



Legislation Details (With Text)

**File #:** 20-0319  
**Type:** Consent                      **Status:** Agenda Ready  
**In control:** Board of County Commissioners  
**On agenda:** 2/18/2020              **Final action:**  
**Title:** APPROVAL OF A MAINTENANCE MAP FOR A PORTION OF SE PETTWAY STREET  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. SE Pettway Street - Location Map.pdf, 2. SE Pettway Street - Maintenance Map.pdf

Date	Ver.	Action By	Action	Result
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**PLACEMENT:** Consent

**TITLE:**  
**APPROVAL OF A MAINTENANCE MAP FOR A PORTION OF SE PETTWAY STREET**

**EXECUTIVE SUMMARY:**

Pursuant to the provisions of Section 95.361, Florida Statutes, staff requests approval of a Maintenance Map for a portion of SE Pettway Street for a maintained distance of 663 feet. Approval will establish prima facie evidence of ownership of the land by the County to the extent and width that it has been actually maintained for the prescribed period.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Thomas Walker, Jr., PSM  
**Title:** County Surveyor

**REQUESTED BY:** Thomas Walker, Jr., PSM, County Surveyor and James Gorton, Deputy Public Works Director

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Pursuant to the provisions of Section 95.361, Florida Statutes if the County has been regularly maintaining or repairing a road that was not constructed by the County or where it cannot be determined who constructed the road, the road is deemed to be dedicated and all right, title, easement, and appurtenances in and to the road are vested in the County. The County may file a map to establish prima facie evidence of its ownership in the land of such a road. The Public Works

Department routinely maintains and repairs roads and Rights-of-Way within the County and keeps an inventory of the work completed.

The Maintenance Map of SE Pettway Street, generally located at its Eastern Terminus being the intersection with SE Gomez Avenue, has been prepared for acceptance by the Board of County Commissioners and recording within County Records. The Maintenance Map identifies the eastern-most 663 feet where the maintained Right-of-Way was not previously recorded. The Southerly Maintained Right-of-Way for SE Pettway Street has been determined to coincide with the southerly edge of pavement for said maintained distance of 663 feet. The Deputy Public Works Director has verified that the County routinely maintains this location within the corridor and the County Surveyor has reviewed the Maintenance Map.

These segments have been continually maintained by Martin County and used by the public for over 17 years.

**Benefits:**

Acceptance and recording of the Maintenance Map will establish prima facie evidence of the County's ownership and maintenance of the Right-of-Way and appurtenances thereto.

Martin County currently maintains the road segments with existing budgets, resulting in no additional financial burdens to the County.

**ISSUES:**

No adverse effects are prevalent to the adjoining private land ownerships. Nevertheless, the Public Works Department will notify the adjoining owners by mail when the Maintenance Map is approved and recorded.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine if it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board 1) approve the Maintenance Map of SE Pettway Street, pursuant to the provisions of Section 95.361, Florida Statutes; and 2) authorize the Chairman to execute the Maintenance Map cover sheet for subsequent recording in public records.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda.

Do not approve the Maintenance Map, state reason for such disapproval and provide staff direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

- a. None. Martin County currently maintains this roadway.
- b. Reproduction and recording/filing cost approximately \$45.

Funding Source	County Funds	Non-County Funds
<b>Subtotal</b>		
<b>Project Total</b>		

**ALTERNATIVE RECOMMENDATIONS**

N/A

**DOCUMENT(S) REQUIRING ACTION:**

- Budget Transfer / Amendment     Chair Letter     Contract / Agreement
- Grant / Application     Notice     Ordinance     Resolution
- Other: Maintenance Map

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