

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: February 2, 2021	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Regular
	<input type="checkbox"/>	Workshop	<input type="checkbox"/>	Public Hearing

**Department:** Engineering & Public Works Department  
**Submitted By:** Engineering & Public Works Department  
**Submitted For:** Roadway Production Division

**I. EXECUTIVE BRIEF**

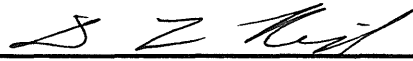

**Motion and Title:** Staff recommends motion to adopt: a Resolution to approve the recordation and filing of a maintenance map (Map) for Palm Beach County (County) certifying that the sidewalk area along 6<sup>th</sup> Avenue South, at the northeast corner of the intersection with South "A" Street (Sidewalk), has been regularly maintained or repaired for the immediate past seven years by the County.

**SUMMARY:** Adoption of this Resolution will certify that the Sidewalk has been regularly maintained or repaired for the immediate past seven years by the County, as shown in the Map being filed with the Clerk of the Circuit Court, and is vested in the County in accordance with Section 95.361(2), Florida Statutes. The Road and Bridge Division's Assistant Director has certified the limits of maintenance on the Map. District 3 (YBH)

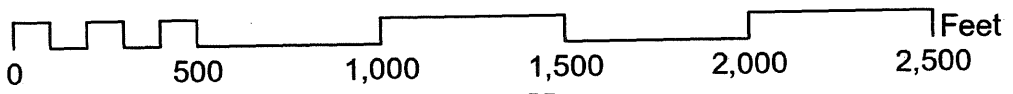
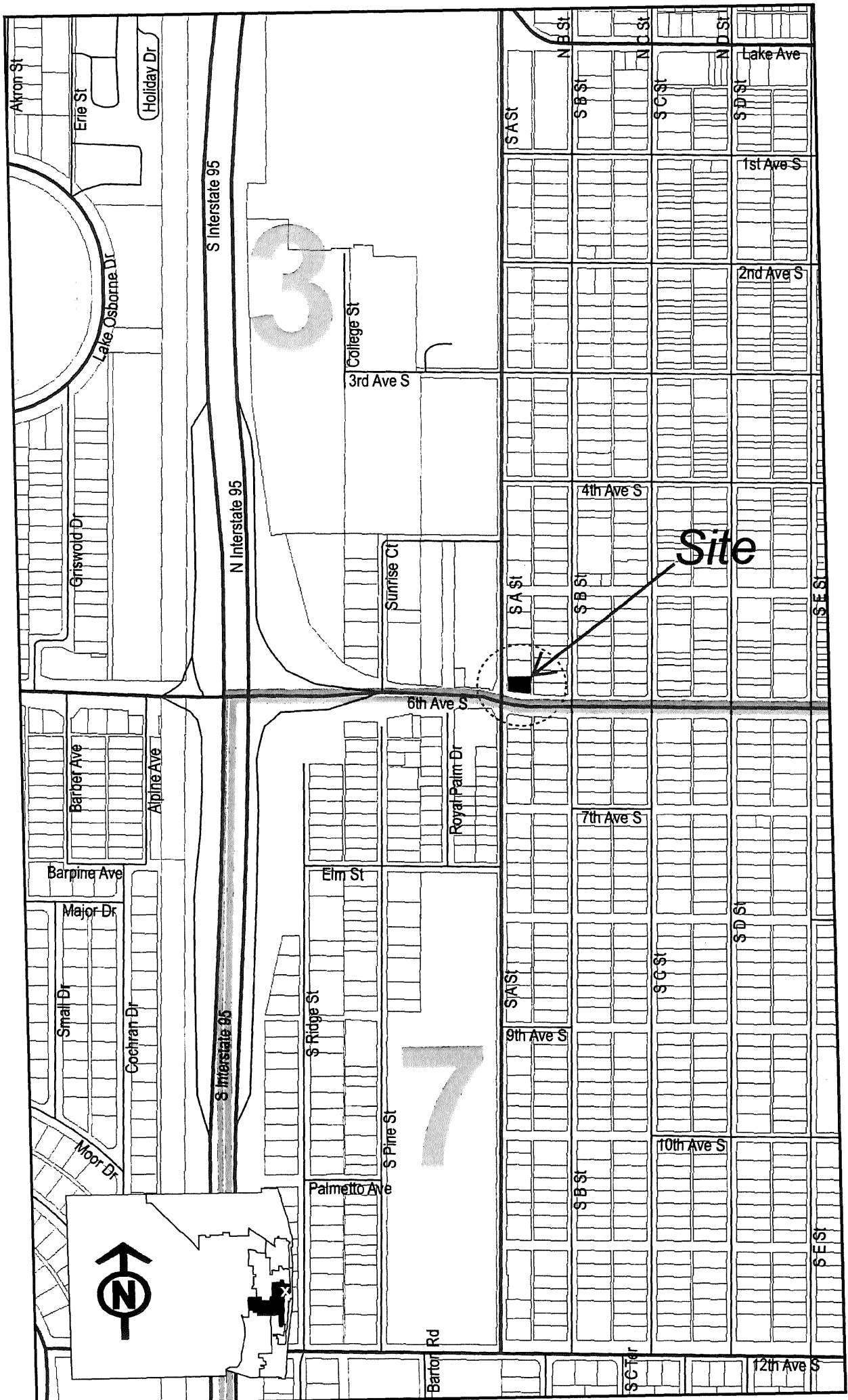
**Background and Justification:** In 1974, the Florida Department of Transportation (FDOT) constructed a sidewalk along 6<sup>th</sup> Avenue South as part of the interchange construction at Interstate 95 (I-95). The Sidewalk at issue was constructed outside of the right-of-way. Maintenance of the Sidewalk was transferred to the County after project completion. The FDOT has requested a Map be filed for the Sidewalk, which is outside of the 6<sup>th</sup> Avenue South right-of-way, to certify the limits of maintenance that have been established by the Engineering Department's Road and Bridge Division and Survey Section. Filing the Map will enable FDOT to perform the widening and sidewalk replacement associated with their upcoming project, FDOT Project No. 436963-1-52-01, for interchange improvements at I-95 and 6th Avenue South. After reviewing the attached Map and finding it in proper order, staff recommends approval.

**Attachments:**

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

Recommended by: YBH/TEL  _____ County Engineer	12/28/2020 _____ Date
Approved by:  _____ Assistant County Administrator	1/5/21 _____ Date





Location Map

RESOLUTION NO. R2021-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO APPROVE THE RECORDATION AND FILING OF A MAINTENANCE MAP FOR THE SIDEWALK AREA ALONG 6TH AVENUE SOUTH, AT THE NORTHEAST CORNER OF THE INTERSECTION WITH SOUTH "A" STREET.

**WHEREAS**, the sidewalk area along 6th Avenue South, at the northeast corner of the intersection with South "A" Street (Sidewalk), has been regularly maintained or repaired for the immediate past seven years by Palm Beach County (County); and

**WHEREAS**, Section 95.361(2), Florida Statutes, states that when a road has been regularly maintained or repaired for the immediate past seven years by the County, the 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. The dedication shall vest all rights, title, easement, and appurtenances in and to the road in the County; and

**WHEREAS**, the Road and Bridge Division's Assistant Director has certified that the County has maintained the Sidewalk, as shown on the maintenance map, for more than seven years; and

**WHEREAS**, Section 95.361(3), Florida Statutes, further states that a maintenance map shall be filed at and duly certified by the office of the Clerk of the Circuit Court (Clerk) of the county where the road is located, and said filing shall be prima facie evidence of ownership of the land 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 Board of County Commissioners and the County Engineer are hereby authorized to sign the maintenance map and the Clerk is authorized to sign same.

RESOLUTION NO. R2021-\_\_\_\_\_

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 Dave Kerner, Mayor \_\_\_\_\_

Commissioner Robert S. Weinroth, Vice Mayor \_\_\_\_\_

Commissioner Maria G. Marino \_\_\_\_\_

Commissioner Gregg K. Weiss \_\_\_\_\_

Commissioner Maria Sachs \_\_\_\_\_

Commissioner Melissa McKinlay \_\_\_\_\_

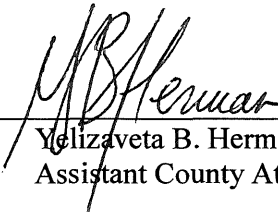
Commissioner Mack Bernard \_\_\_\_\_

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY,  
BOARD OF COUNTY COMMISSIONERS

JOSEPH ABRUZZO  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER

By:  \_\_\_\_\_  
Yelizaveta B. Herman,  
Assistant County Attorney

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

**PLACE MARKER FOR  
MAINTENANCE MAP**

**THE 34 X 44 ORIGINAL MYLAR  
IS ATTACHED TO THE  
ORIGINAL AGENDA ITEM**