



Legislation Details (With Text)

File #: R-2019-071 **Version:** 1 **Name:** ROW - SW 66th Avenue
Type: Resolution **Status:** Passed
File created: 2/28/2019 **In control:** Engineering Division
On agenda: 4/3/2019 **Final action:** 4/3/2019
Title: A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Certify And File A Right Of Way Maintenance Map Dedicating And Vesting All Rights, Title, Easement And Appurtenances Of That Portion Of The Constructed SW 66th Ave Road In The City In Accordance With Section 95.361(3), Florida Statutes.

Sponsors:

Indexes:

Code sections:

Attachments: 1. RESOROADDEDICATIONOWNERSHIPMAPFILINGFS95.361.DO.pdf, 2. EXHIBIT A.pdf

Date	Ver.	Action By	Action	Result
4/3/2019	1	Regular City Commission Meeting	adopt	Pass

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Certify And File A Right Of Way Maintenance Map Dedicating And Vesting All Rights, Title, Easement And Appurtenances Of That Portion Of The Constructed SW 66th Ave Road In The City In Accordance With Section 95.361(3), Florida Statutes.

Staff Recommends: Approval of The Attached Resolution.

Explanation:

A portion of Southwest 66th Avenue (the "Road") described in the Right of Way Maintenance Map, attached Exhibit A (the "Maintenance Map"), is shown by historic aerials to have been in existence at least since 1998. A search of the public records of Broward County, Florida has not produced any document formally conveying or dedicating the Road, or a right of way easement for the Road to the City of Hollywood or any other governmental entity.

The Road is located within the municipal limits of the City of Hollywood and the City has regularly maintained and repaired the Road for the immediate past seven years and longer. Florida Statutes, Section 95.361(2) provides that, "when a road has been regularly maintained for the immediate past seven years by a municipality, such road shall be deemed to be dedicated to the public, and said dedication shall vest all rights, title, easement and appurtenances in and to the road in the municipality."

Florida Statutes, Section 95.361(3) provides that the filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on the map that the road has vested in a municipality in accordance with subsection (2), with the map duly certified by the mayor and clerk of the municipality, such map shall be prima facie evidence of ownership of the land by the municipality. The attached Maintenance Map complies with the requirements of Florida Statutes, Section 95.361(3), and upon filing, shall be prima facie evidence of ownership of the Road by the City of Hollywood.

Recommended for inclusion on the agenda by:

Luis Lopez, P.E., City Engineer

Shiv Newaldass, Director, Department of Development Services

Gus Zambrano, Assistant City Manager, Sustainable Development