

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA ESTABLISHING THE WEIBERG ROAD COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, GLK Real Estate, LLC, an active Florida limited liability company ("Petitioner") has filed a Petition to Establish the Weiberg Road Community Development District, as supplemented (the "Petition"), with the Town Commission of the Town of Dundee (the "Town Commission") pursuant to Section 190.005(2)(a), *Florida Statutes*, and to adopt an ordinance establishing the Weiberg Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, Petitioner is an active Florida limited liability company authorized to conduct business in the State of Florida, whose principal address is 346 East Central Ave, Winter Haven, Florida 33880; and

WHEREAS, the owners of one hundred percent (100%) of the real property to be included in the District have consented to the establishment of the District; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the Town Commission of the Town of Dundee on September 13, 2022, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed public hearing, the Town Commission of the Town of Dundee has considered the record of the public hearing and the statutory factors set forth in section 190.005(2)(c), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the Town Commission, pursuant to the information contained within the Petition and based on an investigation conducted by staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District, finds as follows:

- (1) The statements within the Petition are true and correct; and
- (2) The Petition is complete in that it meets the requirements of Section 190.005(2)(a), *Florida Statutes* (2021); and
- (3) The appropriate Town of Dundee staff have reviewed the Petition for establishment of the District on the proposed land and have advised the Town Commission that said Petition is complete and sufficient; and
- (4) Establishment of the District by this Ordinance is subject to and not inconsistent with any applicable element or portion of the state comprehensive plan or the Town Comprehensive Plan; and

- (5) The area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community; and
- (6) The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- (7) The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
- (8) The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, pursuant to the information stated above, the Town Commission has decided to grant the Petition to establish the Weiberg Road Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, upon the effective date of this establishing Ordinance, the Weiberg Road Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law.

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

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Weiberg Road Community Development District Establishment Ordinance."

SECTION 2. FINDINGS. The Town Commission of the Town of Dundee finds that the factual recitals (WHEREAS clauses) form a factual and material basis for the approval of this Ordinance and hereby incorporates said findings into this Ordinance.

SECTION 3. AUTHORITY. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*.

SECTION 4. CREATION OF DISTRICT; DISTRICT NAME. The Petition filed to create the Weiberg Road Community Development District is hereby granted and there is hereby created a community development district, which is situated within the Town of Dundee, Florida, which District shall be known as the "Weiberg Road Community Development District."

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto and incorporated by reference, the overall boundaries encompassing 298.28 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 6. FUNCTIONS AND POWERS. The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct,

reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all Town of Dundee ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general-purpose government.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Warren K. Heath, Justin Frye, Christine Aviles, Bobbie Henley, and Lauren O. Schwenk. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. 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. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue remain in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

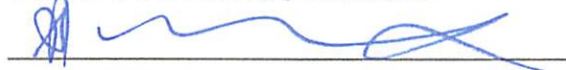
SECTION 9. ADMINISTRATIVE CORECTION OF SCRIVENER'S ERRORS. Sections of this Ordinance may be renamed red or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective immediately upon adoption.

INTRODUCED AND PASSED on first reading this 9th day of August 2022.

PASSED on second reading this 13th day of September 2022.

TOWN OF DUNDEE, FLORIDA



Mayor Sam Pennant

ATTEST


TOWN CLERK – Jenn Garcia

APPROVED AS TO FORM:

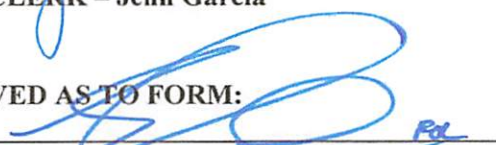

TOWN ATTORNEY – Fredrick J. Murphy

EXHIBIT A – Legal Description

LEGAL DESCRIPTION:

PARCEL NUMBER: 272822-000000-041040, 272822-000000-021030,
272822-000000-021010, 272823-000000-043030,
272823-000000-044010 (PER BOOK 11008, PAGES 0291 – 0299):

PARCEL 1:

THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 114, LESS THE NORTH 20 FEET FOR ROAD; AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 114, SECTION 22, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

AND

THE SOUTHEAST 114 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA. AND THE SOUTHWEST 114 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4; AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 LESS THE NORTHEAST 1/4 AND LESS THE NORTH 20 FEET FOR ROAD; AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 2:

THE WEST 1/2 OF THE NORTHWEST 114 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA; TOGETHER WITH A PERPETUAL EASEMENT OVER THE WEST 12 FEET OF THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 114 OF THE SOUTHWEST 1/4 OF SAID SECTION 23 LYING NORTH OF THE CANAL LEADING INTO LAKE TRASK, FOR THE PURPOSE OF TRANSPORTING IRRIGATION AND SPRAY WATER FROM SAID CANAL AND SAID LAKE, INCLUDING THE RIGHT TO ERECT AND MAINTAIN A PUMP AND MOTOR ON SAID STRIP OF LAND.

AND

THE WEST 112 OF THE SOUTHWEST 114 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL NUMBER: 272822-000000-021020 (PER BOOK 11518,
PAGES 0903 – 0913):

THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY.

PARCEL NUMBER: 272822-000000-041010 (PER BOOK 11008,
PAGES 0333 – 0336):

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 28 SOUTH, RANGE 27 EAST, LESS THE NORTH 20 FEET FOR ROAD, LYING IN POLK COUNTY, FLORIDA.

Phase 2 – Parcel 2

LEGAL DESCRIPTION:

The West 3/4s of the South 1/4 of the Northeast 1/4 of Section 22, Township 28 South, Range 27 East, Polk County, Florida, LESS Right of Way for Weiberg Road, being more particularly described as follows:

COMMENCE at the Northwest corner of said Northeast 1/4, run thence along the West boundary of said Northeast 1/4, S 00°21'58" E, a distance of 1996.70 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Northeast 1/4, and the POINT OF BEGINNING; thence along the North boundary of said South 1/4, N 89°25'42" E, a distance of 1985.32 feet to the East boundary of the Southwest 1/4 of the Southeast 1/4 of said Northeast 1/4; thence along said East boundary, S 00°18'57" E, a distance of 654.17 feet to the North Maintained Right of Way of Weiberg Road, according to the Polk County Maintained Right of Way Map of Edwards Road, recorded in Map Book 1, Pages 24 through 26, of the Public Records of Polk County, Florida; thence along said North Maintained Right of Way the following eleven (11) courses: 1) S 89°45'21" W, a distance of 36.87 feet; 2) S 89°10'58" W, a distance of 100.00 feet; 3) S 89°45'21" W, a distance of 100.00 feet; 4) S 88°53'47" W, a distance of 100.00 feet; 5) S 89°28'09" W, a distance of 200.00 feet; 6) S 88°53'47" W, a distance of 100.00 feet; 7) S 89°28'09" W, a distance of 100.00 feet; 8) N 89°57'28" W, a distance of 200.01 feet; 9) S 89°28'09" W, a distance of 100.00 feet; 10) S 89°10'58" W, a distance of 100.00 feet; 11) N 89°57'28" W, a distance of 186.29 feet to the East boundary of the Southwest 1/4 of the Southwest 1/4 of said Northeast 1/4; thence along said East boundary, N 00°20'57" W, a distance of 5.64 feet to the North Right of Way of Weiberg Road by deed exception, being 20.00 feet North of and parallel with the South boundary of said Northeast 1/4; thence along said North Right of Way, S 89°28'09" W, a distance of 661.58 feet to aforesaid West boundary of the Northeast 1/4; thence along said West boundary, N 00°21'58" W, a distance of 645.57 feet to the POINT OF BEGINNING.

Containing 29.682 acres, more or less.

Phase 3 & 4 – Parcel 3

LEGAL DESCRIPTION

DESCRIPTION:

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE EAST 1/4 CORNER OF SAID SECTION 21, BEING MONUMENTED (AS OF AUGUST, 2021) BY A 1/2 INCH IRON ROD (NO IDENTIFICATION) THAT IS 4.32 FEET SOUTH OF A 1/2 INCH IRON PIPE (NO IDENTIFICATION), IN ACCORDANCE WITH CERTIFIED CORNER RECORD #029061; THENCE ALONG THE EAST BOUNDARY OF SAID SOUTHEAST 1/4, S 00°20'50" E, A DISTANCE OF 1328.47 FEET TO THE SOUTH BOUNDARY OF THE NORTHEAST 1/4 OF SAID SOUTHEAST 1/4; THENCE ALONG SAID SOUTH BOUNDARY, S 89°38'06" W, A DISTANCE OF 1322.66 FEET TO THE WEST BOUNDARY OF THE NORTHEAST 1/4 OF SAID SOUTHEAST 1/4; THENCE ALONG SAID WEST BOUNDARY, N 00°18'06" W, A DISTANCE OF 666.09 FEET TO THE SOUTH BOUNDARY OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID SOUTHEAST 1/4; THENCE ALONG THE SOUTH BOUNDARY OF SAID NORTH 1/2, S 89°42'55" W, A DISTANCE OF 1,292.13 FEET TO THE EAST RIGHT OF WAY OF CENTER STREET (STATE ROAD 17) PER LAKE ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 1 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT OF WAY, N 00°15'22" W, A DISTANCE OF 667.90 FEET TO THE NORTH BOUNDARY OF SAID SOUTHEAST 1/4; THENCE ALONG SAID NORTH BOUNDARY, N 89°47'45" E, A DISTANCE OF 2613.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 60.159 ACRES, MORE OR LESS.

LESS AND EXCEPT EXISTING ROAD RIGHTS OF WAY AND ALLEYS, INCLUDING BUT NOT LIMITED TO ROAD RIGHTS OF WAY AND ALLEYS RESERVED ON LAKE ESTATES, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 21, PAGE 1 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.