

**ORDINANCE NO. 2018-02**

**AN ORDINANCE OF POLK CITY, FLORIDA; APPROVING A FINAL PLAT PURSUANT TO § 7.05.06, POLK CITY LAND DEVELOPMENT CODE; PROVIDING A SHORT TITLE; PROVIDING FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:**

**SECTION 1. SHORT TITLE.** This Ordinance shall be entitled and may be referred to as the "Fountain Park Phase 2 Final Plat Approval Ordinance."

**SECTION 2. FINDINGS AND INTENT.** In adopting this Ordinance and approving the Fountain Park Phase 2 Final Plat, the City Commission of Polk City, Florida, hereby makes the following findings:

- (1) The City is authorized, pursuant to general law, charter, and its home rule powers contained in statutes and the Florida Constitution, to regulate the use of land in Polk City, Florida.
- (2) Pursuant to this authority, the City adopted its Land Development Code.
- (3) The Land Development Code provides for the regulation of subdivisions and platting of lots.
- (4) As a part of City's Subdivision Regulations contained in § 7.05.00, City Land Development Code, the City provides for a three-step process, the concept plan review, preliminary plat review, and final plat approval.
- (5) Pulte Home Company, LLC, (hereafter the "Applicant") has applied for the approval of a final plat for Phase 2 of Fountain Park situate in Section 6, Township 27 South, Range 25 East, in Polk City, Polk County, Florida.
- (6) The Applicant has submitted all items, documentation, and information as required by § 7.05.06.01, City Land Development Code.
- (7) The procedure for approving a final plat under the City Land Development Code requires the Planning Commission to discuss the final plat and compare it to the preliminary plat.
- (8) In a public meeting of the Planning Commission, it has determined that there are no changes between the final plat and the preliminary plat.

(9) The procedure for approving a final plat under the City Land Development Code requires the City Commission to approve the final plat by ordinance.

(10) State statute requires that the title to the ordinance be read at two public meetings, and that notice be provided to the public and a public hearing be scheduled during which the approval of the final plat by ordinance may occur.

(11) The City has complied with all procedural and substantive requirements of the City Land Development Code in regard to the noticing, scheduling, and holding of public meetings and public hearings in order to render a decision on the final plat for Fountain Park—Phase 2.

**SECTION 3. APPROVAL OF FINAL PLAT FOR FOUNTAIN PARK-PHASE 2.** Based upon the above findings and other competent, substantial evidence presented by way of testimony and documentation before the City Commission of Polk County, the City Commission hereby approves the final plat for Fountain Park-Phase 2, which is incorporated by reference into this ordinance in its entirety. A true and correct copy shall be filed and recorded along with an executed copy of this ordinance at the expense of the Applicant with the Clerk of the Circuit Court of Polk County, Florida. As provided in § 7.05.06.01(D) of the City Land Development Code, the Applicant shall be responsible for not only recording the final plat but also for returning one reproducible copy of the recorded plat to the City's building official prior to the issuance of any building permits within Fountain Park-Phase 2. As a further condition to the approval of the final plat for Fountain Park-Phase 2, if the applicant/developer has not completed the improvements before approval of this final plat, then the applicant/developer shall post a performance bond in the amount of ONE MILLION, SEVEN HUNDRED FIFTY-EIGHT THOUSAND, FIVE HUNDRED SIXTY-NINE AND 09/100S DOLLARS (\$1,758,569.09) to secure installation and dedication of all required improvements on or before August 1, 2018, in favor of Polk County, Florida, in form acceptable to Polk County, Florida, in accordance with § 7.05.05.05, City Land Development Code. In the event the applicant/developer fails or refuses to satisfactorily complete said improvements within 30 days prior to the time prescribed in the approved final plat, July 1, 2018, the applicant/developer agrees that the City shall have the right to vacate all or part of the final plat where such improvements have not been completed in accordance with the plans and specifications; construct, reconstruct, restore or repair any such improvements, whether through utilizing city employees and materials or contracting for the completion of said improvement, or in its discretion, permit the surety to complete said improvements. The applicant/developer shall also submit a maintenance bond upon completion of the improvements to be covered by the performance bond. The maintenance bond shall protect the city against any defects resulting from faulty materials or workmanship (ie, installation) of the improvements for a period of one (1) year

from the date the city approves the installation of all improvements included in the final plat.

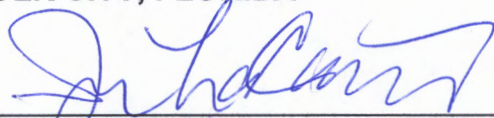
**SECTION 4. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

**SECTION 15. EFFECTIVE DATE.** This Ordinance shall take effect in accordance with state law.

**PASSED ON FIRST READING** this 21<sup>st</sup> day of May, 2018.

**PASSED ON SECOND READING** this 29<sup>th</sup> day of May, 2018.

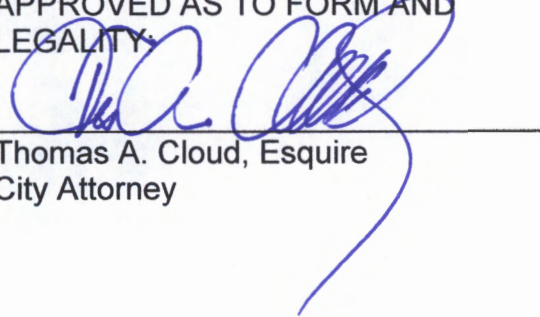
**POLK CITY, FLORIDA**

  
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Joseph LaCascia, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia Jackson, City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
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Thomas A. Cloud, Esquire  
City Attorney