee has placed a petition for the voluntary annexation for Campbell Road right-of-way.

The general location of the proposed right-of-way to be annexed is Campbell Road from the north boundary of the county boat ramp property north to Camp Endeavor Boulevard in Dundee, Florida. More particularly described herein as all lying and being in Section 34, Township 28 South, Range 27 East, in Dundee, Florida.



The proposed Ordinance 23-13 was prepared by Town Staff and Consultants. The first reading was held on November 14, 2023 and was unanimously approved to move on to second reading.

**SURROUNDING USES:**

Table 1 below lists the Future Land Use (FLU) designations, zoning and the existing uses surrounding the subject site that are immediately adjacent.

Table 1 Surrounding Uses

<b>Northwest Town of Dundee</b> PI-Public Institutional- RSF-1 Low Density Single Family Residential	<b>North Polk County</b> PI-Public Institutional- RSF-1 Low Density Single Family Residential	<b>Northeast Polk County</b> PUD-Planned Unit Development Residential & RSF-1 – Low Density Single Family Residential
<b>West Town of Dundee</b> AL – Limited Agriculture	<b>Subject Right-of-Way Campbell Road</b>	<b>East Polk County</b> RSF-1 Low Density RSF-2 Moderate Density Single Family Residential
<b>Southwest Town of Dundee</b> AL – Limited Agriculture	<b>South Town of Dundee</b> Lake Annie	<b>Southeast Polk County</b> Polk County Citrus Groves and Lake Annie

*Source: Central Florida Regional Planning Council, Florida Department of Transportation, Polk County Property Appraiser, Town of Dundee and site visit by Town staff*

**STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance 23-13

**Attachments:**

Ordinance 23-13

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SPACE FOR RECORDING

**ORDINANCE NO.: 23-13**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, EXTENDING THE CORPORATE LIMITS OF THE TOWN OF DUNDEE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE TOWN OF DUNDEE, FLORIDA; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. (GENERAL LOCATION: FOR CAMPBELL ROAD FROM THE NORTH BOUNDARY OF THE COUNTY BOAT RAMP PROPERTY NORTH TO CAMP ENDEAVOR BOULEVARD, DUNDEE, FLORIDA).**

**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**, the applicant-initiated petition to voluntarily integrate territory into the Town of Dundee, Florida, has been filed requesting the Town of Dundee to extend its corporate limits to include certain property herein described; and

**WHEREAS**, the Town of Dundee deems it expedient and practical to incorporate said territory as the same is in conformity with overall plans for extending the boundaries of the Town of Dundee; and

**WHEREAS**, the property herein described is contiguous and adjacent to the corporate limits of the Town of Dundee, and the property will become a part of the unified corporate area with respect to municipal services and benefits.

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE TOWN OF DUNDEE, FLORIDA:**

1. **RECITALS.** 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 the passage of this Ordinance.

2. **ANNEXATION PETITION.** A petition has been filed to integrate territory into the Town of Dundee, Florida, as attached hereto as **Composite Exhibit “A”** and made a part hereof by reference.

3. **PROPERTY INFORMATION.** The Town Commission of the Town of Dundee, Florida, does hereby annex into the corporate limits of the Town of Dundee, Florida, the property as legally described and depicted (i.e., location map) in **Composite Exhibit “B”** attached hereto and made a part hereof.

4. **CONFLICTS.** All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided, however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the Town of Dundee Land Development Code unless such repeal is explicitly set forth herein.

5. **SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Dundee, Florida, hereby declares that it would have passed this Ordinance, 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.

6. **ADMINISTRATIVE CORRECTION OF SCRIVENER’S ERRORS AND CODIFICATION.** It is the intention of the Town Commission that the provisions of this Ordinance shall be codified; and that sections of this Ordinance may be renumbered or

re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; sections of this Ordinance may be renumbered 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 his or her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

7. **EFFECTIVE DATE.** This ordinance shall take effect immediately after second reading.

**INTRODUCED AND PASSED** on first reading at a regular meeting of the Town Commission of the Town of Dundee held this 14<sup>th</sup> day of November, 2023.

**PASSED AND ADOPTED** on second reading/public hearing at the meeting of the Town Commission of the Town of Dundee assembled on the 12<sup>th</sup> day of December, 2023.

TOWN OF DUNDEE, FLORIDA

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Mayor-Samuel Pennant

ATTEST:

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TOWN CLERK – Trevor Douthat

Approved as to form:

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TOWN ATTORNEY - Frederick J. Murphy, Jr.

**COMPOSITE EXHIBIT "A"**  
**Ordinance 23-13**  
**Annexation Petition**

# EXHIBIT A



## Town of Dundee

## Voluntary Annexation Application

124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

In addition to the application, please provide all materials as listed on the application checklist. It is important that all information be complete and accurate when submitted to the Town. Additional pages may be attached to provide necessary information. The project name should be based on the ownership of the property. This name will be used for companion Future Land Use and Zoning applications.

### SITE INFORMATION

Project Name: Campbell Road  
Parcel I.D.#: \_\_\_\_\_  
Site Address or General Location: \_\_\_\_\_  
Present Use of the Property: Public Road  
Existing Structures Located on the Site: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_ Number of Residents on Site: \_\_\_\_\_  
Legal Description of the Property: \_\_\_\_\_

### PROPERTY OWNER:

Name: Town of Dundee  
Mailing Address: 202 E. Main Street  
City: Dundee State: FL Zip: 33838  
Home/Mobile Phone: (863) 438-8330 Email Address: \_\_\_\_\_

### APPLICANT/AGENT:

Name: Town of Dundee  
Mailing Address: Same as above  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Applicant is:  Owner  Agent/Representative  Purchaser  Lessee

Date Application Accepted by Town: \_\_\_\_\_  
Project ID Number: \_\_\_\_\_  
Application Fee Amount Paid: \_\_\_\_\_ Review Deposit Amount Paid: \_\_\_\_\_



# Town of Dundee

## Voluntary Annexation Application

124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

### STATEMENT OF OWNERSHIP AND DESIGNATION OF AUTHORIZED AGENT

(I) (We), Town of Dundee being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the Town of Dundee to process this petition for annexation into the Town, in accordance with all adopted Town rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application for annexation, and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

#### OWNERS

[Signature]  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

Tandra Davis, Town Manager  
Printed Name/Title of Owner

\_\_\_\_\_  
Printed Name/Title of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Printed Name of Owner

STATE OF FLORIDA  
COUNTY OF POLK

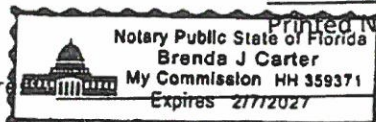
#### OWNER'S NOTARIZATION

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 28 day of September, 2023 by, as, on its behalf, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public, State of Florida

[Signature]

Printed Name Brendo J Carter



My commission expires \_\_\_\_\_





# Town of Dundee

## Voluntary Annexation Application

124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

### AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), Town of Dundee being duly sworn, depose and say that (I) (we) serve as Agent for the owner(s) (agent or lessee) in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other information attached hereto present the arguments in behalf of the petition herein requested to the best of (my) (our) ability and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

### AGENT, LESSEE, OR BUYER(S)

[Signature] \_\_\_\_\_  
Signature of Agent, Lessee, or Buyer(s)      Signature of Agent, Lessee, or Buyer(s)

Tandra Davis \_\_\_\_\_  
Printed Name of Agent, Lessee, or Buyer(s)      Printed Name of Agent, Lessee, or Buyer(s)

\_\_\_\_\_  
Signature of Agent, Lessee, or Buyer(s)      Signature of Agent, Lessee, or Buyer(s)

\_\_\_\_\_  
Printed Name of Agent, Lessee, or Buyer(s)      Printed Name of Agent, Lessee, or Buyer(s)

STATE OF FLORIDA

### AGENT, LESSEE, OR BUYER(S) NOTARIZATION

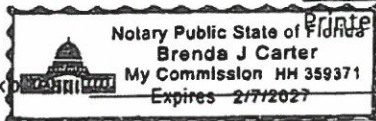
COUNTY OF POLK

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 28 day of September, 2023 by, as, on its behalf, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Notary Public, State of Florida

Brenda J Carter

Printed Name Brenda J Carter



My commission expires \_\_\_\_\_



# Town of Dundee

## Voluntary Annexation Application

124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

### FINANCIAL RESPONSIBILITY FORM

The undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all Town expenses associated with the referenced application, including time spent by the Town's consultants consistent with the Town's adopted application fee schedule, extraordinary expenses, and development review deposit policies (Section 8.08.00 of the Land Development Code and Resolution 2007-02).

Name: Town of Dundee Title: Owner /Agent

Company: \_\_\_\_\_

Company Address: 202 E. Main Street

City/State/Zip Code: Dundee, FL 33838

Telephone Number: (863) 438-8330

Email Address: \_\_\_\_\_

I hereby certify that all information contained herein is true and correct.

1. Signed this 28 day of Sept., 2023

[Signature]  
Signature of Property Owner, Lessee, Contract Purchase, or Applicant (circle one)

STATE OF FLORIDA

COUNTY OF POLK

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 28 day of September, 2023, by, as, on its behalf, who is personally known to me or who has produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public, State of Florida  
Brenda J Carter

My commission expires \_\_\_\_\_  
  
Printed Name



# Town of Dundee Request for Extension of Processing Time

124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

## Request for Extension of Processing Time

### Contact Information:

Review Project Name: Campbell Road

Application Request: \_\_\_\_\_

Property Description: \_\_\_\_\_

Name of Applicant/Property Owner/Agent: Town of Dundee - Tandra Davis

Mailing Address: 202 E. Main Street

Phone: (863) 438-8330 Email: \_\_\_\_\_

### Florida Statutes Review Requirements

Pursuant to Section 166.033 of the Florida Statutes, the Town of Dundee (the "Town") must process applications for "development orders" and "development permits" (as defined by Section 166.033(4), Florida Statutes (2022)) pursuant to the statutory time frames set forth by applicable Florida law.

Specifically, upon the Town's receipt of an application for a "development order" and/or "development permit," the Town of Dundee Development Services Department (the "Department") must review and issue a written response to the applicant indicating the application is complete or specify with particularity any areas of deficiency. The time frame(s) set forth by Section 166.033 of the Florida Statutes shall be applicable to each application for a "development order" and/or "development permit."

To request an extension of processing time and waiver of the limitation on requests for additional information, please fill out and sign this form and return it to the Department. Applicants may request an extension of processing time at the time of (filing an initial application or at any time an application is pending before final action. Please be advised that the Applicant may incur additional costs and fees which include, but shall not be limited to, notice and advertising costs.

As the Applicant/Agent for Applicant for a "development order" or "development permit" from the Town of Dundee, I hereby request (check all that apply):

- A complete waiver of all statutory processing time limits
- An extension of \_\_\_\_\_ days for the Town to issue final action approving, approving with conditions or denying an application for development permit or development order (up to 180 additional days)
- A waiver of the limitation on requests for additional information per F.S. 166.033(2022).
- Decline the waiver and agree to comply with the time frames set forth in F.S. 166.033(2022).



# Town of Dundee

## Request for Extension of Processing Time

124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

*[Handwritten Signature]*

Signature of Applicant/Agent for Applicant

9-28-2023

Date

STATE OF FLORIDA

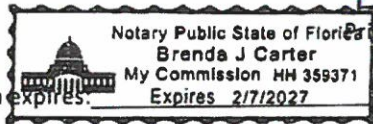
COUNTY OF POLK

The foregoing instrument was acknowledged before me, by means of  physical presence or  online notarization, this 28 day of September, 2023 by, as, on its behalf, who is personally known to me or who has produced \_\_\_\_\_ as identification.

*[Handwritten Signature: Brenda J Carter]*

Notary Public, State of Florida

*[Handwritten Signature: Brenda J Carter]*



My commission expires:

Date Accepted by Town: \_\_\_\_\_

Project ID Number: \_\_\_\_\_



# Voluntary Annexation Application Checklist

Requirements as set out in Florida Statutes 171.044

All boxes must be checked or noted as non-applicable. Information indicated must be attached and submitted with this form or the application will be deemed incomplete. The voluntary annexation application and supporting documents must be submitted in digital format and hard copies.

## What is this checklist?

- This checklist is based on Florida Statutes and Town of Dundee requirements and is being provided as a courtesy to help streamline the application review process.
- Plans and other submitted materials will be reviewed for compliance with requirements of the Town of Dundee Code of Ordinances and Land Development Code. This checklist is intended to give you the ability to be sure that the bulk of the requirements from the Codes have been incorporated into your submittal.
- The requirements from the Codes represent a large portion of the detailed content required for project submittals.

## How should this checklist be used?

- *As a content guide.* Submitted applications must address each item in the Codes, as applicable to your project. You can smooth and shorten the review process by making sure that every item on the checklist has been fully addressed.
- *As a verification document.* When you submit your application, include a copy of the completed checklist with every item either initialed to indicate that it has been addressed in the design, or marked "N/A" to indicate the item is not applicable to your project.
- *As a means to speed up the review process.* Projects with completed checklists are easier to review and completion of the review may be achieved sooner.

**NOTE: Town of Dundee requirements may differ from other agencies or municipalities. The way you as an applicant have addressed certain issues in the past or in other jurisdictions may not apply in Dundee. The Codes contain Dundee's requirements, and are the Town's rulebook.**

*Please initial each item on the following pages to show it has been incorporated into your submittal. If an item is not applicable to your submittal, enter "N/A" in the initial blank. Sign below to state that you have provided the information in your submittal and submit the initialed and signed checklist as part of your resubmittal package:*

I have reviewed the Voluntary Annexation Application and supporting materials consistent with the Town of Dundee's Content Requirements Checklist and have provided the required items.

Applicant

9-28-2023

Date



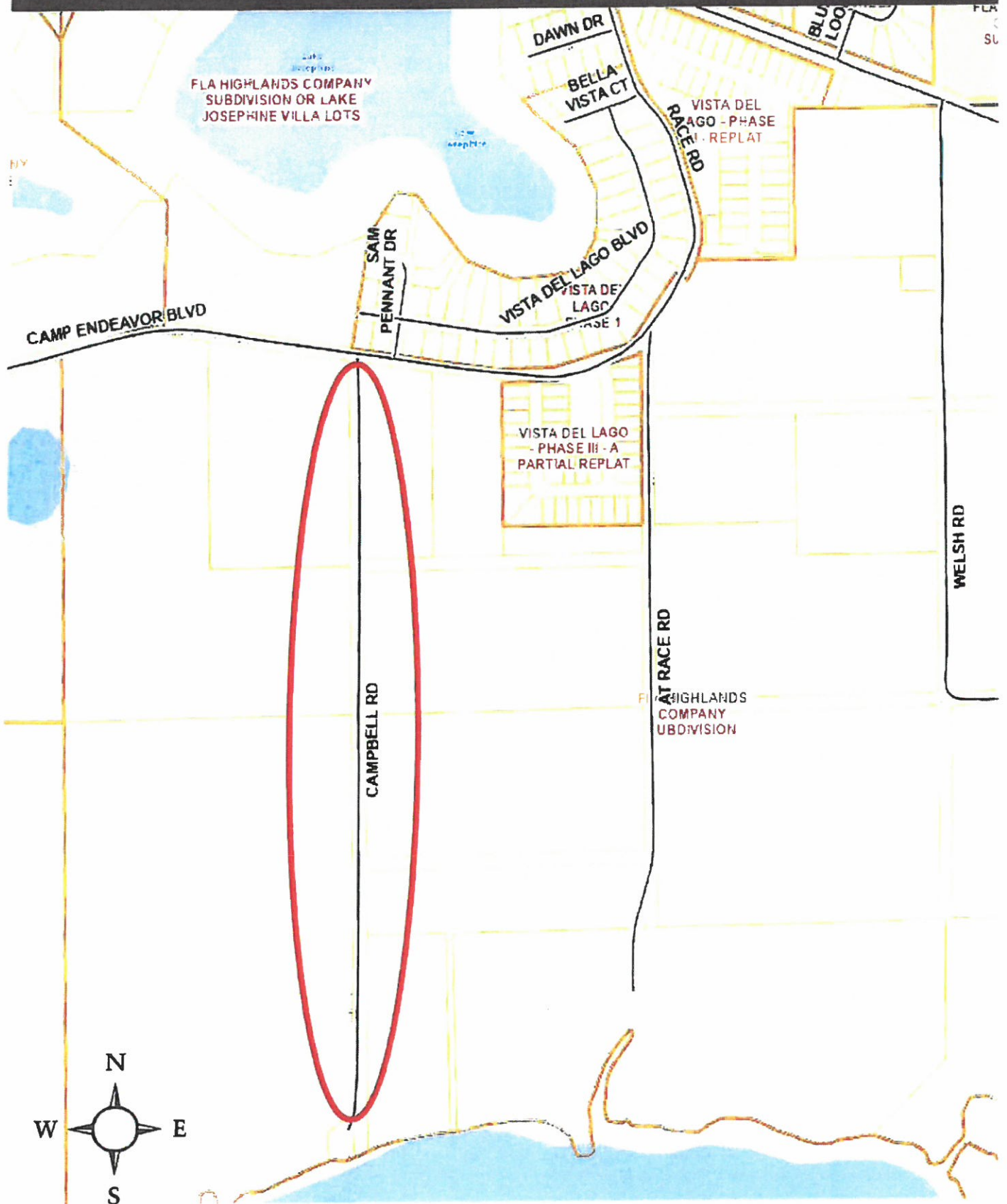
## Voluntary Annexation Application Checklist

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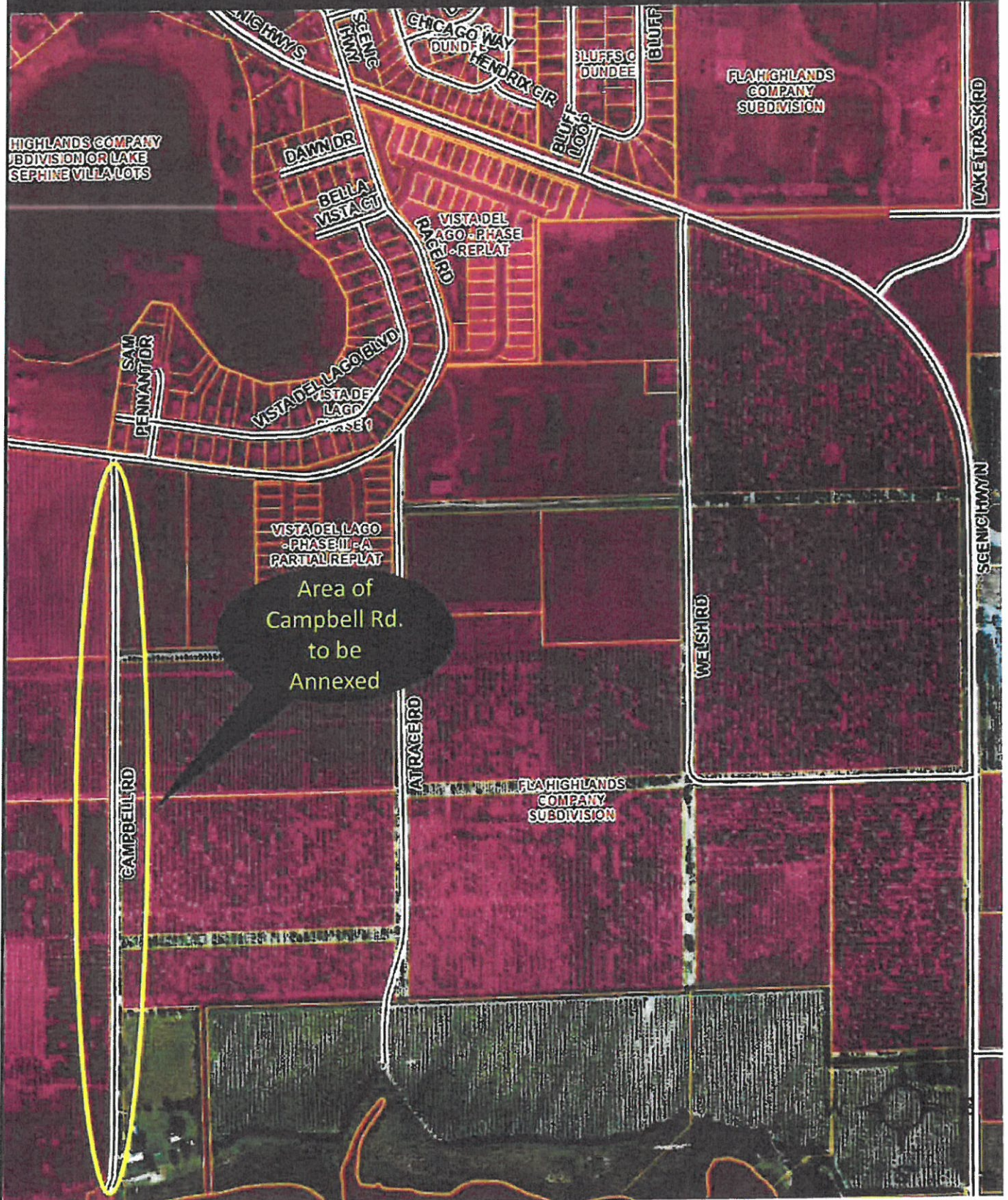
The following items are required for a submittal package to be accepted for review. Applicant to initial or write N/A for each item below.

- Complete Voluntary Annexation Application form including signature from all owners of property in the area proposed for annexation. Signature of representative/agent, as applicable. For properties that are owned by a company, the applicant must submit proof that the person signing has the authority to sign on behalf of the company.
- Current ownership information for the subject property – the name of the owner(s) stated on the application must match the information on the Property Appraiser’s website. If the land is under an agreement for sale as indicated by caveat, please submit a copy of the signed agreement. The individual noted on the caveat must sign the application. If the applicant is not the owner, a letter must be provided from the owner authorizing the applicant to act on his/her behalf.
- Current ownership information for the subject property – Florida limited liability companies. Provide executed authorizations (i.e., must be signed by the member managers identified by the Division of Corporations or corporate resolutions will also be required for any other authorized signatory) from both entities authorizing a person(s) to act on behalf of said entities for purposes of submitting the instant application.
- Required Supporting Documents Including:
  - Location Map
  - Aerial Map
  - Metes and bounds legal description of property
  - Current survey of subject property certified to the Town of Dundee
- Submit **four (4)** paper copies of application and application materials (including application and checklist) plus **one (1)** electronic copy of all documents.
- A signed copy of the Request for Extension of Processing Time.
- A signed copy of this Voluntary Annexation Application Checklist.
- Required fees.

# TOWN OF DUNDEE CAMPBELL ROAD VOLUNTARY ANNEXATION LOCATION MAP



TOWN OF DUNDEE  
CAMPBELL ROAD VOLUNTARY ANNEXATION  
AERIAL MAP









# EXHIBIT A

## RESOLUTION NO. 22-17

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA; AFFIRMATIVELY ACCEPTING THE CONVEYANCE OF THAT CERTAIN REAL PROPERTY FROM POLK COUNTY, FLORIDA TO THE TOWN OF DUNDEE, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN THE COUNTY DEEDS EXECUTED AND DELIVERED BY POLK COUNTY, FLORIDA TO THE TOWN OF DUNDEE AND RECORDED ON FEBRUARY 17, 2022, IN OFFICIAL RECORDS BOOK 12123, PAGE 657; OFFICIAL RECORDS BOOK 12123, PAGE 663; OFFICIAL RECORDS BOOK 12123, PAGE 669; AND OFFICIAL RECORDS BOOK 12123, PAGE 675, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 15, 2022, the Town of Dundee, Florida and Polk County, Florida entered into certain Agreement(s) for Transfer of Public Roads (hereinafter collectively referred to as the "Agreements") approved by the Town of Dundee, Florida Town Commission which provided for the transfer of publicly platted unmaintained road that lies within and adjacent to the corporate limits of the Town of Dundee, Florida; and

**WHEREAS**, on February 17, 2022, Polk County, Florida delivered the Agreements and certain County Deed(s) for the real property more particularly described therein and attached hereto as Composite Exhibit "A" and incorporated herein by reference to the Town of Dundee, Florida; and

**WHEREAS**, said County Deed(s) were recorded on February 17, 2022, in Official Records Book 12123, Page 657; Official Records Book 12123, Page 663; Official Records Book 12123, Page 669; and Official Records Book 12123, Page 675 of the public records of Polk County, Florida.

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

1. The Town Commission of the Town of Dundee, Florida hereby affirmatively accepts from Polk County, Florida the conveyance of said real property described in the County Deed(s) delivered and recorded on February 17, 2022, in Official Records Book 12123, Page 657; Official Records Book

12123, Page 663; Official Records Book 12123, Page 669; and Official Records Book 12123, Page 675 of the public records of Polk County, Florida, a copy of which is attached hereto as Composite Exhibit "A" and incorporated herein by reference.

2. This Resolution shall take effect immediately upon passage.

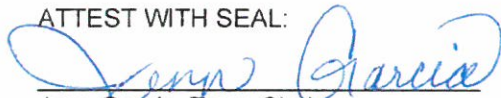
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

**INTRODUCED AND PASSED** by the Town Commission of the Town of Dundee, Florida, in regular session this 26th day of April, 2022.

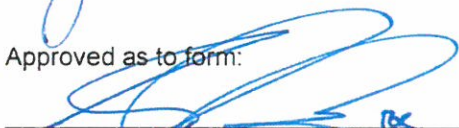
TOWN OF DUNDEE

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

ATTEST WITH SEAL:

  
\_\_\_\_\_  
Jenn Garcia, Town Clerk

Approved as to form:

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



INSTR # 2022044886  
BK 12123 Pgs 652-656 PG(s)5  
RECORDED 02/17/2022 03:31:21 PM  
STACY M. BUTTERFIELD, CLERK OF COURT  
POLK COUNTY  
RECORDING FEES \$44.00  
RECORDED BY shakcamp

RETURN TO POLK COUNTY  
REAL ESTATE SERVICES OFFICE BOX

**AGREEMENT FOR TRANSFER OF PUBLIC ROADS**

**between**

**THE TOWN OF DUNDEE, FLORIDA**

**and**

**POLK COUNTY, FLORIDA**

**FOR CAMPBELL ROAD FROM THE NORTH BOUNDARY OF THE COUNTY BOAT RAMP PROPERTY NORTH TO CAMP ENDEAVOR BOULEVARD IN DUNDEE, FLORIDA.**

This is an Agreement by and between the Town of Dundee, a municipal corporation of the State of Florida (TOWN), and Polk County, a political subdivision of the State of Florida (POLK), their respective successors and assigns.

**WITNESSETH**

**WHEREAS**, Chapter 335, Florida Statutes, Subsection 335.0415(3) authorizes the transfer of public roads between jurisdictions by mutual agreement of the affected governmental entities; and

**WHEREAS**, Campbell Road is a Local Residential Road and is within the County Road System that lies within and adjacent to the corporate limits of the TOWN; and

**WHEREAS**, TOWN has requested, and POLK has agreed to the transfer of Campbell Road from the north boundary of the County boat ramp property north to Camp Endeavor Boulevard, (ROAD) in order to accommodate the transfer of maintenance and operational responsibilities to TOWN; and

**WHEREAS**, Chapter 337, Florida Statutes, Subsection 337.29(3) provides that upon such transfer, liability for torts shall be in the governmental entity having operation and

maintenance responsibility for such roads; and

**WHEREAS**, a transfer of the ROAD is in the best interests of TOWN and of POLK; and

**NOW, THEREFORE**, in consideration of the promises, mutual covenants, and conditions hereinafter contained, the parties agree as follows:

**SECTION 1: Recitals**

The above recitals are true and correct and incorporated herein.

**SECTION 2: Description of public roads subject to agreement**

THE ROAD as depicted on the map attached hereto and made a part hereof as Attachment "A", and more particularly described as:

**All of Campbell Road from Lake Annie north to Camp Endeavor Boulevard. Including, but not limited to those parts of the rights-of-ways for Campbell Road that lie within the above-described corridor, as depicted, or described in the following document: All of that platted right-of-way as depicted on Florida Highlands Company's Subdivision lying west of Lots 14, 19, 30, 35, east of Lots 15, 18, 31 and 34 as recorded in Plat Book 1, Page 87 of the Public Records of Polk County, Florida that lies along the above described corridor LESS AND EXCEPT that portion thereof lying to the east of the property described in that certain Warranty Deed recorded in O.R. Book 9105, at Pages 2033 through 2036, Public Records of Polk County, Florida. All lying and being in Section 34, Township 28 South, Range 27 East, Polk County Florida.**

**SECTION 3: Transfer and acceptance of roads**

POLK agrees to transfer, by County Deed, the ROAD as described above, and TOWN agrees to acknowledge and accept this transfer via Resolution adopted by the Governing Body of the TOWN. Upon the delivery and recording of a COUNTY Deed and affirmative acceptance by the TOWN via Resolution adopted by the Governing Body of the TOWN both parties agree that, the ROAD thus transferred will no longer be a part of the Polk County Road System, will become part of the Town of Dundee Road System, and all jurisdiction over the road and the responsibility for operation and maintenance of the road and associated infrastructure will be with TOWN.

#### **SECTION 4: Liability for torts**

As provided in Sections 335.0415 and 337.29, Florida Statutes, upon transfer of the ROAD from POLK to TOWN, liability for torts shall be in the TOWN, subject to the limitations of liability set forth in Section 768.28, Florida Statutes, and any other applicable sovereign immunity defense and /or defenses available under applicable Florida law.

Nothing contained in this Agreement shall be deemed a waiver, expressed or implied, of the Town's or County's sovereign immunity or an increase in the limits of liability contained in Section 768.28, Florida Statutes, regardless of whether any such obligations are based in tort, contract, statute, strict liability, negligence, product liability or otherwise.

#### **SECTION 5: Costs of transfer of public roads**

COUNTY will record the Agreement and County Deed. Any and all costs associated with this transfer of public roads shall be borne by TOWN.

#### **SECTION 6: Amendments**

No modification, amendment, or alterations of the terms or conditions contained herein shall be effective unless contained in the written document executed by the parties hereto with the same formality, and of equal dignity herewith.

#### **SECTION 7: Severability**

In the event any provision of this Agreement is held to be unenforceable for any reason, the unenforceability shall not effect the remainder of the Agreement which shall remain in full force and effect and enforceable in accordance with its terms.

#### **SECTION 8: Term**

This Agreement is effective upon approval of the parties respective Governing Bodies and execution by both parties set out below.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: Polk County, through its Board of County Commissioners, signing by and through its Chairman, authorized to execute the same by Board action on the 15<sup>th</sup> day of February, 2022, and by Town of Dundee, through its Town Commissioners, signing by and through its Mayor, authorized to execute the same by TOWN Commission action on the 25 day of January, 2022.

ATTEST:

**TOWN OF DUNDEE**

By: Jenn Garcia  
Jenn Garcia, Town Clerk

By: Sam Pennant  
Sam Pennant, Mayor

This 25 day of January 2022

Reviewed as to form and legality  
Frederick J. Murphy, Jr.  
Frederick J. Murphy, Jr., Town Attorney

ATTEST:  
Stacy M. Butterfield, Clerk

**POLK COUNTY**  
Board of County Commissioners  
Dr. Martha Santiago  
Dr. Martha Santiago, Chair

By: Alison Helland  
Deputy Clerk

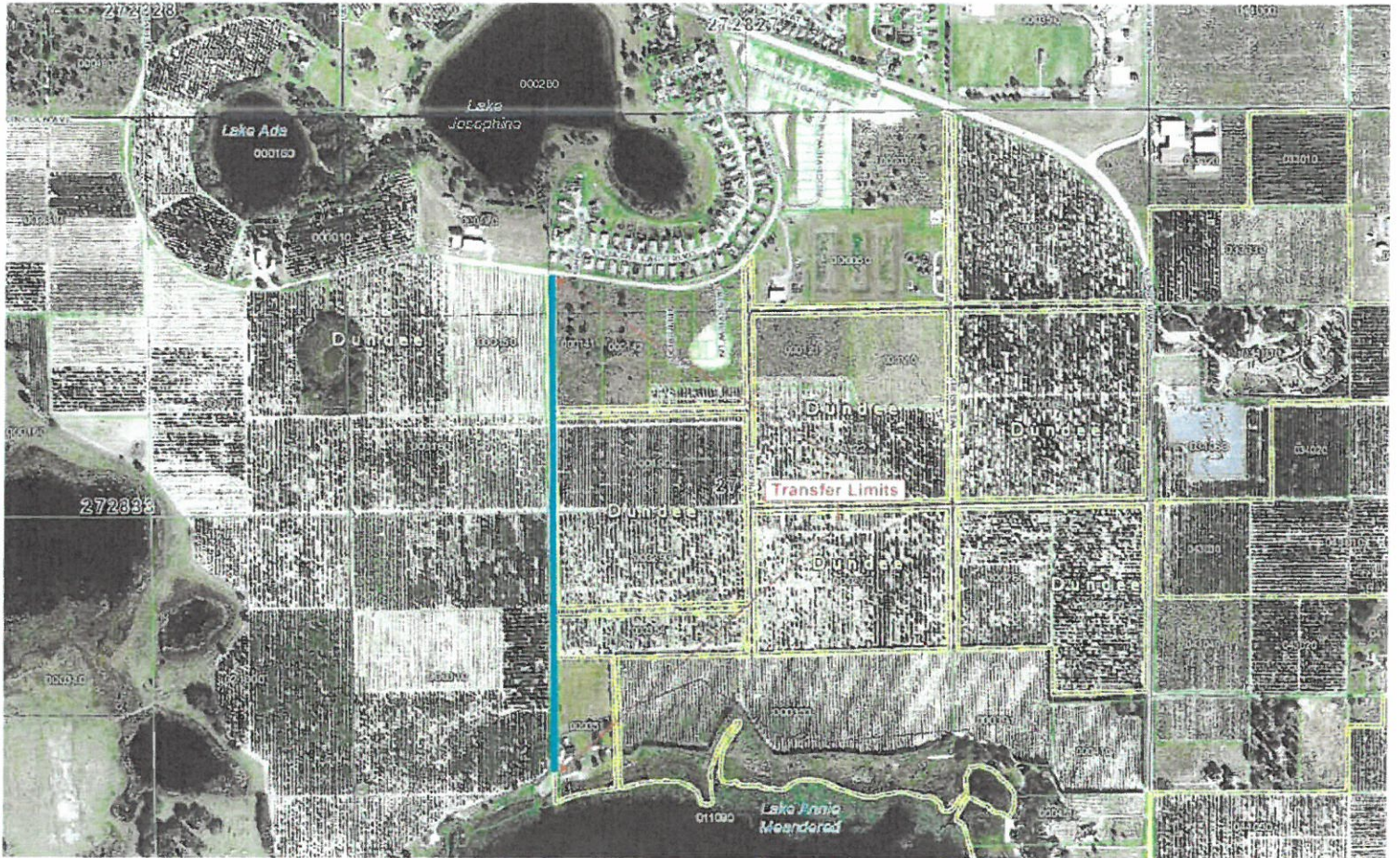
This 15<sup>th</sup> day of February 2022

Reviewed as to form and legality  
Alison W. Van  
County Attorney's Office

PSI







**ATTACHMENT "A"**

**RECORDER'S MEMO:**  
Legibility of Writing, Typing or Printing Unsatisfactory in This Document When Received.

RETURN TO POLK COUNTY  
REAL ESTATE SERVICES OFFICE BOX



INSTR # 2022044887  
BK 12123 Pg 657 PG(s)1  
RECORDED 02/17/2022 03:31:21 PM  
STACY M. BUTTERFIELD, CLERK OF COURT  
POLK COUNTY  
DEED DOC #0.70  
RECORDING FEES \$10.00  
RECORDED BY shakcamp

This instrument prepared under  
The direction of:  
R. Wade Allen, Administrator  
Polk County Real Estate Services  
P. O. Box 9005, Drawer RE 01  
Bartow, Florida 33831-9005  
By: Chris Peterson  
Road Transfer: Campbell Road

**COUNTY DEED**

**THIS DEED**, made this 15th day of February, 2022 by **POLK COUNTY**, a political subdivision of the State of Florida, Grantor, to the **TOWN OF DUNDEE**, a Florida Municipal Corporation, whose address is, 202 East Main Street, Dundee, Florida 33838, Grantee

**WITNESSETH:** That the Grantor, for and in consideration of the sum of \$1.00, to it in hand paid by the Grantee, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, its successors and assigns forever, all the right, title, interest, including interests, if any, in rights which may have been reserved by operation of Section 270.11 Florida Statutes, claim, and demand, which the Grantor has in and to the following described land lying and being in Polk County, Florida, to wit:

All of Campbell Road from Lake Annie north to Camp Endeavor Boulevard. Including, but not limited to those parts of the rights-of-ways for Campbell Road that lie within the above-described corridor, as depicted, or described in the following document: All of that platted right-of-way as depicted on Florida Highlands Company's Subdivision lying west of Lots 14, 19, 30, 35, east of Lots 15, 18, 31 and 34 as recorded in Plat Book 1, Page 87 of the Public Records of Polk County, Florida that lies along the above described corridor **LESS AND EXCEPT** that portion thereof lying to the east of the property described in that certain Warranty Deed recorded in O.R. Book 9105, at Pages 2033 through 2036, Public Records of Polk County, Florida. All lying and being in Section 34, Township 28 South, Range 27 East, Polk County Florida.

The purpose of this County Deed is to convey the Grantor's interest in the right-of-way pursuant to Florida Statutes 335.0415 and 337.29 for the public road.

**IN WITNESS WHEREOF**, said grantor has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chair or Vice-Chair of said board, the day and year aforesaid.

**ATTEST:**

**GRANTOR:**

Stacy M. Butterfield  
Clerk to the Board

Polk County, Florida

By: Alison Holland  
Deputy Clerk

By: Martha Santiago  
Dr. Martha Santiago, Chair  
Board of County Commissioners

(Seal)



P.54

**COMPOSITE EXHIBIT "B"**  
**Ordinance No. 23-13**  
**Legal Description**

**All of Campbell Road from Lake Annie north to Camp Endeavor Boulevard. Including, but not limited to those parts of the rights-of-ways for Campbell Road that lie within the above-described corridor, as depicted, or described in the following document: All of that platted right-of-way as depicted on Florida Highlands Company's Subdivision lying west of Lots 14, 19, 30, 35, east of Lots 15, 18, 31 and 34 as recorded in Plat Book 1, Page 87 of the Public Records of Polk County, Florida that lies along the above described corridor LESS AND EXCEPT that portion thereof lying to the east of the property described in that certain Warranty Deed recorded in O.R. Book 9105, at Pages 2033 through 2036, Public Records of Polk County, Florida. All lying and being in Section 34, Township 28 South, Range 27 East, Polk County Florida.**

**COMPOSITE EXHIBIT "B"**  
**Ordinance No. 23-13**  
**Location Map**

