Agenda Item #: 3-C-2

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### **AGENDA ITEM SUMMARY**

**Meeting Date:** 

**September 10, 2019** 

[X]Consent [ ]Regular

[ ]Workshop [ ]Public Hearing

Department: Submitted By: **Engineering & Public Works Department Engineering & Public Works Department** 

**Submitted For:** 

**Roadway Production Division** 

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution to approve the recordation and filing of a maintenance map specific purpose survey for Palm Beach County (County) certifying that the street designated as Bimini Lane from Military Trail to 1300' +/- west (Bimini Lane) has been maintained or repaired continuously and uninterrupted by the County for more than seven years, and all rights, title, easement, and appurtenances in and to Bimini Lane are therefore vested in the County.

SUMMARY: Adoption of this Resolution will confirm that in accordance with Section 95.361(2), Florida Statutes, which provides that upon seven years of continuous and uninterrupted maintenance or repair of a roadway by the County, title to Bimini Lane becomes vested in the County for the extent in width that has been actually maintained. The Engineering and Public Works Department's Road and Bridge Division director has certified the limits of maintenance on the maintenance map specific purpose survey. District 7 (YBH)

Background and Justification: The County has maintained Bimini Lane for more than seven years. In order to provide continuing maintenance for Bimini Lane, the recording of this maintenance map specific purpose survey will provide public record of the County's ownership interest and maintenance responsibility. After reviewing the attached maintenance map and finding it in proper order, the Engineering Department recommends approval.

#### **Attachments:**

- 1. Location Map
- 2. Resolution
- 3. Maintenance Map (34" X 44" Mylar)

Recommended by:

County Engineer

Approved by:

Assistant County Administrator

Date

Date

#### II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	<b>\$ -0-</b>	0-	-0-	0-	
Operating Costs	-0-				<u>-0-</u>
External Revenues				0	<u>-0-</u>
<b>Program Income (County)</b>	-0-				
In-Kind Match (County)				0	
NET FISCAL IMPACT	<u>\$ **</u>	-0-	0-		
# ADDITIONAL FTE					
<b>POSITIONS</b> (Cumulative)					

Is Item Included in Current Budget? No Yes Does this item include the use of federal funds? Yes No X

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

Recommended Sources of Funds/Summary of Fiscal Impact:

\*\*This item has no fiscal impact.

C. Departmental Fiscal Review:

### III. REVIEW COMMENTS

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

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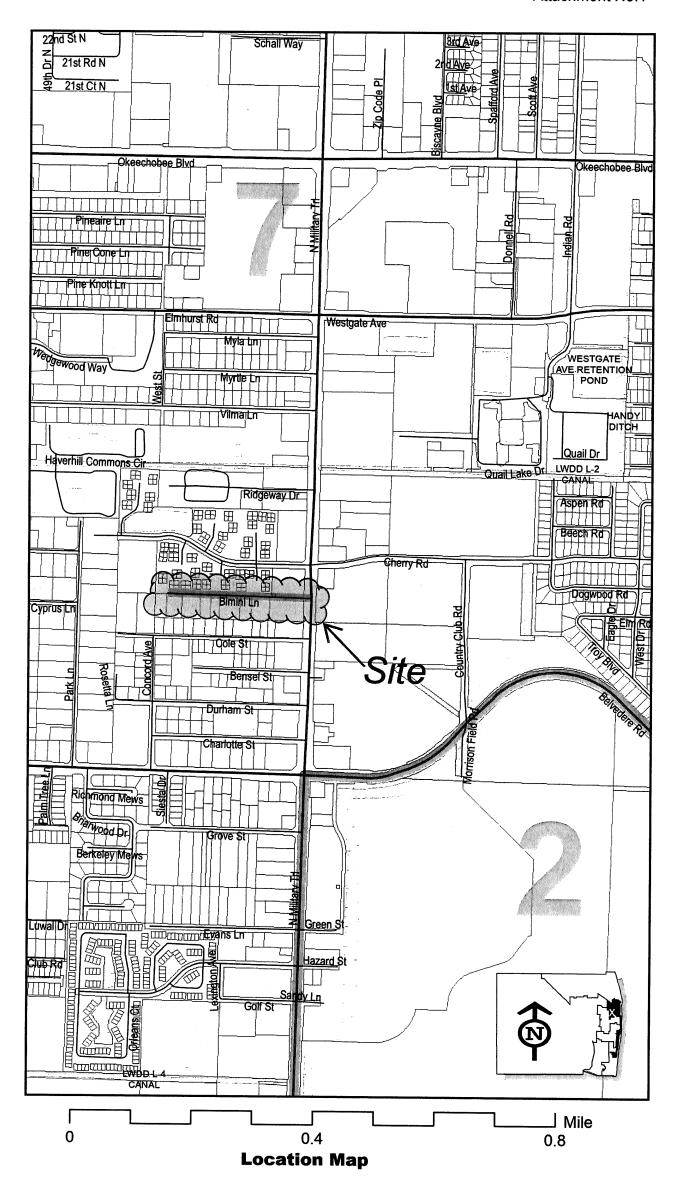
BR7125

B. Approved as to Form and Legal Sufficiency:

C. Other Department Review:

**Department Director** 

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



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO APPROVE THE RECORDATION AND FILING OF A MAINTENANCE MAP SPECIFIC PURPOSE SURVEY FOR BIMINI LANE FROM MILITARY TRAIL TO 1300' +/- WEST IN SECTION 25, TOWNSHIP 45 SOUTH, RANGE 42 EAST, WITH THE CLERK OF THE CIRCUIT COURT OF AND FOR PALM BEACH COUNTY, FLORIDA

WHEREAS, the Bimini Lane (from Military Trail to 1300' +/- west) maintenance map specific purpose survey has been submitted to the Palm Beach County (County) Board of County Commissioners (BCC) for approval for filing for records; and

WHEREAS, Section 95.361 (2), Florida Statute, states that when a road has been constructed by a nongovernmental entity or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in the county whether or not there is a record of conveyance, dedication, or appropriation to the public use; and

WHEREAS, the maintenance map shall be filed at the office of the Clerk of the Circuit Court (Clerk) 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 Clerk and the Mayor of the BCC. Said filing shall be prima facie evidence of ownership by the county; and

WHEREAS, pursuant to Section 95.361(2), Florida Statutes, Bimini Lane (from Military Trail to 1300' +/- west) as shown on the maintenance map specific purpose survey, shall be deemed to be dedicated to the public to the extent in width shown on the maintenance map specific purpose survey, and, all right, title, easement, and appurtenances in and to Bimini Lane (from Military Trail to 1300' +/- west), as shown on the maintenance map specific purpose survey shall vest in the County; and

WHEREAS, the Engineering and Public Works Department's Road and Bridge Division director has certified that the County has maintained the road designated as Bimini Lane for more than seven years, as required by Section 95.361(2), Florida Statutes.

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.

maintenance map-specific purpose survey and the	Clerk is authorized to sign same.
The foregoing Resolution was offered by Comm	issioner who moved its
adoption. The motion was seconded by Commiss	ioner and upon being put
to a vote, the vote was as follows:	
Commissioner Mack Bernard, Mayor	
Commissioner Dave Kerner, Vice Mayor	·
Commissioner Hal R. Valeche	
Commissioner Gregg K. Weiss	<del></del>
Commissioner Robert S. Weinroth	
Commissioner Mary Lou Berger	
Commissioner Melissa McKinlay	
The Mayor thereupon declared the Resolution of, 20	duly passed and adopted this day of
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	PALM BEACH COUNTY, BOARD OF COUNTY COMMISSIONERS
By: ybh / lewar	SHARON R. BOCK CLERK & COMPTROLLER By:
Yelizarela B. Herman, Assistant County Attorney	Deputy Clerk

The Mayor of the BCC and the County Engineer are hereby authorized to sign the

2.

# DESCRIPTION OF AREA TO BE G AMED BY MAINTENANCE

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# COUNTY OF PALM BEACH STATE OF FLORIDA

BOARD OF COUNTY COMMISSIONERS PROJECT NO. 2018007-15

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GREGG K. WEISS DISTRICT 2

ROBERT S. WEINROTH DISTRICT 4

MELISSA MCKINLAY DISTRICT 6

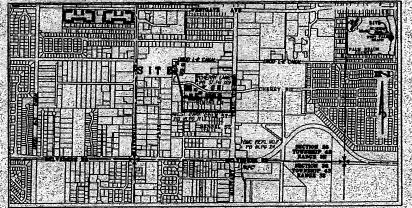


DISTRICT 3

DISTRICT 5

DISTRICT 7

SECTION 25. TOWNSHIP 43 SOUTH, RANGE 42 EAST



LOCATION MAP

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MARY LOU BERGER

MACK BERNARD

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