

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 6, 2012

Consent

Regular

Workshop

Public Hearing

Department:

Submitted By: Engineering and Public Works

Submitted For: Right-of-Way Acquisition Section

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to adopt: A Resolution approving the recordation/filing of a Specific Purpose Survey Maintenance Map with the Clerk of the Circuit Court of Palm Beach County (Clerk) in order to vest title in Palm Beach County (County) to five parcels of land on Australian Avenue.

**SUMMARY:** Adoption of this Resolution will provide for vesting of title in the County, to five parcels of land located on Australian Avenue, (a County road) north and south of Martin Luther King Jr. Boulevard, by approving the filing of a Maintenance Map with the Clerk. The parcels have been continuously maintained or repaired by the County for four years which is a condition required by statute. District: 7 (MRE)

**Background and Justification:** Australian Avenue is a County road, part of which lies within the boundaries of the City of Riviera Beach. The Florida Department of Transportation (DOT) plans to widen and expand Dr. Martin Luther King Jr., Boulevard (MLK) at its intersection with Australian Avenue and has requested the county to confirm its ownership of the right-of way on five parcels which are located on Australian Avenue, north and south of MLK. Florida Statute 95.361 provides that upon the filing of a Maintenance Map verifying four years of continuous and uninterrupted maintenance or repair by the County, title to the road becomes vested in the County to the extent in width that has been actually maintained. The County's Road & Bridge Division has certified that the County has maintained or repaired the five parcels continuously and uninterruptedly for the required period of four years. Adoption of this resolution will permit the filing of the Maintenance Map with the Clerk, which will vest title to the five parcels in the County.

**Attachments:**

- 1. Location Map
- 2. Resolution with Maintenance Map as Exhibit "A"

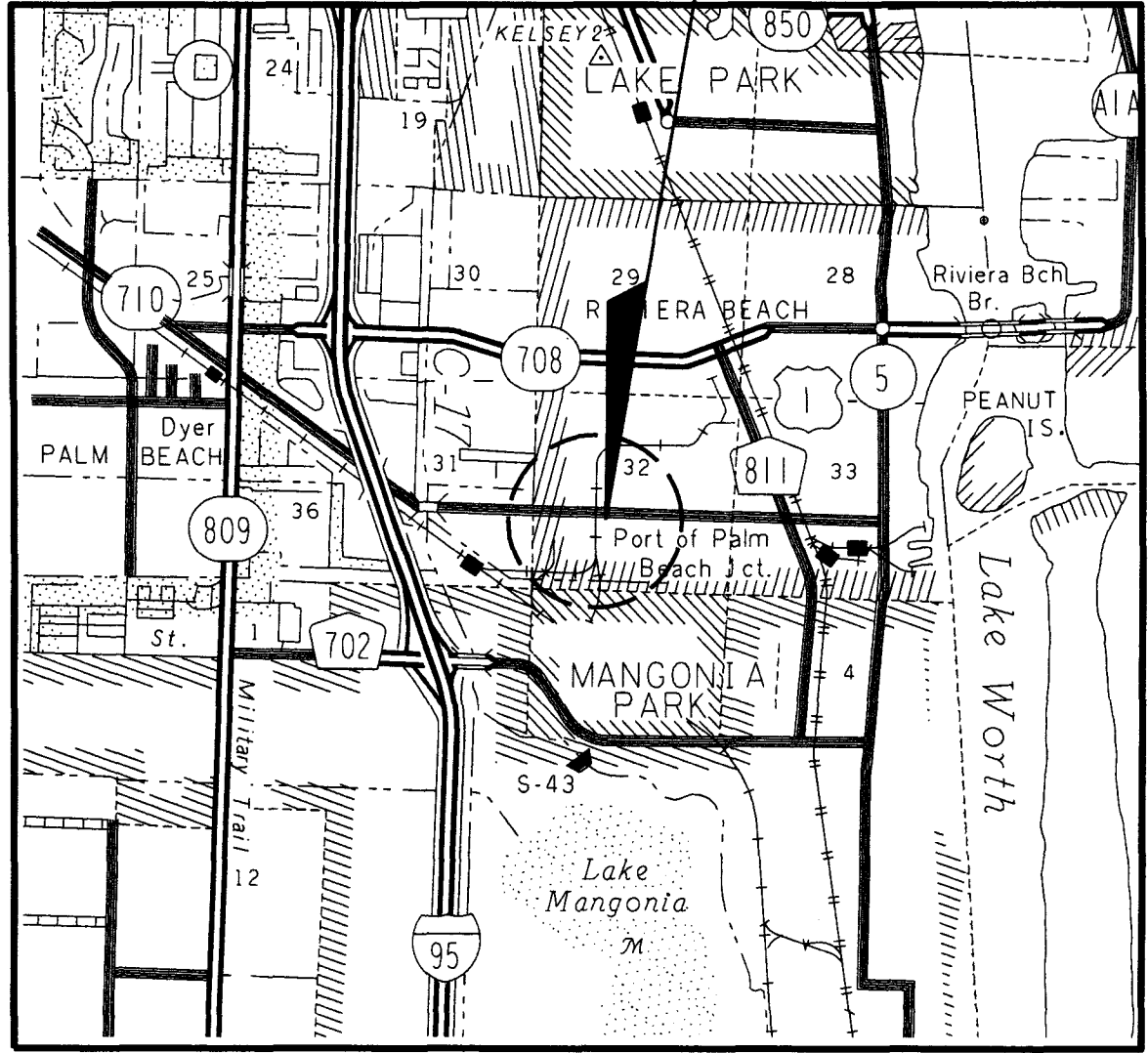
Recommended by: Ornelio A. Fernandez 1/26/12  
Division Director Date

Approved by: J. Will 2/3/12  
County Engineer Date



MAINTENANCE LOCATION

RGE. 42 E.  
RGE. 43 E.



TWP. 42 S.  
TWP. 43 S.

LOCATION MAP

VICINITY MAP  
NOT TO SCALE

**RESOLUTION NO. R-2012**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA, APROVING THE  
RECORDATION/FILIING OF A MAINTENANCE MAP-SPECIFIC  
PURPOSE SURVEY, WITH THE CLERK OF THE CIRCUIT COURT  
FOR PALM BEACH COUNTY FOR FIVE PARCELS OF LAND  
LOCATED ON AUSTRALIAN AVENUE, A COUNTY ROAD.**

**Whereas**, The Florida Department of Transportation requires certain parcels of land located on Australian Avenue, a County Road for a roadway project at Australian Avenue and Dr. Martin Luther King, Jr. Boulevard, and has requested the County to confirm its ownership; of those parcels and

**Whereas**, Florida Statute 95.361 provides for the vesting of title in a county for roadway purposes that has been maintained or repaired by the county for a period of four years continuously and uninterruptedly and upon the filing of a Maintenance Map with the Clerk of the county wherein the land is located; and

**Whereas**, Florida Statute 95.361-Roads Presumed to be Dedicated - states that where a road has been maintained or repaired continuously and uninterruptedly for four years; 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.

**Whereas**, the County Road and Bridge Division Director has certified that Palm Beach County, has maintained or repaired the parcels designated on the Maintenance Map attached hereto and made part hereof as Exhibit "A" on Australian Avenue for four years continuously and uninterruptedly as required by Florida Statute 95.361.

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

1. This Board adopts and ratifies those matters set forth in the foregoing recitals.
2. The County Engineer or his designee is hereby authorized and directed to file the Maintenance Map – Specific Purpose Survey- attached hereto and made part hereof with the Clerk of the Circuit Court of Palm Beach County for the specific purpose of vesting title in Palm Beach County to the parcels delineated therein.

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

The Chairman thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS  
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK &  
COMPTROLLER

BY: \_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Deputy Clerk

# COUNTY OF PALM BEACH STATE OF FLORIDA

BOARD OF COUNTY COMMISSIONERS  
PROJECT NO.  
MAINTENANCE MAP - SPECIFIC PURPOSE SURVEY  
AUSTRALIAN AVENUE  
SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST

KAREN T. MARCUS  
DISTRICT 1

PAULETTE BURDICK  
DISTRICT 2

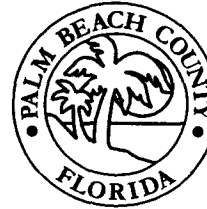
SHELLEY VANA  
DISTRICT 3

STEVEN L. ABRAMS  
DISTRICT 4

BURT AARONSON  
DISTRICT 5

JESS R. SANTAMARIA  
DISTRICT 6

PRISCILLA A. TAYLOR  
DISTRICT 7



## LEGEND

A.K.A.	=	ALSO KNOWN AS	(N)	=	NORTHING
AVE.	=	AVENUE	NAD	=	NORTH AMERICAN DATUM
B	=	BASELINE OF SURVEY	NL	=	NAIL
C	=	CENTERLINE	NAW	=	NAIL & WASHER
C.B.	=	CHORD BEARING	O.R.B.	=	OFFICIAL RECORD BOOK
CBS	=	CONCRETE BLOCK STRUCTURE	(P)	=	PLAT
CM	=	CONCRETE MONUMENT	P.B.	=	PLAT BOOK
CONC.	=	CONCRETE	P.C.	=	POINT OF CURVATURE
COR.	=	CORNER	PG	=	PAGE
A	=	DEFLECTION OR CENTRAL ANGLE	P.I.	=	POINT OF INTERSECTION
D	=	DEGREE OF CURVATURE	PK	=	PARKER KALON NAIL
(E)	=	EASTING	P.T.	=	POINT OF TANGENCY
EXIST.	=	EXISTING	R	=	RADIUS
F.D.O.T.	=	FLORIDA DEPARTMENT OF TRANSPORTATION	RD.	=	ROAD
FD.	=	FOUND	RGL.	=	RANGE
HWY.	=	HIGHWAY	RT.	=	RIGHT
IP	=	IRON PIPE	R/W	=	RIGHT OF WAY
IR	=	IRON ROD	SEC.	=	SECTION
IRC	=	IRON ROD & CAP	S.R.	=	STATE ROAD
L	=	LENGTH	ST.	=	STREET
LB	=	LICENSED BUSINESS	STA.	=	STATION
L.T.	=	LEFT	T	=	TANGENT
MAINT.	=	MAINTAINED	TWP.	=	TOWNSHIP
			U.E.	=	UTILITY EASEMENT

## RIGHT OF WAY DEDICATION OF AREAS SHOWN HEREON BY MAINTENANCE

APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA ON THIS DATE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS AND SHARON BOCK THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA DO HEREBY CERTIFY THAT THE COUNTY ROAD PRESENTLY KNOWN AND DESIGNATED AS AUSTRALIAN AVENUE IN PALM BEACH COUNTY, FLORIDA AS SHOWN ON THE MAP TO WHICH THIS CERTIFICATION IS AFFIXED, HAS BEEN MAINTAINED, KEPT IN REPAIR AND WORKED CONTINUOUSLY AND UNINTERRUPTEDLY FOR A PERIOD OF MORE THAN FOUR YEARS BY THE COUNTY OF PALM BEACH, FLORIDA TO THE EXTENT IN WIDTH AS SHOWN ON SAID MAP, AND RIGHT OF WAY AS SHOWN IS DEEMED TO BE DEDICATED TO THE PUBLIC. THE TITLE TO THE RIGHT OF WAY OF SAID ROAD HAS VESTED IN THE COUNTY OF PALM BEACH, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 337.31 (RENUMBERED 95.361), FLORIDA STATUTES 1961.

DATE \_\_\_\_\_

BY: \_\_\_\_\_  
CHAIR, BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
SHARON BOCK  
CLERK AND COMPTROLLER

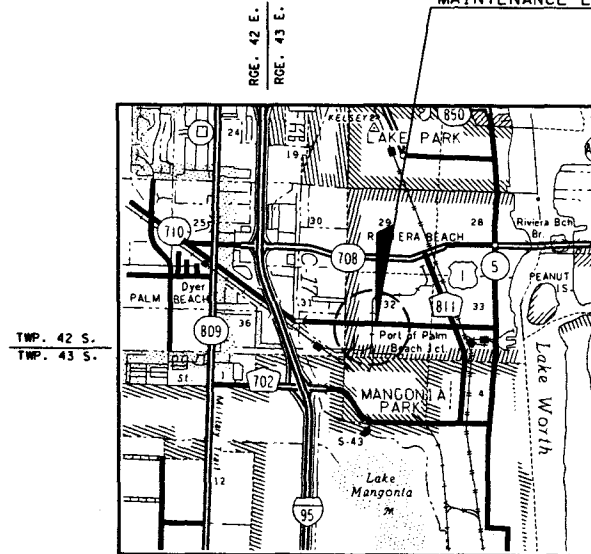
BY: \_\_\_\_\_  
GEORGE T. WEBB, P.E.,  
COUNTY ENGINEER

## MAINTENANCE CERTIFICATION

THIS IS TO CERTIFY THAT THE WIDTH AND EXTENT OF THE AREAS SHOWN HEREON ARE A TRUE AND CORRECT REPRESENTATION OF THE AREAS ALONG AUSTRALIAN AVENUE THAT HAVE BEEN CONTINUOUSLY MAINTAINED FOR A PERIOD OF MORE THAN FOUR (4) YEARS WITHOUT INTERRUPTION BY PALM BEACH COUNTY FORCES.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
MICHAEL BOWMAN  
DIRECTOR, ROAD AND BRIDGE DIVISION  
ENGINEERING AND PUBLIC WORKS  
PALM BEACH COUNTY, FLORIDA

## MAINTENANCE LOCATION



## GENERAL NOTES

1. BEARINGS AND COORDINATES ARE RELATIVE TO THE STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, TRANSVERSE MERCATOR PROJECTION, NAD 1983 (90). GRID DISTANCES HAVE A MEAN SCALE FACTOR OF 1.000045. THE BEARING FROM "FRUIT" TO "REDEYE" IS SOUTH 88°24'08" EAST.

CONTROL STATIONS:	NORTHING:	EASTING:
FRUIT	884,192.257	964,423.406
REDEYE	884,164.275	965,426.541

2. ALL BEARINGS AND DISTANCES ARE CALCULATED UNLESS OTHERWISE NOTED.

3. STATIONS AND OFFSETS ARE RELATIVE TO THE BASELINE OF SURVEY UNLESS OTHERWISE NOTED.

4. SIDE STREET ALIGNMENTS ARE ASSIGNED A STATION OF 30+00.00 AT THE POINT OF INTERSECTION WITH THE BASELINE OF SURVEY UNLESS OTHERWISE NOTED.

5. THE 5.00 FEET ADDITIONAL RIGHT OF WAY AS SHOWN FOR THE SOUTH LINE OF STATE ROAD 710 (BEELINE HIGHWAY) WAS ACQUIRED FROM THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO. 93310-2501.

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE MAINTENANCE AND SPECIFIC PURPOSE SURVEY PRESENTED HEREIN IS THE RESULT OF A FIELD SURVEY CONDUCTED UNDER MY DIRECTION. THIS MAP DEPICTS THE LOCATION OF PUBLIC RIGHT OF WAY AND AREAS MAINTAINED BY COUNTY FORCES PER THE CERTIFICATION OF THE DIRECTOR OF THE ROAD AND BRIDGE DIVISION WITHIN THE CORRIDOR DEPICTED HEREON. THE MAP AND FIELD SURVEY MEET MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, IN CHAPTER 5-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

JEFFREY SMITH DATE \_\_\_\_\_  
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 4805  
FLORIDA DEPARTMENT OF TRANSPORTATION  
3400 WEST COMMERCIAL BOULEVARD  
FT. LAUDERDALE, FLORIDA 33309

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL.

Exhibit "A" page 1 of 3

MAINTENANCE MAP

ENGINEERING SERVICES

REVISION	BY	DATE	REVISION	BY	DATE	REVISION	BY	DATE	CHECKED	DATE

PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS

AUSTRALIAN AVENUE

PALM BEACH COUNTY

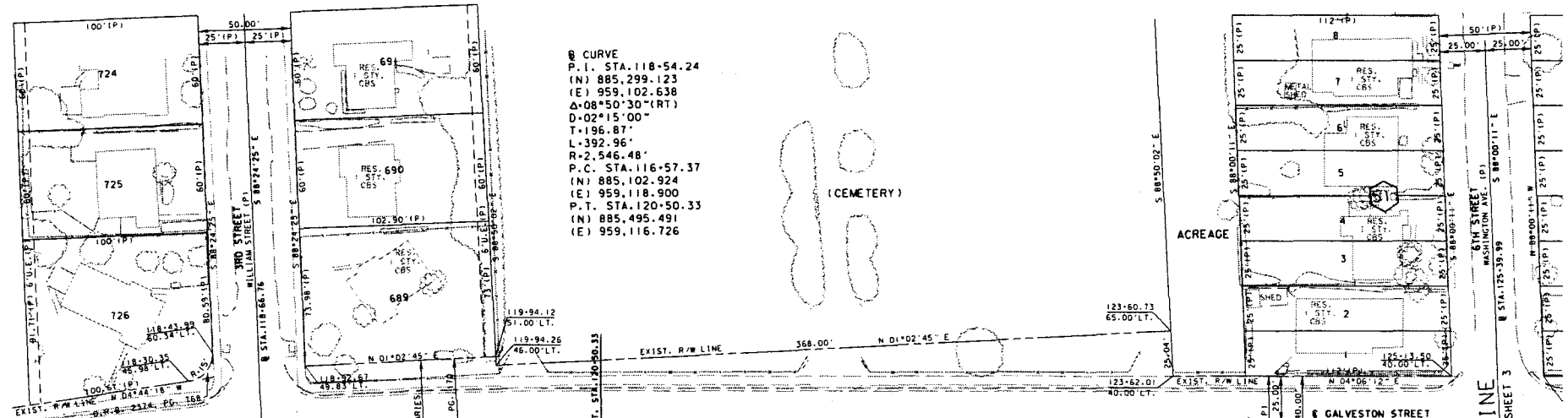
MAPS PREPARED BY: FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANNING - DISTRICT 4	DATE SOURCE: R/W MAP 2288961 (93310-2501) SCALE: NOT TO SCALE
SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST	SHEET 1 OF 3

CITY OF RIVIERA BEACH

RIVIERA BEACH HEIGHTS NO. 8  
P.B. 26, PG. 170

GLENWOOD MEMORIAL CEMETERY  
P.B. 24, PG. 238

INLET CITY  
P.B. 7, PG. 27

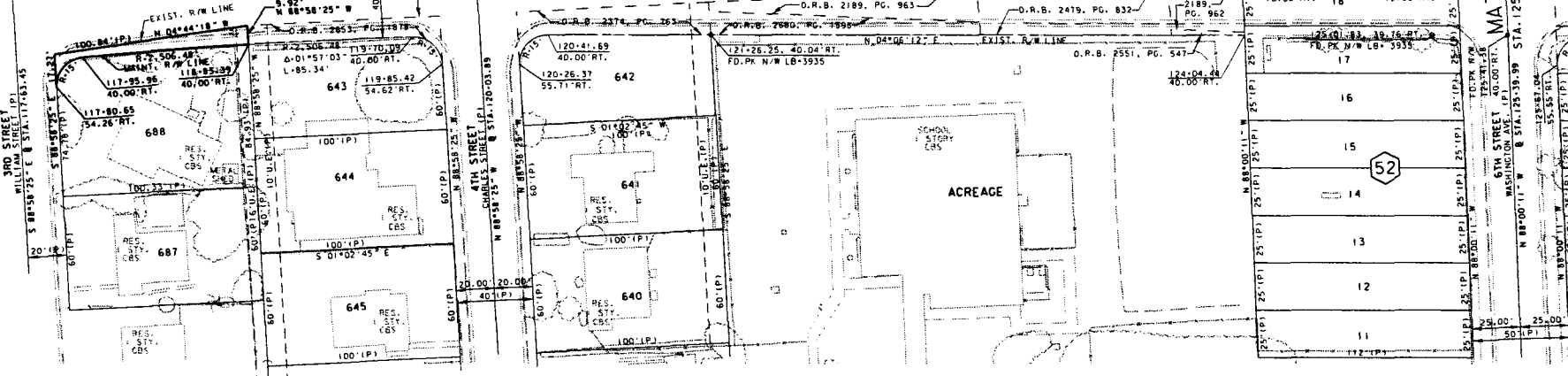
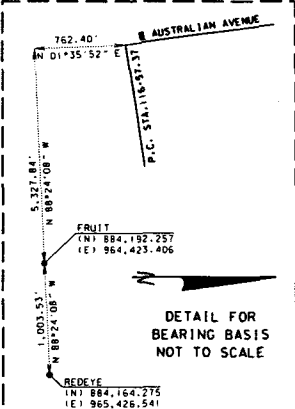


① CURVE  
P. I. STA. 118+54.24  
(N) 885,299.123  
(E) 959,102.638  
 $\Delta = 08^{\circ}50'30''$ (RT)  
D = 02'15"00"  
T = 196.87'  
L = 392.96'  
R = 2,946.48'  
P.C. STA. 116+57.37  
(N) 885,102.924  
(E) 959,118.900  
P.T. STA. 120+50.33  
(N) 885,495.491  
(E) 959,116.726

(CEMETERY)

ACREAGE

MATCH LINE



RIVIERA BEACH HEIGHTS NO. 8  
P.B. 26, PG. 170

RIVIERA BEACH HEIGHTS NO. 6  
P.B. 25, PG. 55

CITY OF RIVIERA BEACH

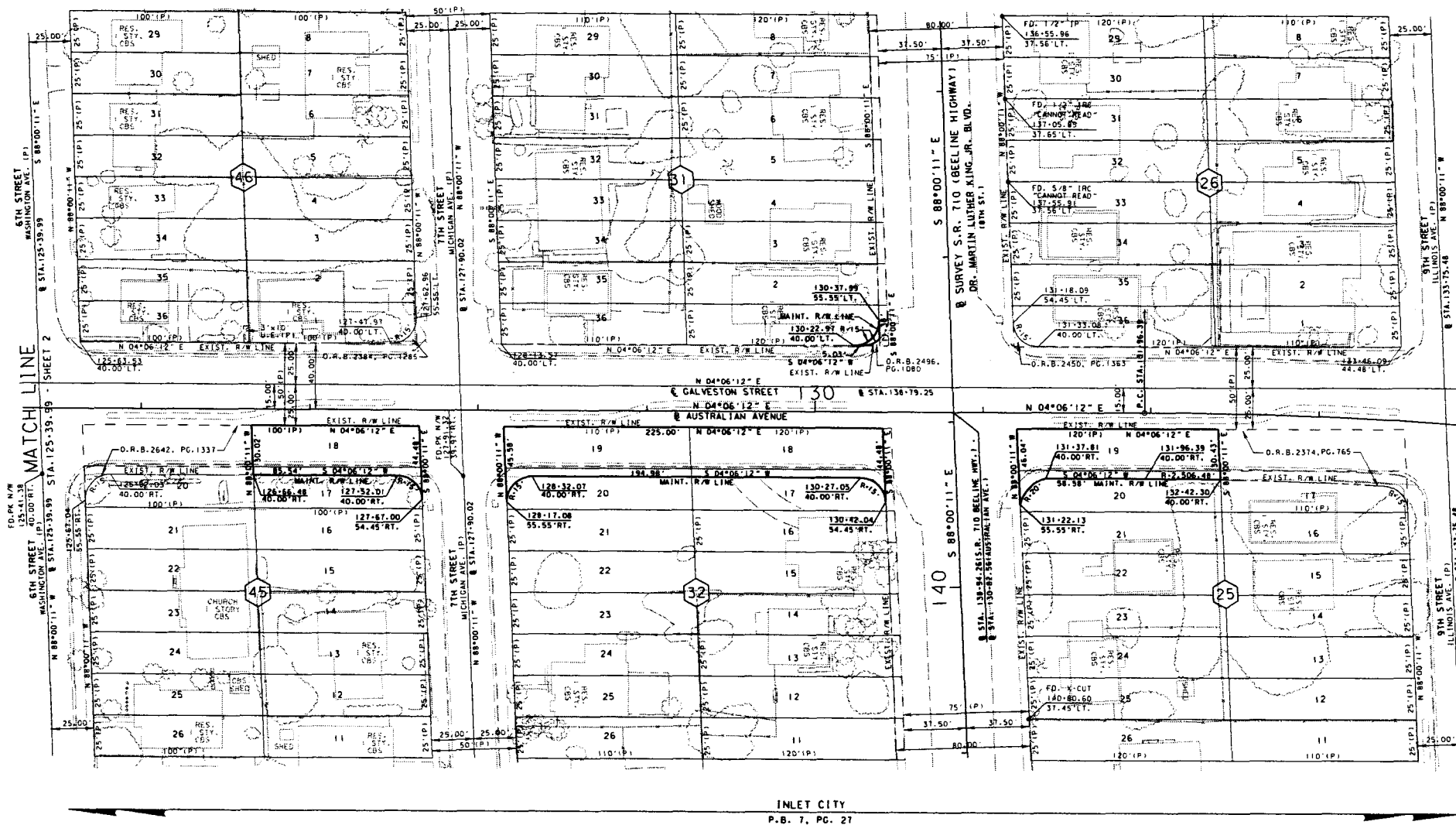
INLET CITY  
P.B. 7, PG. 27

Exhibit "A" page 2 of 3

MAINTENANCE MAP	ENGINEERING SERVICES	REVISION	BY	DATE	REVISION	BY	DATE	REVISION	BY	DATE	PRELIM	RD	DATE	PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS	MAPS PREPARED BY: FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPPING - DISTRICT 2	DATA SOURCE: S.W. MAP 22986-1 (15131-2395) SCALE 1" = 30'
		CHECKED	P.DIAZ	09/23/11	FINAL	T.BROWN	09/21/11	DATE	DATE	DATE	DATE	DATE	DATE			

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INLET CITY  
P-B. 7, PG. 27



@ CURVE  
 P.I. STA. 133-48.27  
 (N) 886,790.104  
 (E) 959,209.602  
 $\Delta$ 06°49'36" (RT)  
 $D$ 02°15'00"  
 $T$ 151.88'  
 $L$ 303.41'  
 $R$ 2,546.48'  
 P.C. STA. 131-96.39  
 (N) 886,638.610  
 (E) 959,198.734  
 P.T. STA. 134-99.80  
 (N) 886,939.232  
 (E) 959,236.401

Exhibit "A" page 3 of 3

MAINTENANCE MAP

ENGINEERING SERVICES

REVISION	BY	DATE	REVISION	BY	DATE	REVISION	BY	DATE

BY	DATE	CHECKED	DATE
PRELIM	J. DEGAJ	06/24/02	
FINAL	T. BROWN	06/21/02	
CHECKED	F. DIAZ	06/21/02	

PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS

AUSTRALIAN AVENUE

PALM BEACH COUNTY

MAPS PREPARED BY:  
 FLORIDA DEPARTMENT OF TRANSPORTATION  
 BUREAU OF HIGHWAY MARKING - DISTRICT 4

DATA SOURCE:  
 R/W MAP 2288641 (03/12/2001)  
 SCALE 1" = 80'  
 SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST  
 SHEET 3 OF 3

T:\GIS\map\map272788641\mxd\03.dwg