TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2013-18

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUPPORTING THE LEGISLATION REQUESTED BY THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT TO PROVIDE FOR THE DEDICATION OF RIGHT-OF-WAY EASEMENTS TO THE PUBLIC; PROVIDING THAT COPIES OF THIS RESOLUTION BE FORWARDED TO THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE PRESIDENT OF THE FLORIDA SENATE, AND THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Loxahatchee Groves Water Control District (the District") has requested legislation to provide for the dedication of right-of-way easements to the public; and,

WHEREAS, the subject legislation is intended to facilitate and improve road access and safety, decrease dust and resulting health issues, and lower road maintenance costs for landowners and residents of the Town, and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves finds that it is in the best interest of the Town, its residents and landowners, for the proposed legislation to be approved by the Florida Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council hereby supports the legislation requested by Loxahatchee Groves Water Control District to provide for the dedication of right-of-way

easements to the public.

Section 3. The Town Clerk is directed to forward certified copies of the executed Resolution to the Palm Beach County Legislative Delegation, the President of the Florida Senate and the Speaker of the Florida House of Representatives.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS 3rd DAY OF DECEMBER 2013.

ATTEST:

Janet K. Whipple, MMC
Town Clerk

APPROVED AS TO LEGAL FORM:

Michael D. Cirullo, Jr., Town Attorney

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Mayor David Browning

Vice Mayor Ron Jarriel

Council Member Tom Goltzené

Council Member Ryan Liang

Council Member Jim Rockett

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A bill to be entitled

An act relating to the Loxahatchee Groves Water Control District, Palm Beach County; amending Chapter 99-425, Laws of Florida, as amended; providing for the dedication of road right-of-way easements to the public; providing requirements for such dedication; providing for prima facie evidence of such public road right-of-way easements; exempting certain property of an electric utility; assigning continuing traffic control jurisdiction on all public roads within the district to the Town of Loxahatchee Groves; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 9 is added to section 2 of chapter 99-425, Laws of Florida, as amended, to read:

Section 9. Roads presumed to be dedicated.

a. When a road within the district has been constructed by the district, and when such road has been maintained or repaired continuously and uninterruptedly for 7 years by the district, an easement for such road over, under, across, upon, through, and within the underlying real property for road right-of-way purposes, shall be deemed to be dedicated to the public to the extent of the width that has been actually maintained or repaired for the prescribed period, whether or not the road has been formally established as a public road. The dedication shall vest such easement in and to the road in the public, whether or not there is a record of conveyance, dedication, or appropriation to the public use.

b. 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 it that the road has been dedicated in accordance with subsection a., or by any other means of acquisition, duly certified by the chair and secretary of the district, shall be prima facie evidence of the public's easement rights.

c. This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.

d. The Town of Loxahatchee Groves shall continue to have traffic control jurisdiction over all public roads located within the district.

Section 2. This act shall take effect upon becoming a law.