

RESOLUTION NO. 24-XXXX

**A RESOLUTION OF THE CITY OF HAINES CITY, FLORIDA;
GRANTING A FINAL PLAT FOR PHASE 1 OF THE CROSSWINDS
EAST SUBDIVISION LOCATED EAST OF POWERLINE ROAD,
NORTH OF CARL BOOZER AVENUE, AND SOUTH OF SNELL CREEK
ROAD, HAINES CITY, FLORIDA; SETTING FORTH CONDITIONS;
PROVIDING FOR FINDINGS; PROVIDING FOR RECORDING IN THE
PUBLIC RECORDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Haines City desires to re-approve the Final Plat for Phase I of the Crosswinds East subdivision, Haines City, FL. 33844.

WHEREAS, Resolution No. 24-1834 (which previously approved the Final Plat) was approved by the City Commission of the City of Haines City on October 21, 2024 and recorded on October 23, 2024 in O. R. Book 13306, Page 1645 of the public records of Polk County, Florida; and

WHEREAS, it is necessary to amend and clarify several provisions in Resolution No. 24-1834 (which previously approved the Final Plat) and this Resolution, upon approval by the City Commission of the City of Haines City, Florida, shall thereby supersede Resolution No. 24-1834.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA, AS FOLLOWS:

Section 1. Final Plat Granted. The City Commission of the City of Haines City hereby grants approval of the Final Plat for Phase I of the Crosswinds East subdivision according to the following described property located within the City of Haines City, and as more particularly described as:

Legal Descriptions are included in Exhibit A and Parcel Identification numbers are listed below:

272714-739000-010150; 272723-757500-040011; 272714-739000-040012; 272714-739000-040041; 272714-739000-040110; 272723-000000-032002; 272723-000000-032001; 272714739000-040180; 272714-739000-040210; 272714-739000-040281; 272714-739000-040290; 272723-000000-031002; 272723-000000-032003; 272723-000000-032004; 272723-000000031001.

CONTAINING 254.24 ACRES, MORE OR LESS.

Section 2. Conditions of Approval.

1. Approval of the final plat does not release the applicant from meeting the requirements of all other applicable sections of Haines City's Land Development Regulations, Code of Ordinances, and Growth Management Plan.

2. Violations of any conditions of approval shall be deemed a violation of the Land Development Regulations and shall give rise to the City's right to cancel the Final Plat upon thirty (30) days' advance notice.

3. The Final Plat shall be consistent with the design as shown on the preliminary plat dated on or around April 27, 2023, as attached hereto as "Exhibit B" and pursuant to the following conditions:

1. Developer has entered into an Infrastructure and Impact Fee Credit Agreement with Polk County regarding Phase I of the Powerline Road Extension from South Boulevard to US Highway 17/92. Under this Agreement the off-site improvements required for Phase 1 of Crosswinds East have been met and the Developer shall have five (5) years from the date of the Agreement in which to begin construction of the extension of Powerline Road and shall have three (3) years to complete said extension. As additional phases are reviewed and approved, future off-site improvements will be re-evaluated as well.

2. Street trees shall not be removed and shall be stated in the Homeowners' Association documents and any other association documents of the development.

3. Reuse lines shall be installed.

4. The parties acknowledge that in FY 2024/2025, Polk County may be requesting state appropriated funds to construct Phase 2 of Power Line Road which would include the Intersection Improvements. In the event that (i) Polk County is successful in acquiring the funding from the 2025 State of Florida Legislative Session for the construction of Phase 2 of Power Line Road, or (ii) Polk County is unsuccessful in acquiring the funding from the 2025 State of Florida Legislative Session for the construction of Phase 2 of Power Line Road, then the Developer shall proceed with construction of the identified Intersection Improvements listed below (which construction shall commence no later than December 31, 2025) and such Intersection Improvements shall be completed no later than December 31, 2026. The Intersection Improvements shall be to the following intersections:

i. Power Line Road at Snell Creek Road

ii. Power Line Road at Carl Boozer Avenue

iii. Power Line Road at Baker Dairy Road

5. The Final Plat will not be recorded until all road work has been inspected and approved. Original road construction must be approved before the Final Plat will be recorded.

6. In accordance with Section 13.5.5 of the City's Land Development Regulations and this Resolution for the Crosswinds East Phase I Final Plat approved by the City Commission at the hearing on this date, (October 17, 2024), the City will not release the Final Plat to the Developer until the Performance Bond or a Cashier's/Certified Check for

an amount as approved by the City is received for the improvements that have not yet been completed within Phase 1 of this project.

In the event, the Developer fails to provide the Performance Bond or Cashier's/Certified Check in the amount as approved by the City within 90 day after approval of the Crosswinds East Phase 1 Final Plat, the Cost Estimate shall be updated to reflect current material costs and address all improvements not completed.

Further, and for clarification purposes, no Building Permits and/or Certificates of Occupancy shall be issued by the City until the Crosswinds East Phase I Final Plat has been fully executed and recorded with the Polk County Clerk of Courts.

7. Approval of the Final Plat does not release the applicant from meeting the requirements of all other applicable section of Haines City's Land Development Regulations, Code of Ordinances, and Growth Management Plan should an omission be made or revision be needed, and shall be required to be addressed with the Site Construction Plan review.

Section 3. Findings. In adopting this Resolution, the City Commission hereby makes the following findings, purposes, and intent:

1. The City Commission is empowered under the City's Land Development Regulations to hear and decide applications for final plats, to decide questions involved in determining whether final plat should be granted, and to grant final plat with conditions and safeguards appropriate under the Land Development Regulations.
2. A written application for a Final Plat was submitted on or around June 21, 2024.
3. Based on the evidence in the record, it is hereby found that the proposed final plat will not adversely affect the public interest, that it is not contrary to the intent and provisions of the City's Comprehensive Plan, that there is compliance with specific rules governing individual plats of the type involved, that the proposed development, with conditions and safeguards in Section 2 conditions herein, will be generally compatible with adjacent properties in the district, and that satisfactory provisions and arrangements have been made concerning the specific conditions enumerated in this Resolution.

Section 4. Recording. This Resolution shall be recorded in the Public Records of Polk County, Florida.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED and APPROVED in regular session of the City Commission of Haines City, Florida, this 2nd day of December, 2024.

ATTEST:

APPROVED:

Sharon Lauther, MMC, City Clerk

Omar Arroyo, Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

Fred Reilly, City Attorney