



TOWN OF DUNDEE

TO: Town of Dundee Town Commission

PREPARED BY: Lorraine Peterson, Development Director

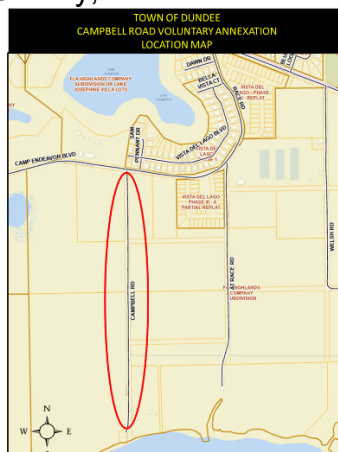
AGENDA DATE: December 12, 2023

REQUESTED ACTION: Ordinance 23-14
The Town Commission will consider the second (adoption) reading of Ordinance 23-14, Almburg Road Right-of-Way Voluntary Annexation.

STAFF ANALYSIS:

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

The general location of the proposed right-of-way to be annexed is Almburg Road from Scenic Highway (S.R. 17) North, East to Lake Mabel Loop Road in Dundee, Florida. More particularly described herein as all lying and being in Section 35, Township 28 South, Range 27 East, in Polk County, Florida.



The proposed Ordinance 23-14 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

<p style="text-align: center;">Northwest Town of Dundee PUD-R-Planned Unit Development Residential & RTF – Two Family Residential</p>	<p style="text-align: center;">North Polk County PUD-R Planned Unit Development Residential</p>	<p style="text-align: center;">Northeast Polk County RSF-3- Moderate Density Single Family Residential</p>
<p style="text-align: center;">West Polk County Citrus Groves and Unassigned</p>	<p style="text-align: center;">Subject Right-of-Way Almburg Road</p>	<p style="text-align: center;">East Polk County RSF-2-Moderate Density Single Family Residential</p>
<p style="text-align: center;">Southwest Town of Dundee Polk County Citrus Groves & RSF-3- Moderate Density Single Family Residential</p>	<p style="text-align: center;">South Town of Dundee RSF-2- & RSF-3- Moderate Density Single Family Residential</p>	<p style="text-align: center;">Southeast Polk County RSF-2- Moderate Density Single Family Residential</p>

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 23-14

Attachments:

Ordinance 23-14

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SPACE FOR RECORDING

ORDINANCE NO.: 23-14

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 ALMBURG ROAD FROM SCENIC HIGHWAY (SR 17) NORTH, EAST TO LAKE MABEL LOOP ROAD, 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 14th 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 12th day of December, 2023.

TOWN OF DUNDEE, FLORIDA

Mayor-Samuel Pennant

ATTEST:

TOWN CLERK – Trevor Douthat

Approved as to form:

TOWN ATTORNEY - Frederick J. Murphy, Jr.

COMPOSITE EXHIBIT "A"
Ordinance 23-14
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: Almburg Road

Parcel I.D.#: _____

Site Address or General Location: _____

Present Use of the Property: Public Road

Existing Structures Located on the Site: None

Total Acreage: _____ Number of Residents on Site: _____

Legal Description of the Property: SEE NOTE BELOW FOR LEGAL DESCRIPTION:

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

***Legal Description:** All of Almburg Rd., from Scenic Hwy., North a/k/a SR 17, to Lk Mabel Loop Road, including but not limited to those parts of the right of ways for Almburg Road that lie within the above-described corridor, as depicted, or described in the following document: All of that maintained right-of-way as depicted on Map Book 3, pages 41-43 of the Public Records of Polk County, Florida that lies along the above-described corridor. All lying and being in Section 35 and 36. Township 28 South, Range 27 East, Polk County, Florida

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

[Handwritten Signature]

Signature of Owner

Tandra Davis, Town Manager

Printed Name/Title of Owner

Signature of Owner

Printed Name/Title of Owner

Signature of Owner

Printed Name of Owner

Signature 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.

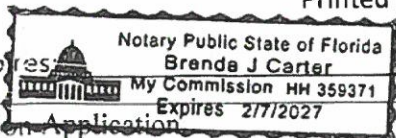
Notary Public, State of Florida

[Handwritten Signature]

Printed Name

Brenda J Carter

My commission expires





Town of Dundee

Voluntary Annexation Application

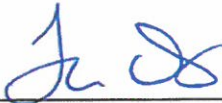
124 Dundee Road • PO Box 1000 • Dundee, FL 33838 • (863) 438-8335 • Fax (863) 438-8335

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)

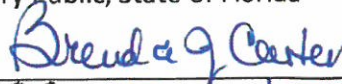
	_____
Signature of Agent, Lessee, or Buyer(s)	Signature of Agent, Lessee, or Buyer(s)
<u>Tandra Davis</u>	_____
Printed Name of Agent, Lessee, or Buyer(s)	Printed Name of Agent, Lessee, or Buyer(s)
_____	_____
Signature of Agent, Lessee, or Buyer(s)	Signature of Agent, Lessee, or Buyer(s)
_____	_____
Printed Name of Agent, Lessee, or Buyer(s)	Printed Name of Agent, Lessee, or Buyer(s)

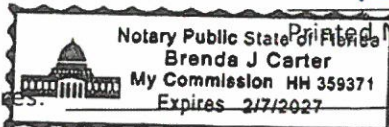
STATE OF FLORIDA
COUNTY OF POLK

AGENT, LESSEE, OR BUYER(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





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

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

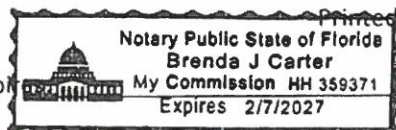
Signature of Property Owner, Lessee, Contract Purchase, or Applicant (circle one)

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.

Notary Public, State of Florida



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: _____

Application Request: _____

Property Description: _____

Name of Applicant/Property Owner/Agent: _____

Mailing Address: _____

Phone: _____ 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

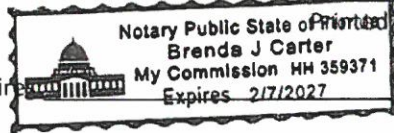
COUNTY OF POLK

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 29 day of Sept, 2023, by, as, on its behalf, who is personally known to me or who has produced _____ as identification.

Brenda J Carter

Notary Public, State of Florida

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

Date



Voluntary Annexation Application Checklist

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

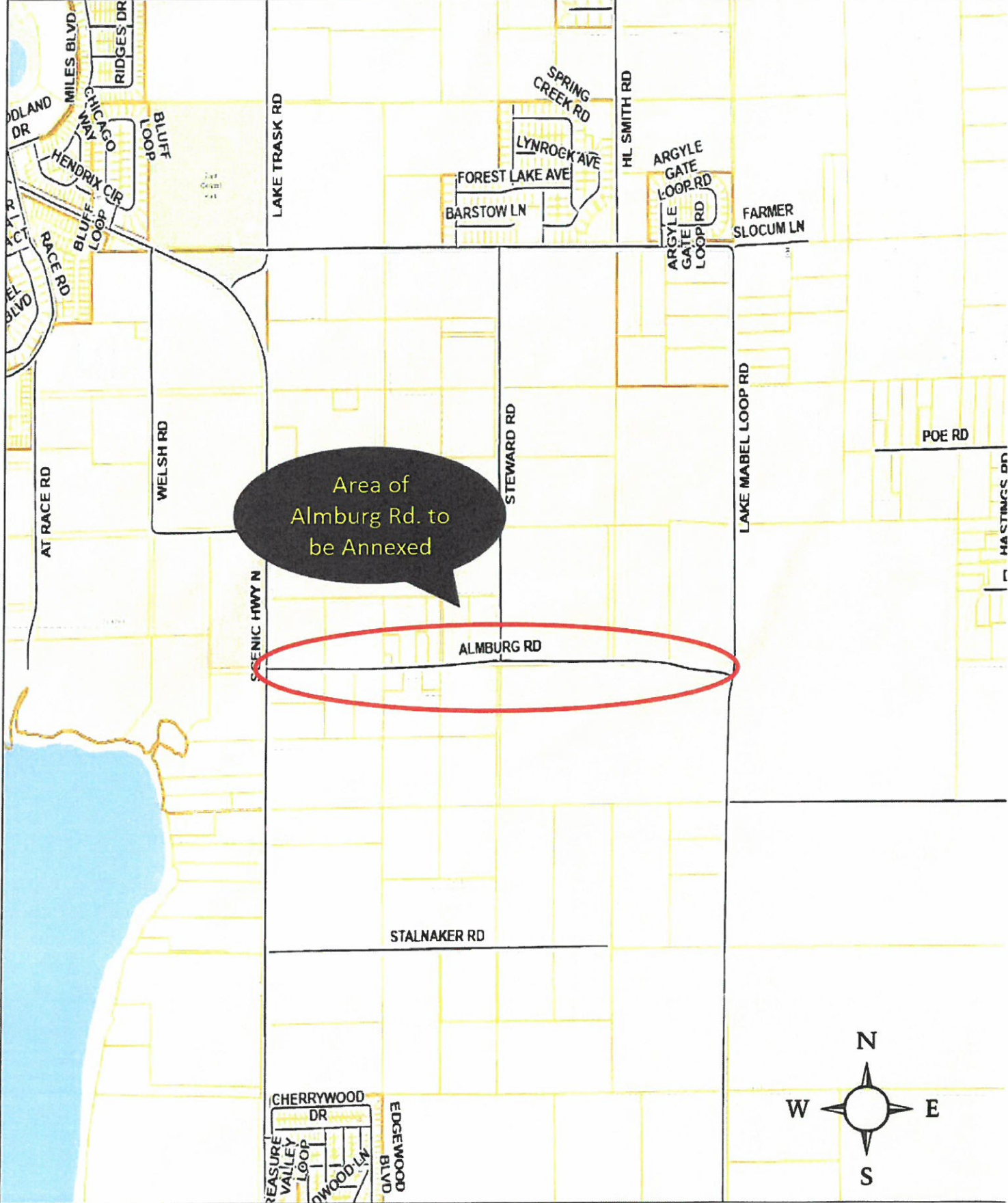
- ___ Submit **four (4)** paper copies of application and application materials (including application and checklist) plus **one (1)** electronic copy of all documents.

- ___ 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
ALMBURG ROAD VOLUNTARY ANNEXTATION
LOCATION MAP



TOWN OF DUNDEE
ALMBURG ROAD VOLUNTARY ANNEXATION
AERIAL MAP

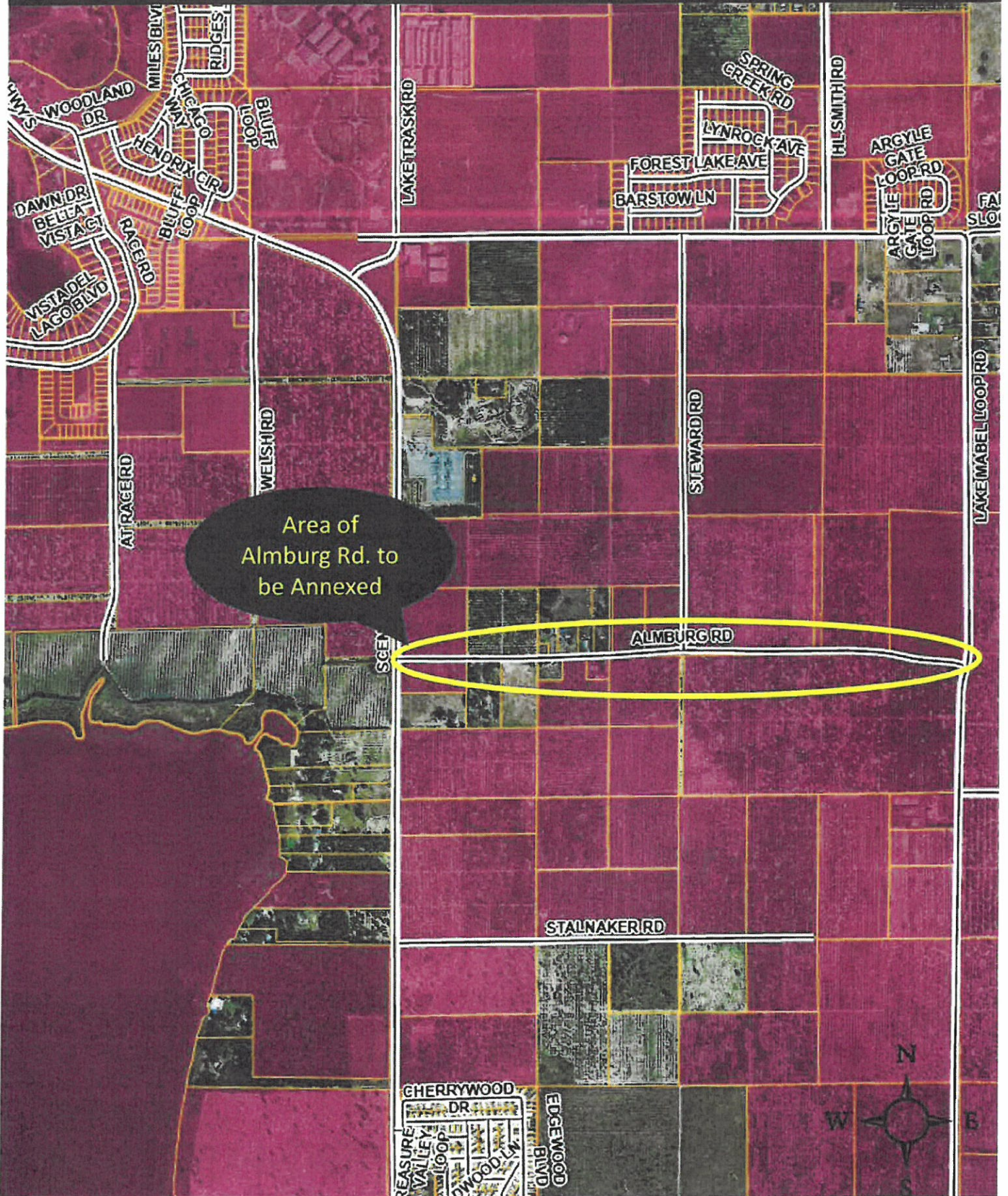


EXHIBIT A

Lumburg Rd.



INSTR # 2023217936
BK 12838 Pgs 2223-2231 PG(s)9
RECORDED 09/15/2023 01:47:55 PM
STACY M. BUTTERFIELD, CLERK OF COURT
POLK COUNTY
RECORDING FEES \$78.00
RECORDED BY shakcamp

RESOLUTION NO. 23-15

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 DEED EXECUTED AND DELIVERED BY POLK COUNTY, FLORIDA TO THE TOWN OF DUNDEE AND RECORDED ON August 10, 2023, IN THE OFFICIAL RECORDS BOOK 12795 PAGE 1936, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 25, 2023, Polk County, a political subdivision of the State of Florida, delivered the *Agreement For The Transfer of Public Roads Between The Town of Dundee, Florida and Polk County, Florida and County Deed* (collectively referred to as the "Agreement") for the conveyance of real property more particularly described therein and attached hereto as **Composite Exhibit "A"** and incorporated herein by reference; and

WHEREAS, on July 25, 2023, the Town Commission of the Town of Dundee, at a duly noticed public meeting, approved the Agreement which provided for the transfer and conveyance of public rights-of-way located within and/or adjacent to the corporate limits of the Town of Dundee, Florida; and

WHEREAS, on August 8, 2023, Polk County Board of County Commissioners, at a duly noticed public meeting, approved the Agreement which included, but was not limited to, the County Deed (the "Deed") which provided for the transfer and conveyance of public rights-of-way more particularly described therein and located within and/or adjacent to the corporate limits of the Town of Dundee, Florida; and

WHEREAS, the Transfer Deed was recorded on August 10, 2023, in Official Records Book 12795, Page 1936, 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 delivered and recorded on August 10


**CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE DISTRICT COURT**

____, 2023, in Official Records Book 12795, Page 1936, 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. Upon receipt of an executed County Deed, the Town Clerk is authorized and directed to record this Resolution and County Deed in the public records of Polk County, Florida.
3. This Resolution shall take effect immediately upon passage.

READ, PASSED and ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the 25th day of July, 2023.

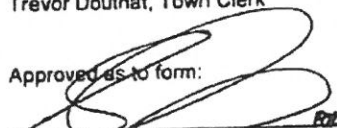
TOWN OF DUNDEE


Sam Pennant, Mayor

ATTEST WITH SEAL:


Trevor Douthat, Town Clerk

Approved as to form:


Frederick J. Murphy, Jr., Town Attorney

CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE CIRCUIT COURT

RETURN TO POLK COUNTY
REAL ESTATE SERVICES OFFICE BOX

INSTR # 2023186974
BK 12795 Pgs 1931-1935 PG(s)5
RECORDED 08/10/2023 09:30:17 AM
STACY M. BUTTERFIELD, CLERK OF COURT
POLK COUNTY
RECORDING FEES \$44.00
RECORDED BY sha:camp

AGREEMENT FOR TRANSFER OF PUBLIC ROADS

between

THE TOWN OF DUNDEE, FLORIDA

and

POLK COUNTY, FLORIDA

**FOR ALMBURG ROAD FROM SCENIC HIGHWAY A/K/A STATE ROAD 17 NORTH,
EAST TO LAKE MABEL LOOP ROAD, 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, Almburg 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 Almburg Road from Scenic Highway North, a/k/a State Road 17 North, east to Lake Mabel Loop Road, (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

**CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE CIRCUIT COURT**

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 Almburg Road from Scenic Highway North, a/k/a State Road 17, to Lake Mabel Loop Road, including, but not limited to those parts of the rights-of-ways for Almburg Road that lie within the above-described corridor, as depicted, or described in the following document: All of that maintained right-of-way as depicted on Map Book 3, Pages 40 through 43 of the Public Records of Polk County, Florida that lies along the above-described corridor. All lying and being in Sections 35 and 36, 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

CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE CIRCUIT COURT

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.

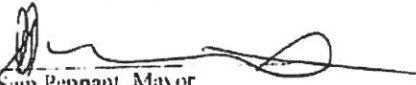
CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE CIRCUIT COURT

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 8th day of August, 2023, 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 25th day of JULY, 2023.

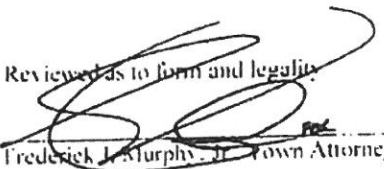
ATTEST:

TOWN OF DUNDEE

By: 
Trevor Douthat, Town Clerk

By: 
Sam Pennant, Mayor

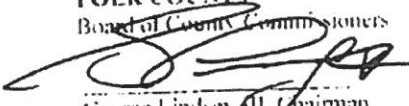
This 25th day of JULY, 2023

Reviewed as to form and legality

Frederick J. Murphy, Jr., Town Attorney

ATTEST:
Stacy M. Butterfield, Clerk

POLK COUNTY
Board of County Commissioners

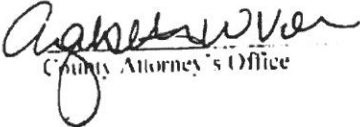
By: 
Alison Holland
Deputy Clerk


George Lindsey III, Chairman

This 8th day of August, 2023



Reviewed as to form and legality


County Attorney's Office

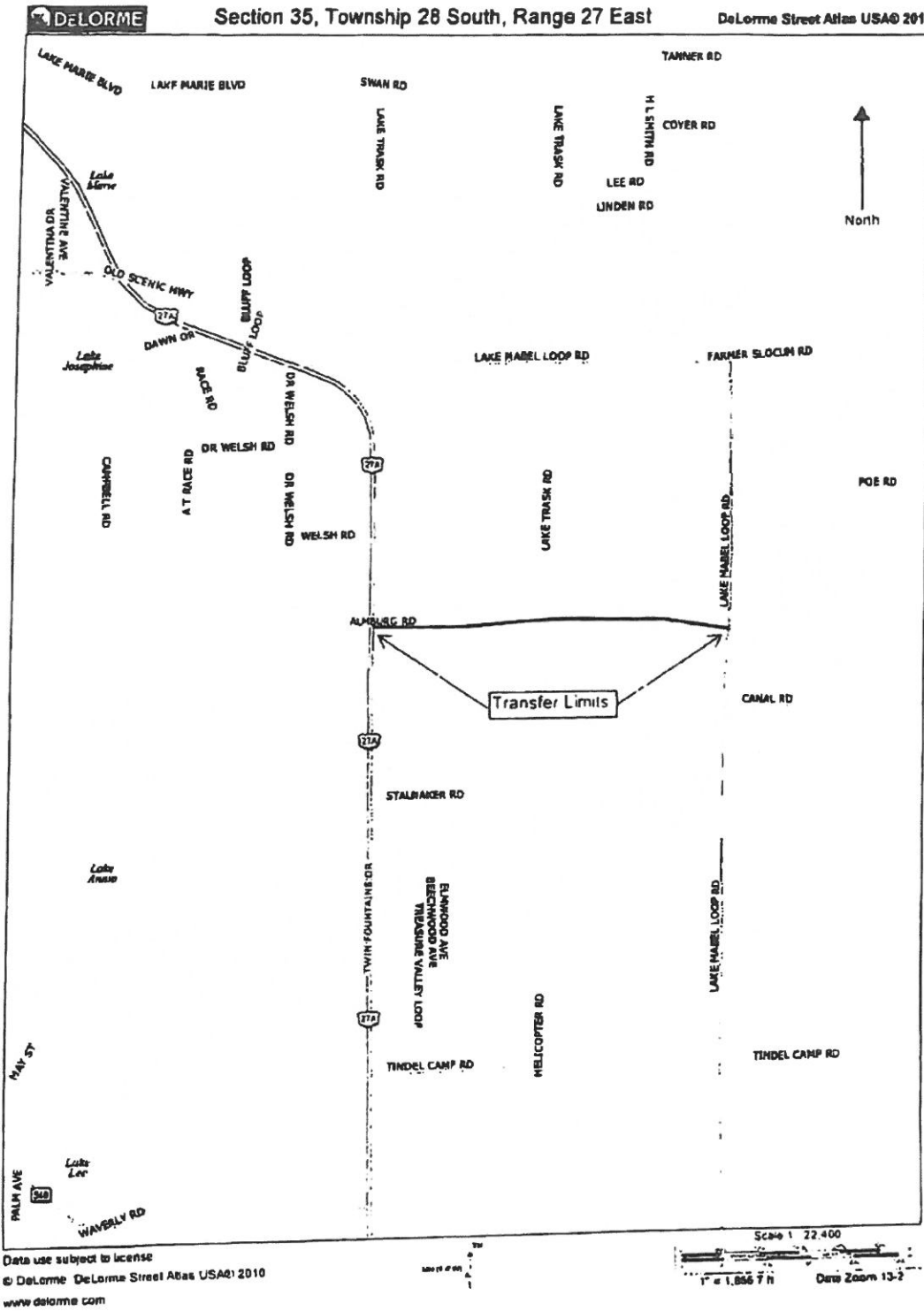
R. 41

CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE CIRCUIT COURT

ATTACHMENT "A"

Section 35, Township 28 South, Range 27 East

DeLorme Street Atlas USA® 2010



CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE CIRCUIT COURT

CERTIFICATION ON LAST PAGE
STACY M. BUTTERFIELD
CLERK OF THE CIRCUIT COURT

RETURN TO POLK COUNTY
REAL ESTATE SERVICES OFFICE BOX

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



INSTR # 2023196232
BK 12808 Pg 1377 PG(s)1
RECORDED 08/21/2023 03:37:51 PM
STACY M. BUTTERFIELD, CLERK OF COURT
POLK COUNTY
DEED DOC \$0.70
RECORDING FEES \$10.00
RECORDED BY militorr

COUNTY DEED

THIS DEED, made this 8th day of August, 2023 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 Steward Road from Lake Mabel Loop Road south to Almburg Road, including any rights-of-ways for Steward Road that lies within the above-described corridor, all lying and being in the North 3/4 of Section 35, 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: George Lindsey III
Chairman
Board of County Commissioners

(Seal)



I hereby certify that the foregoing is a true copy of the record in my office this day, Sep 15, 2023. Redacted ___ Unredacted/law ___
Stacy M. Butterfield, Clerk of Court Polk County, Florida
By: Alison Holland Deputy Clerk

COMPOSITE EXHIBIT "B"
Ordinance No. 23-14
Legal Description

**All of Almburg Road from Scenic Highway North, a/k/a State Road 17, to Lake Mabel Loop Road.
Including, but not limited to those parts of the rights-of-ways for Almburg Road that lie within the above-described corridor, as depicted, or described in the following document:
All of that maintained right-of-way as depicted on Map Book 3, Pages 40 through 43 of the Public Records of Polk County, Florida that lies along the above-described corridor.
All lying and being in Sections 35 and 36, Township 28 South, Range 27 East, Polk County Florida.**

COMPOSITE EXHIBIT "B"
Ordinance No. 23-14
Location Map

