

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: May 4, 2010

Consent      { } Regular  
 Workshop      { } Public Hearing

Department:

Submitted By:      Engineering & Public Works  
Submitted For:     Engineering Services Division

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: A Resolution approving recordation and filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of and for Palm Beach County (County), Florida, certifying that Seminole Pratt Whitney Road crossing the "M" Canal, has been maintained or repaired, continuously and uninterrupted, by the County for over four years and all right, title, easement appurtenances in and to the road is therefore vested in the County.

**SUMMARY:** This recordation and filing will establish and confirm title of Seminole Pratt Whitney Road crossing the "M" Canal, to the County in accordance with 95.361, Florida Statutes, which provides that upon four years of continuously and uninterrupted maintenance or repair of the road by the County and upon filing of a map with the Clerk, title to the road becomes vested in the County for the extent in width that it has been actually maintained. This maintenance includes road pavement, guardrail and bridge maintenance and roadside mowing of vegetation. The Road and Bridge Division Director has certified, on the cover of the Seminole Pratt Whitney Road crossing the "M" Canal Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County.

District 6 (MRE)

**Background and Justification:** The County obtained a Right-of-Way deed (ORB 1544 Page 378) for Seminole Pratt Whitney Road in Section 1, Township 43 South, Range 40 East in 1967 as referenced on the attached Maintenance Map. The County previously filed a Maintenance Map (Road Plat Book 9, Page 99) in 2008, for 60<sup>th</sup> Street North along the south side of the "M" Canal, west from Seminole Pratt Whitney Road. Maintenance of the existing County infrastructure within the "M" Canal was initiated upon the completion of its construction in 1993.

**Attachments:**

- 1. Location Sketch
- 2. Resolution
- 3. Maintenance Map

Recommended by: Don Charles Rich  
Division Director

3/26/10  
Date

Approved By: J. T. Webb  
County Engineer

4/7/10  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	*-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE	-0-	-0-	-0-	-0-	-0-
POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included In Current Budget? Yes  No

**Budget Account No.:**

Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_


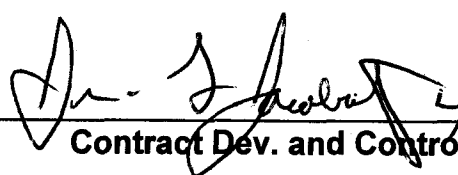
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\* **NO FISCAL IMPACT**

C. Departmental Fiscal Review: admitted

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

 _____ OFMB No 4840 4/12/10 4/17/10	 _____ Contract Dev. and Control 4/12/10
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**B. Legal Sufficiency:**

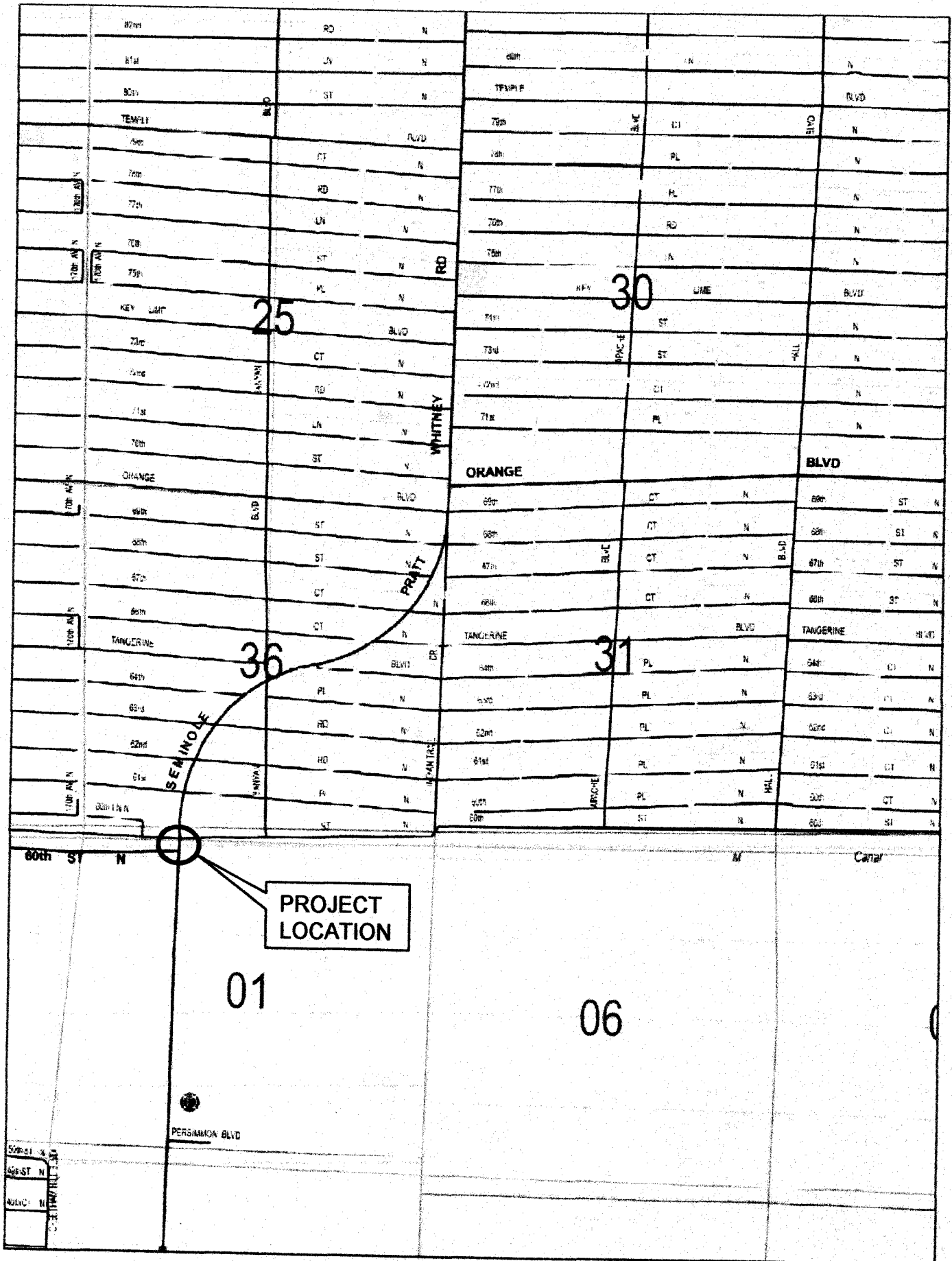
  
 \_\_\_\_\_  
 Assistant County Attorney  
 4/27/10

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

# SEMINOLE PRATT WHITNEY ROAD CROSSING OVER THE "M" CANAL

PROJECT NO. 1997511C2B



LOCATION MAP

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO APPROVE THE RECORDATION/FILING OF A MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY, FOR SEMINOLE PRATT WHITNEY ROAD CROSSING THE "M" CANAL, SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, WITH THE CLERK OF THE CIRCUIT COURT OF AND FOR PALM BEACH COUNTY, FLORIDA

**WHEREAS**, the Seminole Pratt Whitney Road crossing the "M" Canal, Maintenance Map – Specific Purpose Survey has been submitted to the Board of County Commissioners for approval for filing for records; and

**WHEREAS**, the Road and Bridge Division Director has certified that Palm Beach County has maintained this area of Seminole Pratt Whitney Road crossing the "M" Canal for four (4) years, as required by Florida Statute 95.361.

**WHEREAS**, Florida Statute **95.361 Roads presumed to be dedicated**, states that when a road has been maintained or repaired continuously and uninterruptedly for four (4) years by the County, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained. The dedication shall vest all right, title, easement and appurtenances in and to the road in the County; and

**WHEREAS**, the Maintenance Map, shall be filed at the office of the clerk of the circuit court of the County where the road is located. The Maintenance Map shall recite on it that the road is vested in the County and shall be duly certified by the Chairman and Clerk of the Board of County Commissioners of the County. Said filing shall be prima facie evidence of ownership by the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are hereby reaffirmed and ratified.
2. The Chairman of the Board and the County Engineer are hereby authorized to sign the Specific Purpose Survey (Maintenance Map) and the Clerk is authorized to sign same.

RESOLUTION NO. \_\_\_\_\_

The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	-
Commissioner Karen T. Marcus, Vice Chair	-
Commissioner John F. Koons	-
Commissioner Shelley Vana	-
Commissioner Steven L. Abrams	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chairman thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SHARON R. BOCK, CLERK AND  
COMPTROLLER

PALM BEACH COUNTY, FLORIDA  
BY ITS' BOARD OF COUNTY  
COMMISSIONERS:

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_   
Burt Aaronson, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
County Attorney

Due to the size of the Maintenance Map it can be  
viewed in the Minutes Department

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