

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2013-19**

**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 CANAL MAINTENANCE EASEMENTS TO THE DISTRICT AND THE USE OF SUCH FOR RECREATIONAL TRAIL PURPOSES; 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 canal maintenance easements to the District; and,

**WHEREAS**, the subject legislation is intended to facilitate and promote the District’s ability to maintain its canals pursuant to its special purposes, and to permit such maintenance easements to be used for recreational trail purposes by the public, 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 canal maintenance easements to the District, and to permit the use of such for recreational trail purposes by 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 3<sup>rd</sup> DAY OF DECEMBER 2013.**

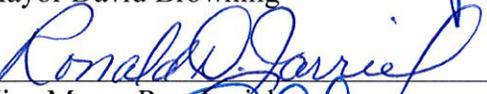
ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

  
Janet K. Whipple, MMC  
Town Clerk

  
Mayor David Browning

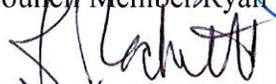
APPROVED AS TO LEGAL FORM:

  
Vice Mayor Ron Jarriel

  
Michael D. Cirullo, Jr., Town Attorney

  
Council Member Tom Goltzené

  
Council Member Ryan Liang

  
Council Member Jim Rockett

An act relating to the Loxahatchee Groves Water Control District, Palm Beach County, Florida; amending Chapter 99-425, Laws of Florida, as amended; providing for the dedication of canal maintenance easements to the district; providing requirements for such dedication; providing for prima facie evidence of such maintenance easements; providing for the use of the maintenance easements for recreational trail purposes by the public through district permits issued to the Town of Loxahatchee Groves; providing that any permit issued by the district to the Town for perpetual use by the public for recreational trail purposes shall satisfy property control requirements for state grant purposes; providing an effective date.

#### Maintenance Easements and Use for Public Trail Purposes.

- (1) When land adjacent to canals has been used and maintained for district-related purposes by the district to access its canals continuously and uninterruptedly for 7 years, a maintenance easement for such land over, under, across, upon, through, and within the underlying real property for such maintenance purposes, shall be deemed to be dedicated to the district to the extent of the width that has been actually used, maintained or repaired for the prescribed period, whether or not the land has been formally established as an easement in favor of the district. The dedication shall vest such easement in and to the land to the district, whether or not there is a record of conveyance, dedication, or appropriation to the district.
- (2) The filing of a map in the office of the clerk of the circuit court of the county where the maintenance easement is located showing the lands and reciting on it that the land has been dedicated in accordance with subsection (1), or by any other means of acquisition, duly certified by the chair and secretary of the district shall be prima facie evidence of the district's easement rights.
- (3) For any maintenance easement established pursuant to this section, the use by the public for recreational trail purposes, including without limitation equestrian trails, shall be authorized. The district shall have the authority to issue permits to the Town of Loxahatchee Groves to construct and maintain such recreational trails within the maintenance easements. Any permit issued by the district for perpetual use by the public for recreational trail purposes shall be deemed to satisfy any and all current or future state grant requirements for property control by the Town.
- (4) This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.