

To: Town Commission

Agenda Date: July 9, 2024

Department: Planning and Zoning

Discussion Topic: Zoning Map Amendment change from Low Density Residential & Conservation to Medium

Density Residential.

Applicant: Bryan Hunter of Hunter Engineering, LLC

Property Owner: Baxter Groves, a Florida General

Partnership

Planning & Zoning Board Recommendation: Approval

4-0

Town Commission Transmittal Hearing: 4-0 Approval

Town Commission Adoption Hearing: Pending Hearing

DEO Comments: Pending

Prepared By: Lorraine Peterson, Development Director



SITE LOCATION

The proposed site is located on 35.09 +/- acres of land, west of Highway 27, north of Dundee Road, in the Town of Dundee in Section 20, Township 28, Range 27, further described as parcel 27-28-20-00000-044020.

BACKGROUND

The Applicant, Bryan Hunter of Hunter Engineering, LLC is requesting an amendment to the Future Land Use Map for property located in the Town of Dundee. The current FLU is Low Density Residential (LDR) and Conservation with the proposed FLU being Medium Density Residential (MDR) as it would be consistent with the Town of Dundee's FLU districts and compatible with the surrounding land uses.

PROPOSED FUTURE LAND USE MAP AMENDMENT

Policy 2.4: Medium Density Residential

The primary function of the Medium Density Residential classification is to accommodate medium density residential development. Permitted uses include duplexes, townhouses, apartments, condominiums, mobile home parks or subdivisions, and single-family houses. The maximum density is 12.0 residential dwelling units per acre.

Table 1: Density/Intensity Information

	Existing Zoning: RSF-2 & CN (35.09 +/- acres)	Proposed Zoning: RMH-2 (35.09 +/- acres)
Density/Intensity	Moderate- Density Residential: 4.0 DU/acre	Mobile Home Park: 6.6 DU/acre
Density Potential	140 DU	232 DU
Difference	Increa	se of 246 DU

ANALYSIS

This section of the staff report includes data on the surrounding uses, infrastructure conditions, environmental conditions, and related Comprehensive Plan policies and Land Development Code regulations.

2.02.02.08. RMH2 mobile home park.

- (A) FLUM designation: Medium-density residential.
- (B) *Purpose:* The purpose of this district is to establish locations suitable for mobile home development on undivided property, along with open space and other amenities for the common use of residents; to designate those uses and activities which are appropriate for and compatible with such areas; and to establish standards and provisions necessary to ensure proper development and public safety in a mobile home park setting.
- (C) *Permitted principal uses and structures:* Mobile home parks.
- (D) Accessory uses:
 - 1. Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of the park.

- 2. No more than one single-family home, at least 800 square feet in size, for the use of a resident manager.
- 3. Carports, porches, and awnings which are physically attached to mobile homes. Such structures shall not exceed a cumulative total of 35 percent of the lot area.
- 4. Storage area for boats, recreational vehicles, and other types of vehicles which exceed 30 feet in length. Storage area is for the use of park residents only and shall be fenced and landscaped. Storage of these units shall be prohibited on individual mobile home sites or on park roads.
- (E) *Special exception uses:* Recreational vehicle park, group home, church, public service facilities (see table of land uses).
- (F) Minimum lot requirements:
 - 1. *Minimum size for development site:* Five acres, with a width of not less than 150 feet and a depth of not less than 200 feet.
 - 2. *Minimum size for mobile home site:* 4,000 square feet, with a width of not less than 40 feet.
- (G) Maximum density: 6.6 units per acre.
- (H) Maximum building height: 35 feet.
- (I) Minimum floor area: 800 square feet.
- (J) Minimum yard requirements:
 - 1. No mobile home or structure shall be placed less than 50 feet from the front lot line or 30 feet from other lot lines. Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 15 feet.
 - 2. Mobile homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.
 - 3. Mobile homes and freestanding structures serving as common facilities shall be at least 15 feet apart. No carport or other appurtenant structure may be installed on a mobile home less than ten feet from another mobile home or appurtenant structure. This distance shall be measured between the closest points of the units.

(K) Other requirements:

1. Ownership. Mobile home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the rest of the park. The Town of Dundee shall not be

responsible for maintenance and/or repair of common facilities within a mobile home park.

- 2. *Parking*. For each mobile home site, two paved off-street parking spaces of ten feet by 20 feet each shall be provided.
- 3. *Common open space*. An area comprising 20 percent of the development site or five acres, whichever is less, shall be set aside as common open space as defined in article 9.
- 4. *Nonconformities*. No new mobile homes may be added to an existing mobile home park in an RMH district which does not comply with applicable requirements of this Code. However, previously installed units may be moved and additional property and common facilities may be incorporated into the site if such activities will eliminate nonconforming conditions or reduce the degree of nonconformity. See section 7.07.00.
- 5. Site development plan. No mobile homes, structures or facilities shall be installed or constructed until a site development plan meeting the requirements of section 7.02.00 of this Code has been submitted to and approved by the Town of Dundee. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site development plan.
 - Where an existing mobile home park in an RMH district has no site development plan, such a plan shall be prepared and submitted to the town prior to the addition, improvement, rearrangement or replacement of park facilities or mobile homes.

Surrounding Uses

Table 1 lists the Zoning Uses (FLU) for the surrounding areas adjacent to the subject site.

Table 1: Surrounding Uses

Northwest Polk County Pasture w/ Residential	North Dundee Vacant Farmland	Northeast Dundee Vacant Farmland & Industrial
FLU-RL-1 Zoning-	FLU-VLDR & LDR Zoning-Unassigned & PUD-R	FLU-VLDR & Commercial/Industrial Corridor Zoning-Unassigned & CH
West Polk County Pasture w/Commercial Building FLU-RL-1 Zoning-	Subject Site Vacant Farmland Current FLU-LDR & CN Current Zoning- RSF2/ CN Proposed FLU-MDR Proposed Zoning-RMH-2	East Dundee Nursery &Vacant Farmland FLU-LDR Zoning-Unassigned
Southwest Winter Haven Vacant Land FLU-NR Zoning-AG-1	South Winter Haven Cypress Creek Village FLUM-NSUB Zoning-PUD	Southeast Winter Haven Vacant Farmland FLU-RL & CON Zoning-PUD

Sources: Polk County Property Appraiser, Polk County Geographical Information System, and site visit by staff

Potable Water and Sanitary Sewer

Potable water and Sanitary sewer lines are not yet located in the area. An interlocal agreement with the city of Winter Haven for potable water and wastewater has been agreed upon, the agreement can be found as an attachment in this staff report.

Solid Waste

Dundee transfers solid waste collected in the Town to the Polk County Landfill. As the operators of the landfill, the County plans for capacity for all municipalities in the county, as well as unincorporated areas. Polk County determined that there is sufficient landfill space for the county, including Dundee, to dispose of household garbage for approximately 65 years.

Roads

Access to the proposed addition will be from within the previously constructed MHP in addition any proposed development will require a full traffic study to determine necessary off-site improvements. Coordination with FDOT is required.

Recreation

The Town currently meets the level of service requirement of 4.5 acres per 1,000 residents as established in the Comprehensive Plan. The applicant will be required to provide recreational opportunities per the Land Development Code. The dedication of land for park and recreation services is 0.0116 acres/dwelling unit. The Town Commission may approve a dedication of land, a fee paid in lieu of dedication, or a combination of the two. The Town Commission makes this determination at time of concept plan.

Environmental Impacts

According to the Fish and Wildlife Service (FWS), the sand skink (endangered species) is endemic to the sandy ridges of central Florida, occurring in Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam counties. The proposed site is in an area identified as potential habitat for the Gopher Tortoises, Sand Skinks and threatened species so, if the proposed project continues through to site development plan or subdivision review approval stages, specific environmental studies will be completed, and requirements will be addressed.

School Impacts

If necessary, the Polk County School Board will review the proposed project as it continues through the subdivision review and approval stages. Any development will have to address school concurrency issues and any necessary mitigation.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following Town of Dundee Comprehensive Plan policies are relevant to the proposed request. The policy is provided with an analysis of how the request may or may not be consistent with the Town's Comprehensive Plan. The request is consistent with the Comprehensive Plan.

Town of Dundee Town Commission Staff Report Cypress Creek Village MHP Phase V

Zoning Map Amendment Table 2: Consistency with the Comprehensive Plan

Comprehensive Plan Policy	Analysis
FLU Policy 5.1: Direct higher densities and intensity of use to areas where public facilities and services are available or are projected to be available. Limit the density and intensity of use in areas where public facilities and services are not available.	There is an interlocal agreement with the city of Winter Haven.
FLU Policy 5.2: Ensure that development orders or permits for future development and redevelopment are issued only if the public facilities and services necessary to meet the adopted level of service standards are available concurrent with the impacts of the development as established within all Elements of the Town of Dundee Comprehensive Plan, including the level of service standards listed within the following Elements: 1. Infrastructure Element 2. Transportation Element 3. Capital Improvements Element 4. Public School Facilities Element	The proposed impacts of the potential Future Land Use map amendment can be facilitated. There is an interlocal agreement with the city of Winter Haven for potable water and wastewater.
FLU Policy 6.1: Locate Future Land Uses at densities and intensities that will reduce greenhouse gas emissions while encouraging energy efficiency and will discourage urban sprawl and leap-frog development that unduly depletes the physical, social, and fiscal resources of the Town.	The property is located near an existing residential development.
CIE Policy 2.3: At the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.	Adequate public facilities will be available at the time of final plat approval. There is an interlocal agreement for potable and wastewater with the city of Winter Haven.

PSFE Policy 2.4.1: Final subdivision and site plan approvals for residential development shall be conditioned upon the availability of adequate school capacity as per the adopted level of service standards (LOS) of this element and as required by Section 163.3180(13) F.S.

The School Board will review any proposed projects for concurrency determination during the subdivision review process.

DEVELOPMENT REVIEW COMMITTEE

As required by Section 7.02.03.01 (c) of the LDC, DRC members have reviewed the Future Land Use Map Amendment for Hunter Engineering, LLC with specific regard to the codes and ordinances of the Town of Dundee and have given their approval.

DRC Team:

TOD Fire Chief-Chief Joseph Carbon

TOD Public Works Director-Johnathan Vice

TOD Utilities Director-Tracy Mercer

TOD Utilities Supervisor- Raymond Morales

TOD Development Director-Lorraine Peterson

TOD Consulting Engineering Firm- Rayl Engineering and Surveying, LLC

TOD Consulting Attorney- Seth Claytor of Boswell & Dunlap, LLP

MOTION OPTIONS:

- 1. I move **approval of Ordinance 24-04**, a request by Bryan Hunter of Hunter Engineering, Inc. to amend the Zoning Map for property located in the Town of Dundee from Moderate-Density Single Family (RSF-2) & Conservation (CN) to Mobile Home Park (RMH-2) on approximately 35.09 +/- acres. The subject property is located north of the Cypress Creek Village MHP, further described as parcel 27-28-20-000000-044020 in Section 23, Township 29, and Range 27.
- 2. I move **approval with changes of Ordinance 24-04**, a request by Bryan Hunter of Hunter Engineering, Inc. to amend the Zoning Map for property located in the Town of Dundee from Moderate-Density Single Family (RSF-2) & Conservation (CN) to Mobile Home Park (RMH-2) on approximately 35.09 +/- acres. The subject property is located

north of the Cypress Creek Village MHP, further described as parcel 27-28-20-000000-044020 in Section 23, Township 29, and Range 27.

3. I **move denial of Ordinance 24-04**, a request by Bryan Hunter of Hunter Engineering, Inc. to amend the Future Land Use Map for property located in the Town of Dundee from Moderate-Density Single Family (RSF-2) & Conservation (CN) to Mobile Home Park (RMH-2) on approximately 35.09 +/- acres. The subject property is located north of the Cypress Creek Village MHP, further described as parcel 27-28-20-000000-044020 in Section 23, Township 29, and Range 27.

Attachments: Legal Descriptions

Location Map

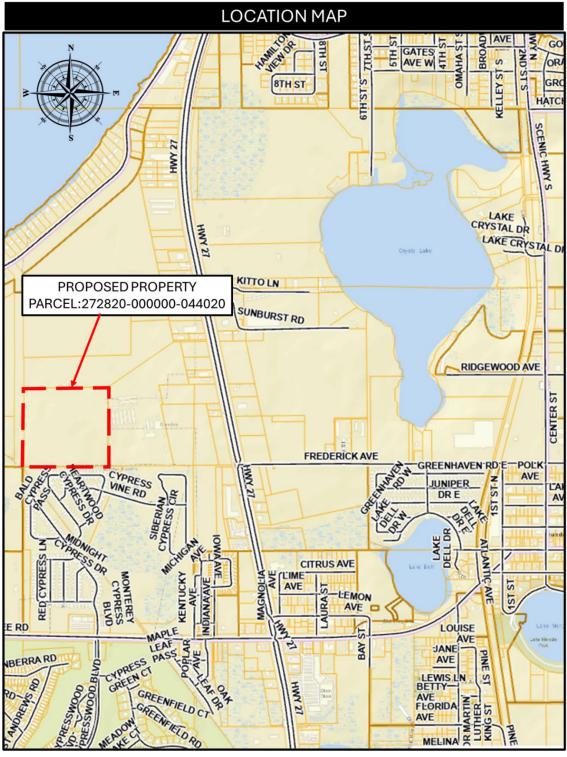
Existing Future Land Use Map

Proposed Future Land Use Map

Town of Dundee and Winter Haven Interlocal Agreement

BAXTER GROVES LEGAL DESCRIPTION THE SW ¼ OF THE SW ¼ OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 27 EAST, LESS AND EXCEPT THE NORTH 128 FT. THEREOF; AND SUBJECT TO RIGHT OF WAY OF THE PEACE RIVER VALLEY DRAINAGE CANAL ALOND THE WESTERLY SIDE THEREOF.

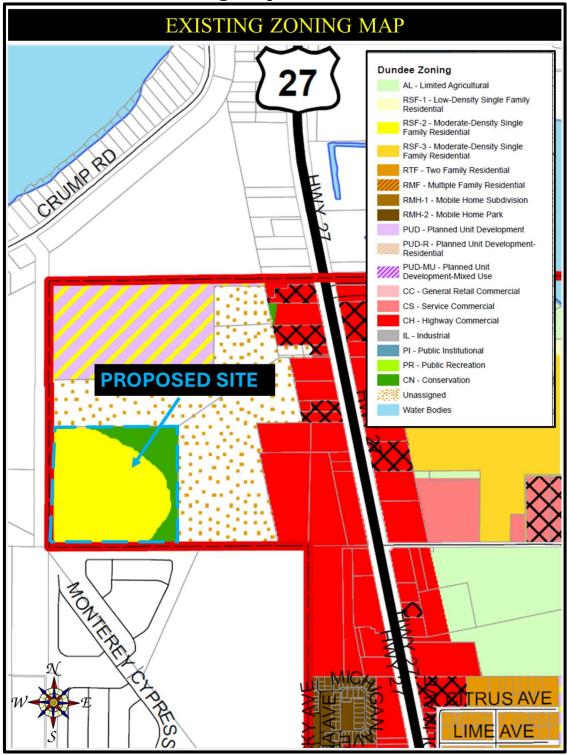
Legal Description



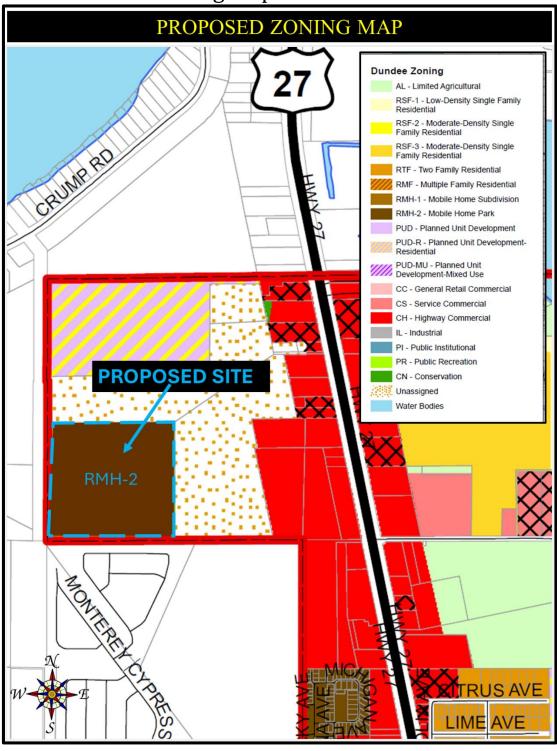
Location Map



Aerial Map Context



Existing FLUM Map



Proposed Future Land Use Map

<u>INTERLOCAL AGREEMENT</u> FOR POTABLE WATER AND WASTEWATER UTILITY SERVICES

THIS INTERLOCAL AGREEMENT FOR POTABLE WATER AND WASTEWATER

UTILITY SERVICES (the "Agreement") is made and entered into this____ day of______,

2024, by and between the municipalities of the Town of Dundee (hereinafter the "Town"), and
the City of Winter Haven (hereinafter the "City"), Florida municipal corporations organized and
existing under the laws of the State of Florida (hereinafter collectively the "Municipalities").

FACTUAL RECTIALS

WHEREAS, Municipalities are Florida municipal corporations vested with home rule authority pursuant to the Municipal Home Rule Powers Act, Chapter 166 of the Florida Statutes, and Article VIII, §2 of the Florida Constitution; and

WHEREAS, Municipalities are vested with governmental, corporate and proprietary powers to enable it to conduct and perform municipal functions and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, Baxter Groves (the "Owner"), a Florida general partnership, is the fee simple owner of the land(s) identified by the Polk County Property Appraiser as Parcel Identification Number 272820-000000-044020 (the "Property"); and

WHEREAS, Owner was conveyed fee simple ownership of the Property by virtue of that certain Warranty Deed (the "Deed") dated February 19, 1992, and recorded in Official Records Book 3068, Page(s) 0278, public records of Polk County, Florida; and

WHEREAS, copies of the Deed and Polk County Property Appraiser Parcel Details for the Property are attached hereto as Exhibit "A" and made a part hereof by reference; and

WHEREAS, on August 10, 2004, at a duly noticed public meeting, the Town Commission of the Town of Dundee passed and adopted Ordinance No. 04-101 (the "Ordinance") extending the corporate limits of the Town to include the Property within the

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Town's municipal boundaries; and

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

WHEREAS, City currently provides potable water, wastewater, and reclaim utility services to the Cypress Creek Village Mobile Home Park Phases I – IV; and

WHEREAS, Owner proposes to develop the Property (see Exhibit "A") in order to design and construct the Cypress Creek Village Phase V (the "Development"); and

WHEREAS, copies of the proposed conceptual site plan and aerial depictions of the Development are attached hereto as Exhibit "C" and made a part hereof by reference; and

WHEREAS, Town and City acknowledge and agree that, on the effective date of this Agreement, the City has available capacity and the utility facilities readily available and necessary to provide potable water, wastewater, and reclaim utility service(s) to the Development; and

WHEREAS, Town and City mutually agree and acknowledge that the City has no general duty to supply potable water and/or wastewater utility service(s) to area(s) outside its corporate limits; and

WHEREAS, Section 163.01, Florida Statutes, the *Florida Interlocal Cooperation Act*, authorizes the Town and City, which also possess home rule and other general law authority, to enter into agreements with each other to ensure the most efficient use of their respective powers and to exercise, jointly, any power, privilege, or authority which agencies share in common and which each might exercise separately; and

WHEREAS, Town and City acknowledge that an interlocal agreement entered into pursuant to the *Florida Interlocal Cooperation Act* ("FICA"), codified in Part I of F.S. Ch. 163, is considered a contract binding the parties thereto; and

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WHEREAS, Town and City covenant and agree that they have the power and authority to enter into this Agreement and bind their respective governmental entities to the provisions of this Agreement; and

WHEREAS, Municipalities acknowledge that planned, orderly growth is essential to the economic and social well-being of the people of the Municipalities which are located in Polk County, Florida; and

WHEREAS, Municipalities acknowledge that orderly and economic growth depends in large part upon the ability of local governments to cooperate and provide an environment for development which includes, but is not limited to, the timely availability of public facilities and public services; and

WHEREAS, Municipalities acknowledge that public resources managed by local governments should be used in an efficient manner to foster growth and development in order to maximize the benefits of such growth and development to the residents and citizens; and

WHEREAS, Municipalities share and will share common municipal boundaries, and provide public utilities in the unincorporated areas surrounding the Municipalities, and recognize that interlocal cooperation in the provision of such services will prevent duplicate systems, eliminate confusion, foster planned and orderly expansion of public utilities, encourage controlled growth and development, prevent future conflict of utility and annexation boundaries, and maximize the beneficial use of public facilities, services and resources for the citizens and residents of the Municipalities; and

WHEREAS, Town and City acknowledge the validity and enforceability of the respective utility service area boundaries each has adopted, if any; and

WHEREAS, Town and City acknowledge and agree that, pursuant to the terms and conditions of this Agreement, City will provide extra-jurisdictional potable water, wastewater,

and reclaim utility service(s) to the Development; and

WHEREAS, Town and City acknowledge and agree that, pursuant to the terms and conditions of this Agreement, the City will charge, bill, and collect from Town residents residing and/or located within the Development any applicable extra-jurisdictional utility service(s) rates which are established by the City in accordance with applicable Florida law; and

WHEREAS, Town and City acknowledge and agree that, for the sole purpose of providing utility service(s) to the Development, City will own, operate, and maintain the potable water, wastewater, and reclaim utility lines located within the corporate limits of the Town; and

WHEREAS, Town and City agree to enter into this Agreement as a matter of intergovernmental cooperation and coordination; and

WHEREAS, Town and City acknowledge and agree that, by entering into this Agreement, it is the intent of the Municipalities to conserve and protect water resources in the interest of public health, safety and welfare, and to avoid circumstances giving rise to the aforesaid duplications and resulting in uneconomical and wasteful operations; and

NOW THEREFORE, it is agreed and affirmed as follows: in consideration of the recitals, covenants, agreements and promises herein contained, the parties covenant and agree that the purpose of this Agreement is to extend and provide for how municipal potable water and wastewater utility service(s) for the proposed Cypress Creek Village Phase 5 will be provided.

- 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 entry into this Agreement, and the Town and City hereby adopt the above-referenced factual recitals as the legislative findings supporting the entry into this Agreement between the Town and City.
 - 2. Definitions. Term(s) used in this Agreement shall possess the meanings,

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interpretations and/or definitions assigned herein, provided however, that where one (1) of the following listed terms is used in this Agreement, such term(s) shall possess the corresponding meaning, as follows:

"Day(s)" means calendar day unless specifically stated otherwise.

"Calendar Day(s)" means all days in a 365-day calendar year.

"Business Day(s)" means each calendar day which is not a Saturday, Sunday or a recognized holiday by both the City of Winter Haven and Town of Dundee, Florida.

"Development" means the design, construction, and improvements performed for the proposed Cypress Creek Village Phase V development project which is the subject of this Agreement and located on, over, under and across the Property.

"Effective Date" means, for purposes of calculating time periods and the commencement of the term of this Agreement, the last date on which this Agreement is approved at a duly noticed public meeting and executed by the Town and City.

"Term" means the duration of this Agreement which shall commence on the Effective Date and expire and/or terminate in accordance with the provisions set forth in Section 9 of this Agreement.

Interlocal Agreement and Purpose.

Town and City agree to enter into this Agreement pursuant to such special and general constitutional and statutory legal authority which includes, but is not limited to Chapters 163, 166 and 180, Florida Statutes (2023), in order to address among other things the City's provision of extra-jurisdictional water, wastewater and reclaimed water utility services for the proposed Development (as defined in §2 of this Agreement).

The purpose of this Agreement is to ensure that water, wastewater, and reclaim utility facilities and service(s) needed to reasonably support the proposed Development which is located within the corporate limits of the Town are available, and this Agreement is also intended to establish and expressly memorialize the respective rights and general obligations of the Town and City with respect to the ownership of the utility facilities and payment for said utility services.

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4. Operation and Maintenance of Facilities.

Unless otherwise agreed to by the Municipalities, the utility facilities for potable water, wastewater, and reclaim utility service(s) in and/or for the proposed Development (as defined in §2 of this Agreement) shall be owned and maintained by the City in accordance with the regulation(s) and requirement(s) prescribed by the City of Winter Haven Unified Land Development Code and/or City of Winter Haven Code of Ordinances; and any and all utility easements dedicated to the Town by the fee simple owner of the Property comprising the proposed Development within the corporate limits of the Town shall also run in favor of the City.

5. Connection Fees and Establishing Customer Utility Accounts.

At the time of building permit issuance for structures within the proposed Development (as defined in §2 of this Agreement), the Owner shall deliver payment to the City for all applicable connection fees for the Development and/or other applicable charges, rates, and fees set forth and/or established by the City for connecting to the City's utility system(s) and the provision of extra-jurisdictional utility service(s) at the time of service activation in accordance with City Code of Ordinances, policies and rules and regulations. Provided further that at the time that water, wastewater and reclaimed utility service is established for any structure within the Development then the customer/user within the Development shall establish an account(s) directly with the City for water, wastewater and reclaimed water utility services in accordance with applicable City Code of Ordinances, rules and regulations and as may be more specifically set forth in Paragraph 7(d) of this Agreement.

6. Coordination of Planning Activities.

The Municipalities recognize that to achieve the mutual goal of planning for and providing future development of their respective utility systems in an efficient, economic, and orderly

manner, it will be necessary for each to maintain written communications with the other as necessary, concerning plans and actual development of water, wastewater, and reclaim utility facilities which lie adjacent to the service area of the adjoining Municipality which may or could affect the adopted Comprehensive Plans for future development of the systems of the other party. The Municipalities shall provide written communication to the other when the review and approval of new land development occurs along the Municipalities' shared municipal and/or utility service area borders or where the new development may impact the other. Such written communication will promote planned and actual implementation of improved public utilities and facilities along the Municipalities' shared municipal and utility service area borders.

Potable Water and Sanitary Sewer Areas.

- a. City water, wastewater and reclaimed utility services extended into the corporate limits of the Town and within the Town's utility service area shall be designed in such a way, where appropriate, to facilitate the connection and/or interconnection (i.e. force main locations, size, etc.) with the existing City's utility facilities currently servicing previous phases of the Development located within the municipal limits of the City. The Owner and/or applicable developer(s) shall be responsible for any and all costs in providing lines and other related utility infrastructure to service the Development in accordance with applicable laws, City ordinances, rules and regulations for the municipality providing utility services. The City may elect to, amongst other things, upsize the lines and alter force main locations which may also include, but shall not be limited to, requiring development exactions and/or developers to pay all costs and expenses of the design, permitting and construction of utility infrastructure in accordance with applicable laws, ordinances, rules and regulations.
- Municipalities agree not to provide water, sewer, and/or re-use water utility services
 in the established utility service area(s) of the other municipality other than as set forth herein.

- c. The utility facilities constructed for such water, wastewater and reclaimed utility services for the Development may be purchased by the Town when, if ever, it either has utilities and/or utility facilities available; and, pursuant to a separate written agreement, the terms and conditions for the transfer of service(s) and sale of utility facilities shall be agreed to and entered into by the Municipalities. Regardless of whether a sale is ever agreed upon, all Connection/impact fees shall be retained by the City for providing the water, wastewater and reclaimed utility services to the Development contemplated in this Agreement and said fees shall not be deducted from or accounted for in the purchase price of the facilities constructed for such utility services if a purchase ever occurs.
- d. The City shall establish fees for providing utility services to the Development which is located within the corporate limits of the Town for the water, wastewater and reclaim utility services, which are the subject of this Agreement, consistent with applicable Florida law and City Code of Ordinances. Provided further the City shall bill all customers directly within the Development for all water, wastewater, and reclaimed utility services provided to such customers in accordance with the City's ordinances, rules and regulations applicable for customers outside the City's municipal limits and as those may be amended from time to time. Town agrees to cooperate with City to the extent the City determines it necessary and/or desirable relating to the establishment of accounts with customers within the Development with the City for the provision of City water, wastewater and reclaimed water utility services therein.
- 8. <u>Service Not Required</u>. Nothing herein shall be construed to require the Municipalities to serve any customer or customers deemed by the respective municipality to be not feasible, economically or physically, to serve. Further, this Agreement shall not be construed to place either a contractual, statutory, or any other legal obligation, on any of the

parties hereto, to provide utility services outside its municipal and utility service area boundaries.

- Term of Agreement. This Agreement shall remain in effect until such time as the
 City and Town mutually agree, in writing, to terminate the Agreement. This Agreement shall not be unilaterally terminated.
- 10. <u>Disclaimer of Third-Party Beneficiaries</u>. This Agreement is solely for the benefit of the formal parties herein, and no right or cause of action shall accrue upon or by reason hereof to or for the benefit of any third-party not a formal party hereto.
- 11. <u>Disclaimer of Security</u>. Notwithstanding any other provisions of this Agreement, the parties hereto expressly acknowledge that they have no pledge of or lien upon any real property, personal property, or any existing or future revenue source of the other as security for any amounts of money payable by the other under this Agreement.

12. Notice.

Any notice required or allowed to be delivered hereunder shall be in writing and be deemed to be delivered when: (1) hand delivered to the official hereinafter designated; or (2) upon receipt of such notice when mailed by certified U.S. mail, postage prepaid, return receipt requested, addressed to a party at the address set forth opposite the party's name below or at such other address as the party shall have specified by written notice to the other party delivered in accordance herewith:

AS TO TOWN: Tandra Davis

Town Manager Town of Dundee 202 E. Main Street Dundee, FL 33838

COPY TO: (which shall not constitute notice)

Albert C. Galloway, Esquire Special Counsel for Town

Town of Dundee

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116 East Stuart Avenue Lake Wales, FL 33859-3339

AS TO CITY: T. Michael Stavres

City Manager City of Winter Haven

451 Third Street, N.W. Winter Haven, FL 33881

COPY TO: (which shall not constitute notice)

Frederick John Murphy, Jr., Esquire

City Attorney City of Winter Haven Boswell & Dunlap, LLP 245 S. Central Ave. Bartow, FL 33830-4620

Severability.

If any part of this Agreement is found to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the other parts of this Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can continue to be effected. To that end, this Agreement is declared severable.

14. Applicable Law.

This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

15. Assignment.

This Agreement shall be binding on the parties hereto and their representatives and successors. Neither party shall assign this Agreement or the rights and obligations to any other party without the prior written consent of the other party hereto.

16. Indemnification.

16.1 Neither party hereto waives sovereign immunity except that consistent

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with all applicable State law, including, but not limited to Chapter 768, Florida Statutes, the parties agree to hold each other harmless for the negligent acts of itself, its officers, agents, and employees, but only to the extent permitted by law regardless of whether such obligations are based in tort, contract, statute, strict liability, and negligence, product liability or otherwise.

- 16.2 If service provided hereunder is discontinued to a customer due to failure of the customer to pay for services provided, the party responsible for discontinuing service shall hold the other party harmless as to any and all claims or suits regarding such action.
- 17. Entire Agreement; Effect on Prior Agreements. This instrument constitutes the entire Agreement between the parties and supersedes all previous discussions, understandings, and agreements between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions herein shall be made by the parties in writing by formal amendment.

Recordation.

This Agreement shall constitute a covenant running with the Property which is the subject of the Development (as defined in §2 of this Agreement) and be recorded in the Public Records of Polk County, Florida.

Counterparts

This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constitute one Agreement.

20. <u>Multiple Originals</u>. This Agreement has been prepared in duplicate in order that each of the Municipalities will receive a fully executed original upon adoption and execution by the parties hereto.

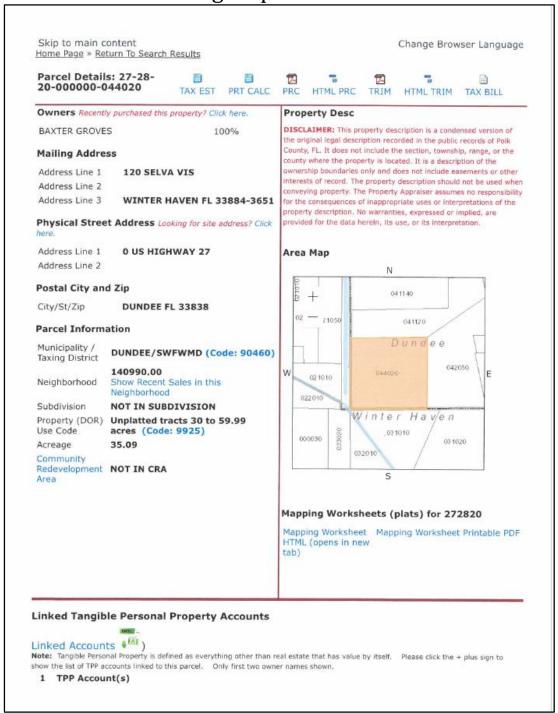
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21. Duty to Cooperate and Act in Good Faith. The parties acknowledge and agree that it is in their best interests and the best interests of the public that this Agreement be performed in strict accordance with the terms, covenants and conditions contained herein; and the parties shall, in all instances, cooperate and act in good faith in complying with all of the terms, covenants and conditions contained herein [The balance of this page intentionally left blank.] 12

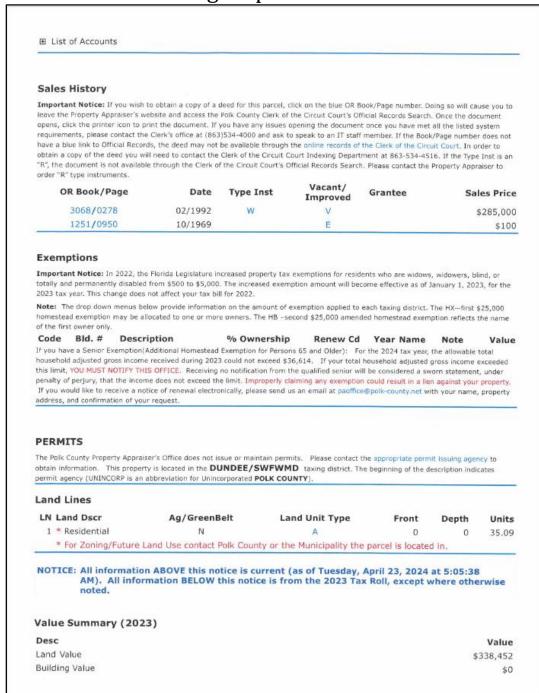
IN WITNESS WHEREOF, the parties h	nereto have executed this Agreement on th
date first above written.	
CITY OF WINTER HAVEN	TOWN OF DUNDEE
By: Nathaniel J. Birdsong, Jr., Mayor	By: Samuel Pennant, Mayor
ATTEST:	ATTEST:
By: Vanessa Castillo, MMC, City Clerk	By: Trevor Douthat, Town Clerk
LEGAL IN FORM AND VALID IF ENACTED	LEGAL IN FORM AND VALID IF ENACTED
By: Frederick J. Murphy, Jr. City Attorney	By: Albert C. Galloway, Jr. Special Counsel
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	DANA F. BAXTER (the partnership, the ac Florida 33882 (the Grantor, in c valuable considera hereby acknowledge property located described as follows the SW-1 28 South	consideration of TEN DOLLARS (\$10.00) and other ition paid by Grantee, the receipt of which is ed, grants and conveys to Grantee that real in Polk County, Florida, more particularly ws: /4 of SW-1/4 of Section 20, Township /4, Range 27 East, LESS AND EXCEPT the
And the second s	Together citrus	8 feet thereof; and subject to R/W of over Valley Drainage Canal along the side thereof; with and including the maturing fruit crop for 1991-92 season now thereon.
and the second s	The property in or is it contiguous in and will defend the	TO taxes for 1992 and subsequent is not the homestead or residence of the Grantor, us to the homestead or residence of Grantor. hereby fully warrant the title to such property e same against the lawful claims of all persons
Strong Strong Control of the Strong Control	the date first about the date	DANA F. BAXTER Address: 451 Function (4) Miles (1614 F. 1710,000) Documentary Tax Pd. \$ 1710,000 Intangible Tax Pd. \$ 0 E. D. "Bud" Dixon, Clerk, Polk Co. By: Long Deputy Clerk
	The foregoing day of February, 1 to me or has produce did take an oath.	instrument was acknowledged before me this 19 Th 992, by DANA F. BAXTER, who is personally known ed as identification and

Town of Dundee and Winter Haven Interlocal Agreement for Cypress Creek MHP **Exhibit A**

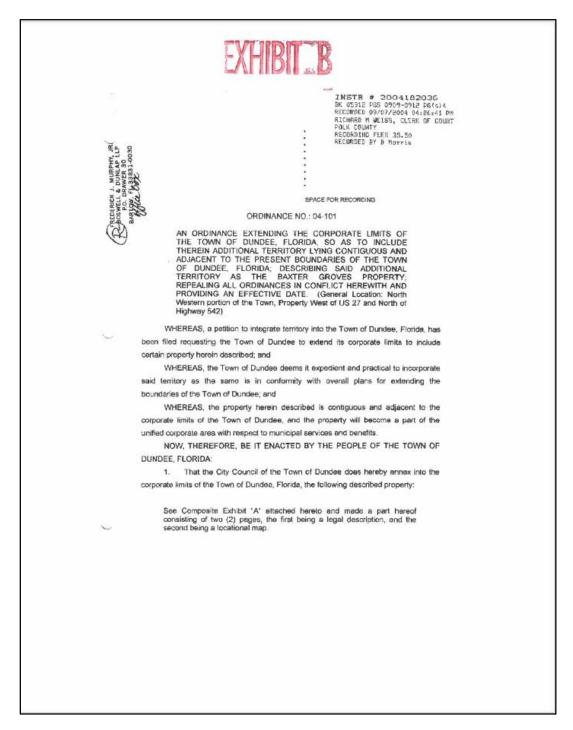


Town of Dundee and Winter Haven Interlocal Agreement for Cypress Creek MHP **Exhibit A**

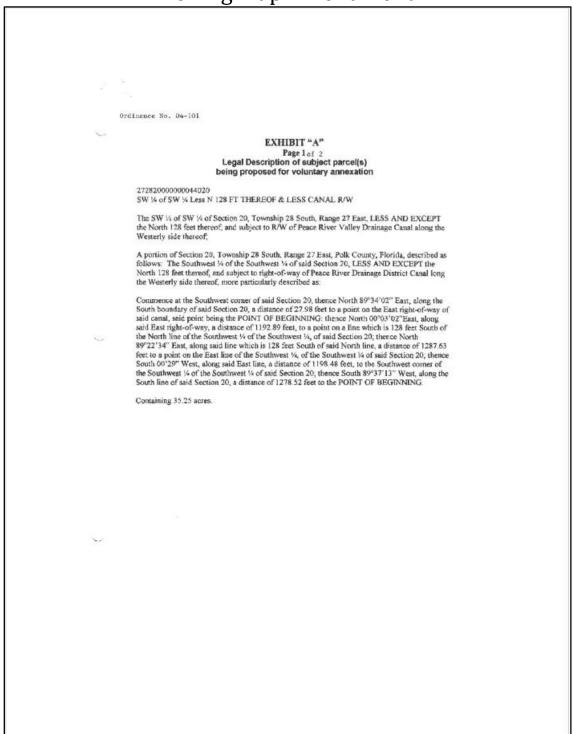


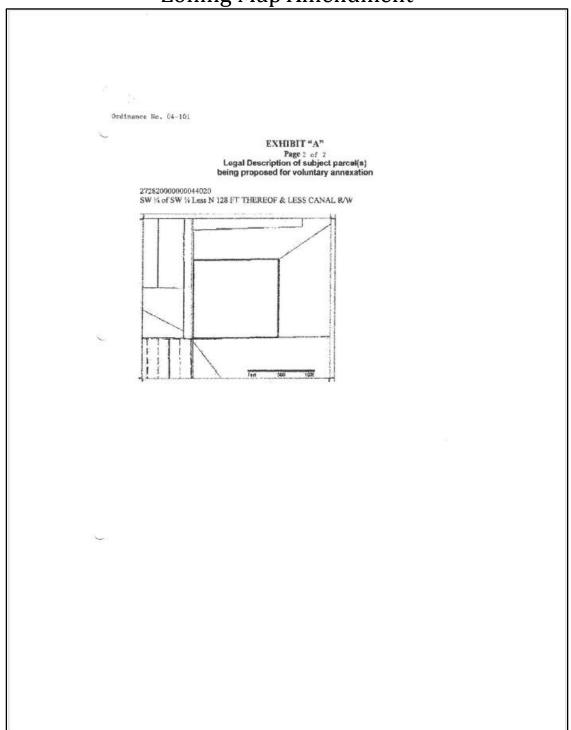
Town of Dundee and Winter Haven Interlocal Agreement for Cypress Creek MHP **Exhibit A**

Land Classified								\$
	d Value							\$5,54
Just Market Va	ilue							\$338,45
*Cap Different	ial and Port	ability						\$
Agriculture Cla								\$332,91
Assessed Value								\$5,54
Exempt Value								\$
Taxable Value	S. Park and S. Commission of the Commission of t	autota a ana ana		and the same of th				\$5,54
*This property	does not co	ontain a cap o	or portability va	alue.				
Values by D	istrict (20	023)						
		Final		Final		Final		
District Desc	ription	Tax Rate	Assessed Value	Assessed Taxes	Exemption	Tax Savings	Taxable Value	Fina Taxe
BOARD OF CO COMMISSIONE		6.685200	\$5,542	\$37.05	\$0	\$0.00	\$5,542	\$37.0
POLK COUNTY BOARD - STAT	E	3.160000	\$5,542	\$17.51	\$0	\$0.00	\$5,542	\$17.5
POLK COUNTY BOARD - LOCA	L	2.248000	\$5,542	\$12.46	\$0	\$0.00	\$5,542	\$12.4
TOWN OF DUN		7.900000	\$5,542	\$43.78	\$0	\$0.00	\$5,542	\$43.7
SOUTHWEST F MGMT DIST	LA WATER	0.204300	\$5,542	\$1.13	\$0	\$0.00	\$5,542	\$1.1
			Assessed Taxes:	\$111.93	Tax Savings:	\$0.00	Total Taxes:	\$111.9
Non-Ad Valo	rem Asse	ssments (2023)					
LN Code	Desc				Units	Rate	Ass	essmen
1 ST460	DUNDEE	STORMWATE	R UTILITY		1.00	34.50	0.000	\$34.5
Total Assessr	nents							\$34.50
Taxes								
Desc					Year			23 Fina
Taxing District		D	UNDEE/SWFW			JNDEE/SWF	WMD (Code	
Millage Rate Ad Valorem Ass	secoments				.3370 12.71			20.197
Non-Ad Valorer		ente			34.50			\$111.93
Total Taxes	ii Assessine	illes			17.21		79	\$34.50
Your final tax	hill may c	ontain Non-	Ad Valorem a			ant ha rafle		V. C. S.
	sments for acilities w	r roads, drai hich may be	nage, garbag levied by yo	e, fire, light ur county, c	ting, water, s	ewer, or ot her special	her govern district. V	menta



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ı	Ordinance 04-101
ı	Page Two
ı	
ı	 All ordinances in conflict herewith are hereby repealed.
ı	 If any provision or portion of this ordinance is declared by any court of
ı	
ı	competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
ı	provisions and portions of this ordinance shall remain in full force and effect.
ı	4. This walk was a shall false affect in word into keeping account condition
ı	 This ordinance shall take effect immediately after second reading.
ı	
ı	INTRODUCED on first reading this 2nd day of August, 2004.
ı	PASSED on second reading this 10th day of August, 2004.
ı	
ı	TOWN OF DUNDEE, FLORIDA
ı	· Volk
ı	The KARD
ı	Mayor-Kevin Kitto
ı	2
ı	Anna Mag
ı	TOWN CLERK - Emily Chain
ı	
ı	Approved as to form:
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ı	TOWN ATTORNEY - Frederick J. Murphy, Jr.
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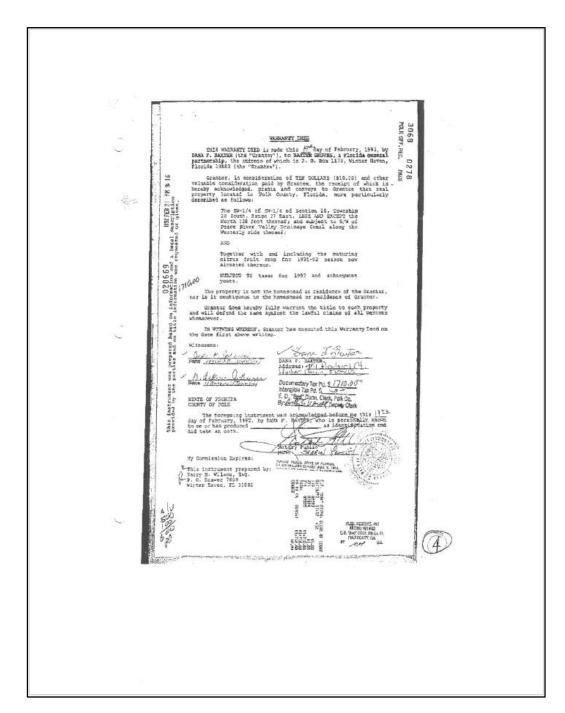
Town of Dundee 201 Carrier Street PORca 1000 Denotes. Phonos 36005 (860) 410-3144 Fax (BBI) 415-3166 Sentem 511-3800 Petition for Annexation Applicant The following information is required for submission of an application to annex into the Town limbs of Dundee, Florids. Please print or type the required information below. Attach three contest of the current survey with meles and bounds describition of sublinct property certified to the Town of Dundee along with an aerial photograph and location map Name of Property Cowner, Baxtex, Grovea Mailing Address: 120 Selva Vis. Richar Baven 33884. Phone: (863) 294-7411. Name of Representative, if applicable: Beard Knapp Development, LLC Mailing Address: 4300 US Rivy 92 F, St \$1030 LakeLandPhone; (863) 665-0185. Reason for Required: Property Identification Property Address: 341 Are Number of Residents on Site. Property Identification Present Use of the Property: Editing Structures Located on the Site. Total Acreage: 341 Are Number of Residents on Site. Passes of Property Value: \$57,300 Legal Description of the Property: See Assached Basil Section: 20 Township: 28 Range: 27 Subblikson: 000000 Parcel LD.#: 944920 Planning and Zoning Information Present County Future Land Use Designation: Requested City Zoning Classification: Requested City Zoning Classification: Response of the Study and Study of Study of Study and Study and Study of Study and Study of Study and	Petition for Annexation Applicant: The following information is required for submission of an application to annex into the Town limbs of Clandes, Florids. Please print or type the required information below. Attach three conies of the current survey with males and bounds description of subinct property certified to the Town of Dundee along with an aerial chotograph and location map Name of Property Owner. Baxtex Groves Mailing Address: 120 Sedva Vie. Nictor Bavon 33884. 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St. \$1030 LakeLand-Phone: (863) 665-0185 Reason for Request: Property Identification Property Address or General Location: Present Use of the Property: Existing Structures Located on the Site: Total Acreage: 342 Ac Number of Residents on Site: Property Address: 457,300 Legal Description of the Property: See Attached Besid Section: 20 Township: 28 Range: 27 Subdivison: 000000 Parcel I.D.E: 944920 Planning and Zoning Information Present County Future Land Use Designation: Requested City Zoning Classification: PUD Requested City Township: Resident on the Site of the City will easign designations which most deaty conformably the study of the represent or unauricing properties. An application to will be a study of the represent or unauricing properties. An application to will be a study of the represent or unauricing properties. An application to will be a study of the represent or unauricing properties. An application to will be a study of the represent or unauricing properties. 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St. \$1030 Lake Land-Phone: (863) 665-0185 Reason for Request: Property Identification Property Address or General Location: Present Use of the Property: Existing Structures Located on the Site: Total Acreage: 34± Ac Number of Residents on Site: 9 Assessed Property Value: \$57,300 Taxable Value: \$57,300 Legal Description of the Property:—See Attached Bend Section: 20 Township: 28 Range: 27 Subdivision: 000000 Parcel LD #: 944970 Planning and Zoning Information Present County Future Land Use Designation:—PUD Requested City Zoning Classification:—PUD Requested City Turus Land Use Designation:—REPU And properties An application to wide a section of the Property with designations are requested, the Cay will easing designations arises to a land use or consignation to wide a section of unwanted to a land use of the precently of with designations of unwanted a represent a land used to the precently of with designation of unwanted and unwanted to the precently of united to the precently of united to the precent of unwanted in an arrival a land underburg animetal control and underburg animetals of the designation of unwanted to the precent of unwanted to the precent of unwanted to the precent of unwanted to a land underburg animetals of the designation of unwanted to the precent of	Petition for Annexation Applicant The following information is required for submission of an application to annex into the Town limbs of Dundee, Florids. 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Phone: (863) 2 94.7 411 Name of Representative, if applicable: Beard, Knapp, Development, IDC. Mailing Address: 4500 US Bav. 92 E., St. \$1030 LakeLandPhone: (863) 665-0185 Research for Request: Property Identification Property Identification Property Address or General Location: Present Use of the Property: Editing Structures Located on the Site: Total Acreage: 34± Ac. Number of Residents on Site: \$ Assessed Property Value: \$57,300 Legal Description of the Property: See Attached Bead. Section: 20 Township: 28 Range: 27 Subdivisor: 000000 Parcel LD.#: 044020 Planning and Zoning Information Present County Future Land Use Designation: FUD Requested City Zoning Classification: FUD Requested City Ture Land Use Designation: REXE MCS Note: Union Seed and use and soring designation: Residents are requested; the City all Easign designations which most desely conform with the schall use of the property of the test generation of univarient groupertes. 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The Contract	·						-	Hearing Date: File Number:
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	Town of Dundee	Ann	exation Application		
-	Profile at				
	OWNER'S SIGNATURE PAGE				
	OTHER & SIGNATURE PAGE	-			
	(f) (We),		F 641	being	
1	duly sworn, depose and say the	hat (i) (we) ow	n one or more of the properties	involved in this	
	petition and that (I) (we) author into the Town, in accordance w	rize the Town o	of Dundee to process this petition Town rules and regulations, and	for annexation	
	with State law,	nin an adopted	rown rules and regulations, and	in conformance	
	Further (I) (wa) or any proof or	laneau of the su	abject property authorized by (me		
	petition, deposes and say that	the statement	s and answers contained in the) (us) to file this	
	annexation, and any information	on attached the	ereto, present the arguments in	behalf of this	
	petition to the best of (my) (ou	ir) ability; and t	that the statements and informa	tion referred to	
	accad are in an respects title stu	a correct to the	best of (my) (our) knowledge and	ballef.	
	OWNERS				
Sur	Baxter Groves	- Gen. Par	tuar		
	Signature of Overior	T.	Signature of Owner		
	Printed Name of Owner	VI.	Printed Name of Owner		
	Signature of Owner		Signature of Owner		
	Printed Name of Owner		Printed Name of Owner		
	STATE OF FLORIDA		OWNER'S NO	TARIZATION	
	COUNTY OF POLK The foregoing instrument v	vas acknowlede	ged before me this day of Su	en.	
	2004 by Dana F Bay	der on	, who is perso	naliy known	
	to me or who has produced a drive	enen as in	dentification and who did not take	an cath,	
	corres ones	or 30, 2008	Speed 1) Shet	le.	
	The state of the s	and to the state of the state of	Notarial Seal and Commission Expiration Date		
	ISB4 KING		Expiration Date		

\$.	Town of Dundee		
	page 3	Annexation Application	
• .	halfa A		
	AGENT, LESSEE, OR BUYER'S SIGNATU	RE PAGE	
	(I) (We) Randall L. Knapp, Manag	ing Member being	
Q. 14	duly swom, depose and say that (I) (we) ser	ve asAgent for the owner(s)	
	in making this petition and that the owner	(agenoriscous) s) (has) (have) authorized (me) (us) to act in this	
	capacity,		
	Further, (I) (we) depose and say that the st	izlaments and answers herein contained and other	
	information attached herato present the arg	iments in behalf of the polition herein requested to	
	the best of (my) (our) ability and that the sta respects true and correct to the best of (my)	tements and information above referred to are in all	
	suppose and an advisor to the agost of fight	(cor) silvivicuge and deliqu	
	AGENT LESSEE OR BUYER(S)		
	Hegel Kings Percupaser LLC		
	Signature of Agent Zeaham, or Suyer(3) Randall L. Knapp, Managing Member	Signature of Agent, Leases, or Buyer(s)	
	Printed Name of Agent, Lessee, or Buywrisi	Printed Name of Agant, Lasses, or Buyer(s)	
	Signature of Agent, Lessee, or Buyer(s)	Signature of Agent, Lessee, or Buyer(e)	
	Printed Name of Agent, Lessee, or Buyan(s)	Printed Name of Agent, Lesses, or Suyor(s)	
		The second secon	
	STATE OF FLORIDA	GENT, LESSEE, OR BUYER(S) NOTARIZATION	
	COUNTY OF POLK		
	The foregoing instrument was acknow 2004, by Rondall L Knapp	ledged before me this 21 day of Gully	
	to me or who has produced a driver's license.	as identification and who did not take an path.	
		Cast M. Shotler	
		Motary Public	
		Notarial Seal and Commission Expiration Date	
0	(F.1454) 40746	JASET O. SHITLER SHITCHMISSION ADDISSIST	
		10 PMFES Obtable 21 8045 Comprise But have free Understand	

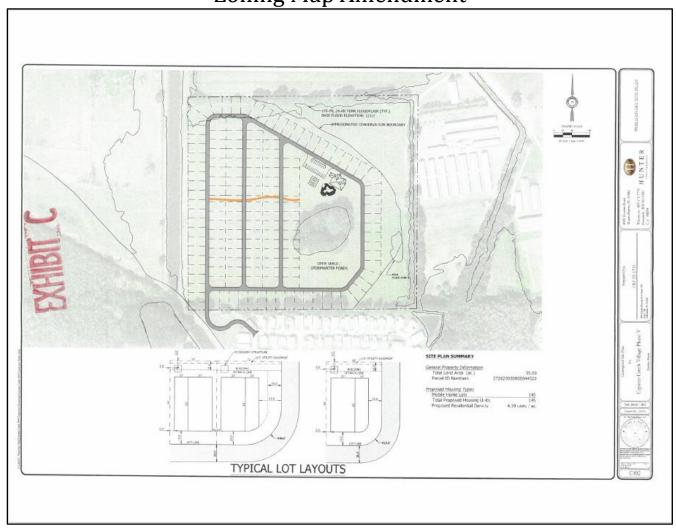
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	Prease Return To: Town Clerk	:		
	Town Clerk Town Hall - Town of Dundee 100 Center Street	1		
	Post Office Box 1905 Dunoto, Florida 33838	Space For Reco		
			raing	
100	CERTIFICATION OF	DWNERSHIP AND CONSENT		
	10 A	NNEXATION		
	(f) (We),		_,hereby certify	
	that (I sm) (we are) the legal owner (s) of	the property or properties specific	ally identified as	
	Polk County Property Appraiser's Parcel Ide	Milfication Number: 202827-00000	0-044020	
	Further, (I) (we) hereby consent to t	he annexation of the above-referen	road romnedy or	
	properties, to the Town of Dundee, as gener	ally depicted on the map attached h	eneto	
	(I) (We) understand that in reliance u	pon this consent to annexation that	the Town shall	
	expend considerable time and resources to	ward effectuating the annexation.	Therefore, this	
	consent to annexation is irrevocable for a pe	ried of one (1) year from the date	of its execution.	
	(I) (WE) UNDERSTAND THAT (I) (WE) W WITHDRAW THIS CONSENT TO ANNEXA	ILL NOT BE ABLE TO REVOKE,	RESCIND OR	
X-	THE SIGNING HEREOF. This agreement in	TION FOR A PERIOD OF ONE (1	YEAR FROM	
	County, Florida, and the terms contained he	lay be duly recorded in the Public F	Records of Polk	
	land, binding on all owners, successors, heirs	and sesions	unning with the	
	If (I am) (we are) executing this docum	nent on behalf of a conscrete or occ	trassitis supre	
	of land, (i) (we) I do so with the full knowledge	and authority of said composition of	r nadnambie	
	SIGNED this 21st day of July	. 2004	partietanp.	
		-Bouter Groves		
			eneral Pert.	
	В	David A Box to		
		Printed Name of Owner		
	SWORN AND SUBSCRIBED before	me, the undersigned a	iuthority, by	
1 3		who is personally known to me,		
	produced a drivers license, DL# *	as identification		
	My Contribute Express CHURSICH & SE SESSIT	Jensel D. Shetler		
	My Contractings Educate Calfus SICN & SC 26547 SP 7055 District 22, 2005 Security Male Security 1	WOTARY PUBLIC, STATE OF	FLORIDA	
	Description of the street of t			
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	AC.			
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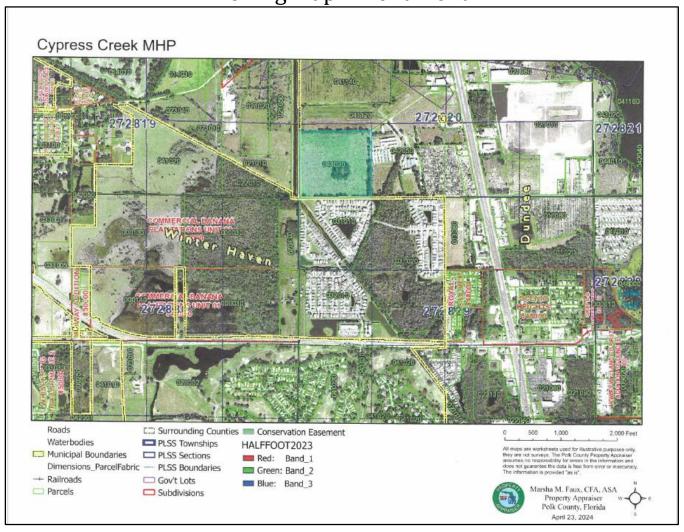
Town of Dundee and Winter Haven Interlocal Agreement for Cypress Creek MHP **Exhibit B**



Town of Dundee and Winter Haven Interlocal Agreement for Cypress Creek MHP **Exhibit B**

Pareri ID: 4728200400000440 Demar: BAXTER CROYSE	20 Value	Lifermatics		See Property Infor	1	d Stortob N
Multi-Oteaer(s):	Mise Here(a) Value Total Just Value (Assessed Value: Exernet Value:	ne: Market): \$172, n \$57, 3	Se.on Pine	Atticespace		CHEROR
Meding Address: 130 Distance vite Militage Haven 33664 3651 Site Address:	Taxable Value Neighborhood # Subdivision # Subdivision Name Land Hor Code (C UNC Description Legal Description	General I 140990 000000 1007 IN UCL 650A	Toperty Information		2	Sony no shelob avalable
Sales referentism Grante Name: Vased Finguese: Vale Detr: Sele And: OR Page: OR Page: Other Seles Sele	SALE 1 Shruary-1892 906, 99	8AI 01-Outober- 30.00 1251 539		SALE 3		for this pound
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	Marsetler Depth Unit 31	ds/Type Ag	Cing CITM CITM CITM CITM	E-10 E-10 E-10	31 31 31	Commercial Information Year Bit 20 Ye filt Unit: Standard Description Area (Total Unit; Esse)





Town of Dundee and Winter Haven Interlocal Agreement for Cypress Creek MHP Exhibit C

