Agenda Item #: 3-C-7

#### PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

#### AGENDA ITEM SUMMARY

Meeting Date: Ma	rch 14, 2017	[X]	Consent Workshop	[]	Regular Public Hearing
Department: Submitted By: Submitted For:	Engineering & I Engineering & I Roadway Produ	Public Wo	rks Departmer		

#### I. EXECUTIVE BRIEF

#### Motion and Title: Staff recommends motion to:

- adopt a resolution to approve the recordation and filing of a maintenance map with the Clerk and Comptroller (Clerk) of Palm Beach County (County), Florida, certifying that Canal Road (also known as Canal 11 Road) from Kirk Road to Davis Road in Section 19, Township 44 South, Range 43 East, has been maintained or repaired, continuously and uninterrupted, by the County for more than seven years; and all rights, title, easement appurtenances in and to the road are therefore vested in the County; and
- adopt a resolution transferring jurisdictional control, maintenance responsibility, and ownership of any and all right-of-way for Canal Road from Kirk Road to Davis Road to the Village of Palm Springs (Village).

SUMMARY: Adoption of these resolutions will establish the maintenance boundary and authorize the jurisdictional transfer of Canal Road to the Village. The maintenance map will confirm title of Canal Road from Kirk Road to Davis Road in Section 19, Township 44 South, Range 43 East, to the County in accordance with Section 95.361, Florida Statutes, which provides that upon seven years of continuous and uninterrupted maintenance or repair of the road by the County and upon filing of a maintenance map with the Clerk, the 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 the limits of maintenance by the County. The transfer resolution will authorize the transfer of jurisdictional control, maintenance responsibility, and ownership of any and all County right-of-way for Canal Road upon recordation of the maintenance map. District 3 / (PK)

Background and Justification: Canal Road is also known as Canal 11 Road. The road was annexed into the Village in 2011 and 2012. The Village is planning to undertake paving and draining improvements to the road under a separate agreement. The County has agreed to jointly participate in the funding of the Village's improvement project. The maintenance map will convey all rights and title in and to Canal Road to the County and will allow the County to convey the road to the Village. Canal Road has been continuously maintained by the County for over seven years. The limits of maintenance have been established by the Road and Bridge Division of the County's Engineering Department. After reviewing the attached maintenance map and finding it in proper order, staff recommends adoption of these resolutions.

#### **Attachments:**

- 1. Location Map
- 2. Resolution Maintenance Map
- 3. Resolution Transfer
- 4. Maintenance Map

Recommended by:	Will	2/8/17
Departme	ent Director	<sup>/</sup> Date
Approved by:	e Johnson	2/13/17
Assistant (	County Administrator	Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	\$ -0-	-0-	-0-	-0-	0-
Operating Costs	-0-	-0-	-0-	-0-	<del>-0-</del>
External Revenues	-0-	-0-	-0-	-0-	<del>-0-</del>
Program Income (County)	-0-	-0-	-0-	-0-	<del>-0-</del>
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	<del>\$ -0-</del>	-0-	-0-	-0-	<u></u>
# ADDITIONAL FTE					
POSITIONS (Cumulative)		•			

Is Item Included in Current Budget? Yes x No

Budget Acct No.: Fund\_\_ Dept.\_\_ Unit\_\_ Object
Program

# 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.

C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

Contract Dev. and Control

A.	<b>OFMB Fiscal</b>	and/or	Contract Dev.	and	Control (	'ammente:
			Companie Dev.	anu	COURTINE	.vimments:

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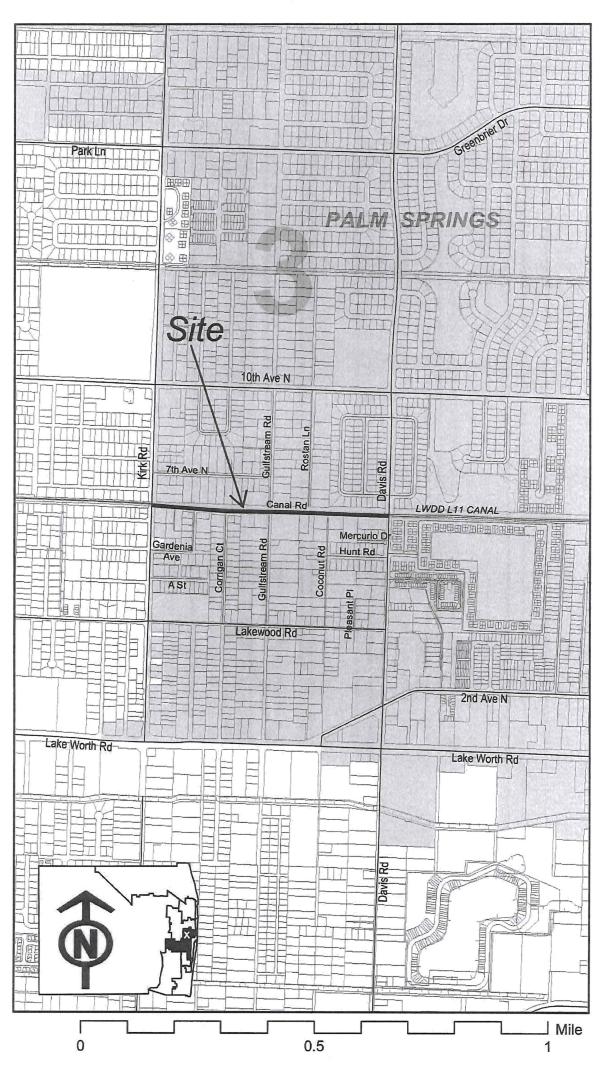
B. Approved as to Form and Legal Sufficiency:

Faux (-2)

C. Other Department Review:

**Department Director** 

This summary is not to be used as a basis for payment.



**Location Map** 

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO APPROVE THE RECORDATION AND FILING OF A MAINTENANCE MAP FOR CANAL ROAD (ALSO KNOWN AS CANAL 11 ROAD) FROM KIRK ROAD TO DAVIS ROAD, IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 43 EAST, WITH THE CLERK AND COMPTROLLER OF PALM BEACH COUNTY, FLORIDA

WHEREAS, the Canal Road from Kirk Road to Davis Road maintenance map has been submitted to the Board of County Commissioners (BCC) to approve its recordation and filing; and

WHEREAS, the Road and Bridge Division Director has certified that Palm Beach County (County) has maintained this area of Canal Road for more than seven years, as required by Florida Statute 95.361; and

WHEREAS, Florida Statute 95.361 states that when a road constructed by the County has been maintained or repaired continuously and uninterruptedly for seven 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 to the County; and

WHEREAS, the maintenance map, shall be filed with the Clerk and Comptroller (Clerk) of the County. The maintenance map shall recite on it that the road is vested to the County and shall be duly certified by the Clerk and the Mayor of the BCC. 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 Mayor of the BCC and the County Engineer are hereby authorized to sign the maintenance map and the Clerk is authorized to sign same.

# RESOLUTION NO. R-2017 .

The foregoing Resolution was offered by Comm	nissioner who moved its
adoption. The motion was seconded by Commiss	sioner and upon being put
to a vote, the vote was as follows:	
Commissioner Paulette Burdick, Mayor	. <del>-</del>
Commissioner Melissa McKinlay, Vice M	ayor -
Commissioner Hal R. Valeche	-
Commissioner Dave Kerner	<del>-</del>
Commissioner Steven L. Abrams	-
Commissioner Mary Lou Berger	-
Commissioner Mack Bernard	-
The Mayor thereupon declared the Resolution of, 2017.	duly passed and adopted this day of
SHARON R. BOCK, CLERK AND COMPTROLLER	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
By: Deputy Clerk	By:County Attorney

<b>RESOLUTION</b> :	NO. R	-2017	

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, UPON RECORDATION OF THE MAINTENANCE MAP TRANSFERRING JURISDICTIONAL CONTROL, MAINTENANCE RESPONSIBILITY, AND OWNERSHIP OF ANY AND ALL COUNTY RIGHT-OFWAY FOR CANAL ROAD (ALSO KNOWN AS CANAL 11 ROAD) FROM KIRK ROAD TO DAVIS ROAD, IN SECTION 19, TOWNSHIP 44 SOUTH, RANGE 43 EAST, TO THE VILLAGE OF PALM SPRINGS.

WHEREAS, Palm Beach County (County) intends to file a maintenance map for Canal Road establishing jurisdictional control, maintenance responsibility, and ownership for Canal Road, from Kirk Road to Davis Road; and,

WHEREAS, said Canal Road is wholly within the Village of Palm Springs (Village); and,

WHEREAS, the Village has requested that the County transfer the jurisdictional control, maintenance responsibility, and ownership of any and all County right-of-way for Canal Road; and,

WHEREAS, Staff has reviewed the transfer request and recommends approval.

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

- 1. The BCC adopts and ratifies those matters set forth in the foregoing recitals.
- 2. Upon recordation of the maintenance map, the BCC does hereby transfer jurisdictional control, maintenance responsibility, and ownership of any and all right-of-way for Canal Road, from Kirk Road to Davis Road to the Village.

The foregoing Resolution was offered by adoption. The motion was seconded by Ca vote, the vote was as follows:	commissioner, who moved its commissioner, and upon being put to
Commissioner Paulette Burdick,	Mayor -
Commissioner Melissa McKinlay	y, Vice Mayor -
Commissioner Hal R. Valeche	-
Commissioner Dave Kerner	-
Commissioner Steven L. Abrams	-
Commissioner Mary Lou Berger	<del>-</del>
Commissioner Mack Bernard	<del>-</del>
The Mayor thereupon declared the Res, 2017.	solution duly passed and adopted this day of
SHARON R. BOCK,	APPROVED AS TO FORM AND
CLERK AND COMPTROLLER	LEGAL SUFFICIENCY:
By:	By:
Deputy Clerk	County Attorney

## COUNTY OF PALM BEACH STATE OF FLORIDA

**BOARD OF COUNTY COMMISSIONERS** PROJECT NO. 2015005

# CANAL ROAD FROM KIRK CARDINE ON THE FASTINITY SUBMIT STATE OF THE STATE AND AS CARDINATE OF THE FASTINITY OF THE STATE OF THE STAT ROAD TO DAVIS ROAD MAINTENANCE MAP -SPECIFIC PURPOSE SURVEY

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MELISSA MCKINLAY DISTRICT 6



SECTION 19, TOWNSHIP 44 SOUTH, RANGE 43 EAST

DAVE KERNER DISTRICT 3

MARY LOU BERGER DISTRICT 5

MACK BERNARD DISTRICT 7

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CANAL ROAD FROM KIRK ROAD TO DAVIS ROAD DESCRIPTION OF AREA TO BE CLAIMED BY MAINTENANCE

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SHARON A. BOCK CLERK MAS COMPTROLLER

DATE: 12-30-16

LOCATION MAP

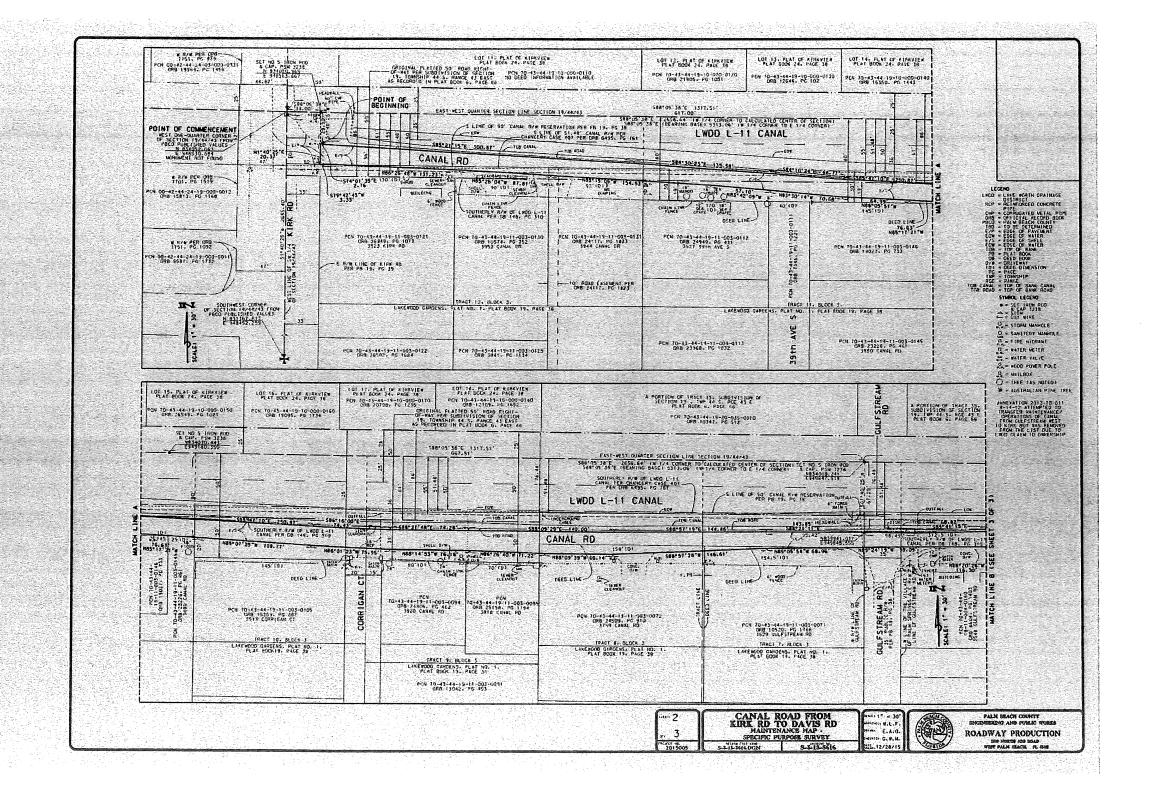
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ENGINEERING AND PUBLIC WORKS ROADWAY PRODUCTION

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