

RESOLUTION NO. 26-16

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, MAKING FINDINGS; APPROVING THE FIRST AMENDMENT TO THE TRANSPORTATION INFRASTRUCTURE PROPORTIONATE SHARE AND IMPACT FEE CREDIT DEVELOPER'S AGREEMENT BETWEEN THE TOWN OF DUNDEE AND DUNDEE RESERVE HOLDINGS, LLC; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE FIRST AMENDMENT AND TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE PURPOSES OF THIS RESOLUTION; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to Chapter 166, Florida Statutes, and Article VIII, Section 2 of the Florida Constitution; and

WHEREAS, the Town possesses all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Dundee Reserve Holdings, LLC (the "Developer"), and the Town entered into that certain Transportation Infrastructure Proportionate Share and Impact Fee Credit Developer's Agreement dated February 19, 2026, and recorded on February 20, 2026, in Official Records Book 13889, Page 1460, Public Records of Polk County, Florida (the "Agreement"); and

WHEREAS, the Developer and the Town have negotiated a First Amendment to the Agreement (the "First Amendment"), attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the First Amendment modifies certain notice and timing provisions relating to the Escrow Agreement and title evidence requirements associated with the transportation infrastructure improvements contemplated by the Agreement; and

WHEREAS, the Town Commission finds that approval of the First Amendment is consistent with the Town's adopted policies, serves a valid public purpose, and promotes the public health, safety, and welfare.

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

Section 1. Incorporation of Recitals. The above-referenced factual recitals and referenced exhibit(s) are incorporated herein as true and correct statements which form a factual and material basis for the passage of this Resolution, and the Town Commission hereby adopts such recitals as legislative findings supporting the passage of this Resolution.

Section 2. Approval of First Amendment. The Town Commission hereby approves the First Amendment to the Transportation Infrastructure Proportionate Share and Impact Fee Credit Developer's Agreement between the Town of Dundee and Dundee Reserve Holdings, LLC, attached hereto as Exhibit "A," subject to all applicable laws, ordinances, development approvals, and conditions.

Section 3. Authorization. The Town Manager, or designee, is hereby authorized to execute the First Amendment and any related documents, and to take all actions necessary to implement the purposes of this Resolution.

Section 4. Recordation. The Town Clerk is hereby authorized and directed to record the executed First Amendment and any related documents in the Public Records of Polk County, Florida, as may be required or deemed appropriate.

Section 5. Conflicts. All resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Resolution is held invalid or unconstitutional by a court or administrative body of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 7. Administrative Correction of Scrivener's Errors. The administrative correction of typographical and/or scrivener's errors in this Resolution which do not affect the intent of this Resolution may be authorized by the Town Manager or designee, without further action by the Town Commission, by filing a corrected copy with the Town Clerk.

Section 8. Effective Date. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this ___ day of _____, 2026.

DULY INTRODUCED, PASSED, AND ADOPTED by the Town Commission of the Town of Dundee, Florida, at a duly noticed public meeting assembled on the _____ day of _____, 2026.

TOWN OF DUNDEE, FLORIDA

Joe Garrison, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

Approved as to form:

Markeishia Smith, Town Attorney