



## Legislation Details (With Text)

<b>File #:</b>	18-0693	<b>Status:</b>	Agenda Ready
<b>Type:</b>	Consent	<b>In control:</b>	Board of County Commissioners
<b>On agenda:</b>	9/11/2018	<b>Final action:</b>	
<b>Title:</b>	APPROVAL OF A MAINTENANCE MAP FOR A PORTION OF SW OLD JUPITER-INDIANTOWN ROAD (WESTERN MARTIN COUNTY)		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Old Jupiter-Indiantown Road Location Map.pdf, 2. Old Jupiter-Indiantown Road Maint. Map.pdf, 3. 2018-Florida Statute-95.361.pdf, 4. Resolution Number 76-5.16.pdf		

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

**TITLE:**

**APPROVAL OF A MAINTENANCE MAP FOR A PORTION OF SW OLD JUPITER-INDIANTOWN ROAD (WESTERN MARTIN COUNTY)**

**EXECUTIVE SUMMARY:**

Pursuant to the provisions of Section 95.361, Florida Statutes, staff requests approval of a Maintenance Map for a portion of SW Old Jupiter-Indiantown Road (Western Martin County). 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, known as a Maintenance 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 for the 2,800 feet of SW Old Jupiter-Indiantown Road lying southeasterly of SR-76 (SW Kanner Highway) in Western Martin County has been prepared for acceptance by the Board of County Commissioners and recording within the Public Records. The Deputy Public Works Director has verified that the County routinely maintains this corridor and the County Surveyor has reviewed the Maintenance Map.

This segment of SW Old Jupiter-Indiantown Road consists of a meandering rock road with varying width. This road segment terminates at a privately maintained gate. In 1976, Martin County asserted its interest in SW Old Jupiter-Indiantown Road as a public road by Resolution No. 76-5.16.

This segment has been continually maintained by Martin County for over fifteen years, is in use by the public, and is classified as an open road for applicable building permit eligibility.

**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 segment with existing budgets, resulting in no additional financial burdens to the County.

Filing this Maintenance Map does not affect any rights of the U.S. Army Corps of Engineers nor any water rights of the adjacent parcel owners.

**ISSUES:**

No adverse effects are prevalent to the adjoining private land ownerships. Nevertheless, the Public Works Department has notified the adjoining owners by mail of the intent to approve and record the Maintenance Map.

**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 of County Commissioners approve the Maintenance Map for the following road segment pursuant to the provisions of Section 95.361, Florida Statutes, and authorize the Chairman to execute the Maintenance Map cover sheet for subsequent recording in public records.

The 2,800-foot segment of SW Old Jupiter-Indiantown Road, lying southeasterly of SR-76 (SW Kanner Highway) in Western Martin County.

## ALTERNATIVE RECOMMENDATIONS

Move that the Board of County Commissioners not approve the Maintenance Map, state reason for such disapproval, and provide staff direction.

## FISCAL IMPACT:

## RECOMMENDATION

- a. Martin County currently maintains these roadways. No additional financial maintenance burdens will be incurred by the acceptance of the Maintenance Maps.
- b. Reproduction and recording/filing cost approximately \$75.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

## ALTERNATIVE RECOMMENDATIONS

N/A

## DOCUMENT(S) REQUIRING ACTION:

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