

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2011-001

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 CERTAIN DEDICATIONS OF ROADWAY WIDTHS WITHIN THE BOUNDARIES OF THE DISTRICT AND THE TOWN; AMENDING AND SUPERSEDING RESOLUTION 2010-012 TO CONFIRM THE SUPPORT OF THE TOWN COUNCIL OF THE REVISED, PROPOSED LEGISLATION; PROVIDING THAT COPIES OF THIS RESOLUTION BE FORWARDED TO THE PALM BEACH COUNTY LEAGUE OF CITIES, 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, at its November 16, 2010 meeting, the Town Council adopted Resolution 2010-012 expressing the support of the Town Council of legislation proposed by the Board of Supervisors of the Loxahatchee Groves Water Control District (the "District") to provide the District with certain rights relating to improvements of public roads, which would enable the District to proceed with Landowner requested roadway improvements; 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, since the adoption of Resolution 2010-012, the proposed legislation has been revised; and,

WHEREAS, the Town Council desires to confirm its support for the proposed legislation; 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 the District relating to

certain improvement rights for roads within the geographical boundaries of the Town and District as set forth within the proposed legislation, which would enable the District to proceed with Landowner requested roadway improvements.

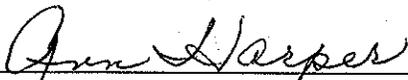
Section 3. The Town Clerk is directed to forward certified copies the executed Resolution to the Palm Beach County League of Cities, the Palm Beach County Legislative Delegation, the President of the Florida Senate and the Speaker of the Florida House of Representatives.

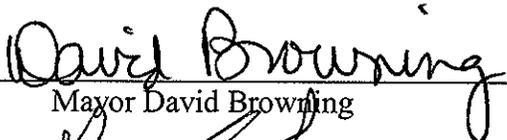
Section 4. This Resolution shall be effective immediately upon adoption.

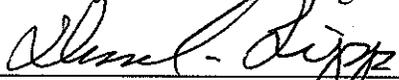
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS 18th DAY OF JANUARY , 2011.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:


Ann Harper, Town Clerk


Mayor David Browning

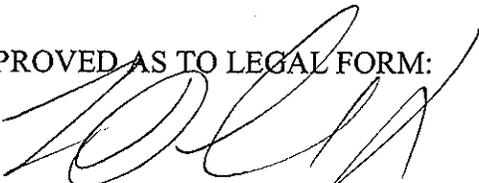

Vice Mayor Dennis Lipp


Ron Jarriel, Council Member


Ryan Liang, Council Member


Jim Rockett, Council Member

APPROVED AS TO LEGAL FORM:



Michael D. Cirullo, Jr., Town Attorney

1 A bill to be entitled

2 An act relating to the Loxahatchee Groves Water Control
3 District, Palm Beach County; amending Chapter 99-425,
4 Laws of Florida, as amended by chapter 2004-410, Laws of
5 Florida; providing for the dedication of the width of
6 roads to the public; providing requirements for such
7 dedication; providing for prima facie evidence of public
8 road easements; exempting certain property of an electric
9 utility; assigning traffic control jurisdiction on all
10 public roads within the District to the Town of
11 Loxahatchee Groves; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. An entirely new Section 8 is added to at Section 2
16 of Chapter 99-425, Laws of Florida, as amended by chapter 2004-410,
17 Laws of Florida, to read:

18 Section 2. The Loxahatchee Groves Water Control District is
19 re-created and reenacted to read:

20 (Sections 1-7 shall remain the same as previously
21 adopted.)

22 Section 8. Dedication of width of certain roads within the
23 District.

24 (1). a. Improvement of the four (4) public roads identified
25 below in Exhibit "A", attached hereto was approved by referendum
26 pursuant to paragraph c. of section 4 of chapter 2004-410, Laws of
27 Florida, after January 1, 2009 and prior to December 31, 2010. The
28 width of said these roads, to the extent that they have been
29 actually constructed and maintained or repaired continuously and
30 uninterruptedly by the District for 7 years, shall be dedicated
31 through easement rights to the public pursuant to this Act. The
32 four (4) public roads subject to this section are as follows:

*Approved by LGWC B
on 1/10/11.
ms*

33 (1). "A" Road to include the following description:
34 "A" Road from Okeechobee Boulevard to North Road and
35 North Road approximately one-quarter mile east from "A"
36 Road intersection.

37
38 (2). "C" Road (South) to include the following
39 description: "C" Road from Collecting Canal Road to
40 Okeechobee Boulevard and Collecting Canal Road
41 approximately one-quarter mile each way, east and west
42 from "C" Road intersection.

43
44 (3). "C" Road (North) to include the following
45 description: "C" Road from Okeechobee Boulevard to North
46 Road and North Road approximately one-quarter mile each
47 way, east and west from "C" Road intersection.

48
49 (4). "D" Road to include the following description:
50 "D" Road from Okeechobee Boulevard to North Road and
51 North Road approximately one-quarter mile each way, east
52 and west from "D" Road intersection.

53
54 (2). b. The filing of a map in the office of the clerk of the
55 circuit court of the county where the road is located showing the
56 lands and reciting on it that the road has been dedicated in
57 accordance with subsection ~~(1)~~ a. or by any other means of
58 acquisition, duly certified by the chair and secretary of the
59 District, shall be prima facie evidence of the District's public's
60 easement rights. ~~to maintain, improve and repair the road pursuant~~
61 ~~to this Act.~~

62 (3). c. This section does not apply to any facility of an
63 electric utility which is located on property otherwise subject to
64 this section.

65 (4). d. The Town of Loxahatchee Groves shall have traffic
66 control jurisdiction over all public roads located within the
67 District.

68
69 Section 3 2. This act shall take effect upon becoming a law.