Agenda Item #: 3 - C - 3

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: February 1, 2011 {X} 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 (Clerk) of and for Palm Beach County (County), Florida, certifying that Dryden Road from Haverhill Road to Mango Drive, has been maintained or repaired, continuously and uninterrupted, by the County for over four years and all rights, title, easement appurtenances in and to the road are therefore vested in the County.

**SUMMARY:** Adoption of this Resolution will establish and confirm title of Dryden Road from Haverhill Road to Mango Drive to the County in accordance with Section 95.361, Florida Statutes, which provides that upon four years of continuous 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 has been actually maintained. The Road and Bridge Division Director has certified, on the cover of the Dryden Road from Haverhill Road to Mango Drive Specific Purpose Survey Maintenance Map, that it depicts the limits of maintenance by the County.

### District 2 (MRE)

**Background and Justification:** Dryden Road is one of the roads in the three plats of Dillman Heights, recorded in the 1960s. The roads, including Dryden Road, were dedicated to the public by the plats. The Engineering Department records reflect work being performed in the 1960s on roads within Dillman Heights due to poor soil percolation conditions in the area. A wedge-shaped portion of the Dryden Road pavement transition falls outside the Dillman Heights plats but has been maintained by the County as part of Dryden Road, along with the rest of the roadway, for over the required four years.

#### Attachments:

1. Location Sketch

- 2. Resolution
- 3. Maintenance Map

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Recommended by:	Charles Rich	12/17/10 MULLA		
, _	Division Director	Date		
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Approved By:	S. J. Will	12/2010		

Date

**County Engineer** 

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## II. FISCAL IMPACT ANALYSIS

# A. Five Year Summary of Fiscal Impact:

Fiscal Years Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County) NET FISCAL IMPACT	2011 <u>\$ -0-</u> <u>-0-</u> <u>-0-</u> <u>-0-</u> <b>\$</b>	2012 -0- -0- -0- -0- -0- -0- -0-	2013 -0- -0- -0- -0- -0- -0- -0-	2014 -0- -0- -0- -0- -0- -0-	2015      
# ADDITIONAL FTE POSITIONS (Cumulative)		-			
Is Item Included in Current Budget? Yes Budget Acct No.: Fund Dept Unit Object Program				No	

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

This item has no additional fiscal impact. The County has been maintaining this section of roadway and will continue to do so with the certification of the road titled to the County.

aturl11.7. C. Departmental Fiscal Review: \_.

# III. REVIEW COMMENTS

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

B. Approved as to Form and Legal Sufficiency:

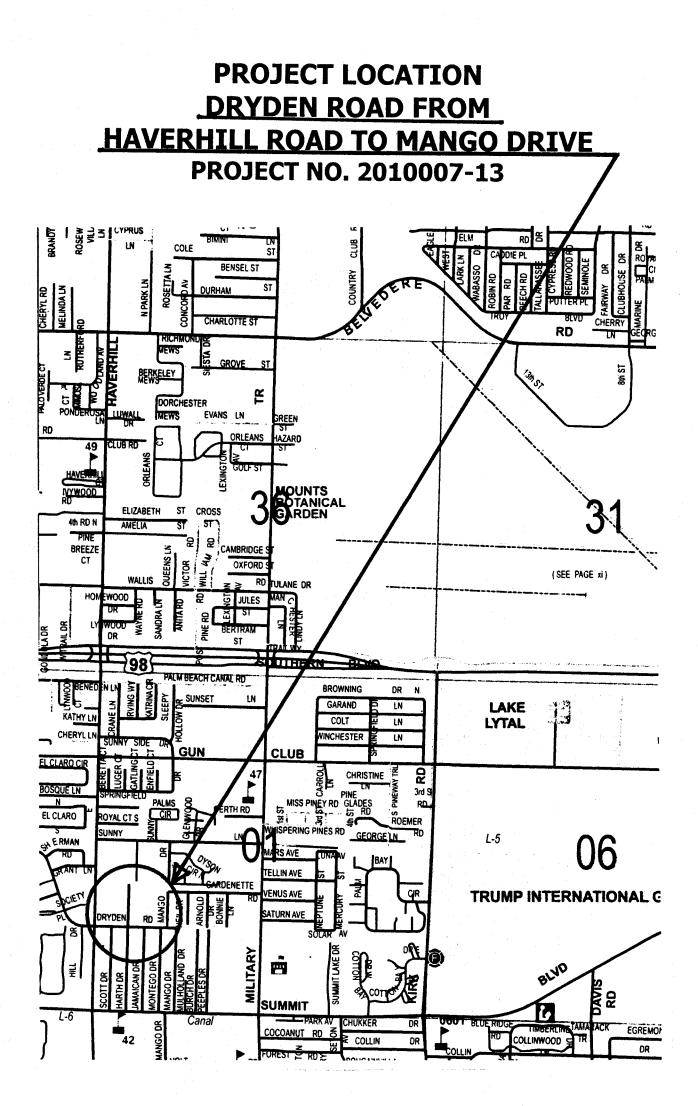
Assistant County Attorney

C. Other Department Review:

**Department Director** 

This summary is not to be used as a basis for payment. 2 F:\COMMON\WP\AGENDAPAGE2\AGNPGTWO2011\000.NO.IMPACT.MAINT.DOC

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**LOCATION SKETCH** 

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 DRYDEN ROAD FROM HAVERHILL ROAD TO MANGO DRIVE, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, WITH THE CLERK OF THE CIRCUIT COURT OF AND FOR PALM BEACH COUNTY, FLORIDA

**WHEREAS**, Dryden Road from Haverhill Road to Mango Drive, 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 Dryden Road 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 Chair 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.

RESOLUTION NO.

2. The Chair 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.

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 Karen T. Marcus, Chair Commissioner Shelley Vana, Vice Chair Commissioner Paulette Burdick Commissioner Steven L. Abrams Commissioner Burt Aaronson, Commissioner Jess R. Santamaria Commissioner Priscilla A. Taylor

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

SHARON R. BOCK, CLERK AND COMPTROLLER

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

By:\_

Deputy Clerk

Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

County Attorney

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