



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 6643, **Version:** 1

Subject:

Approval, Re: Resolution and Maintenance Maps for Rockledge Drive Right-of-Way (four section maps) from U.S. Highway 1 to 1851 Rockledge Drive located in unincorporated Brevard County - District 2.

Fiscal Impact:

None

Dept/Office:

Public Works Department

Requested Action:

It is requested that the Board of County Commissioners adopt and authorize the Chair to execute: 1) the Resolution, 2) each of the four (4) Rockledge Drive maintenance maps (collectively referred to as the "Rockledge Drive Maintenance Map"), 3) any other documentation to effectuate the maintenance map process, including, but not limited to, addressing any issues with or scrivener's errors on said maps, and 4) authorize staff to record the Resolution and the Rockledge Drive Maintenance Map.

Summary Explanation and Background:

The subject property is located in Sections 14, 23, 25, 26, 35 and 36, Township 25 South, Range 36 East, east of U.S. Highway 1 in unincorporated Brevard County - District 2.

In accordance with the requirements of Section 95.361, Florida Statutes, the Resolution and the Rockledge Drive Maintenance Map, which is broken down into four (4) phases for ease of identification and processing, require signatures of the Chair of the Board of County Commissioners and the Clerk of the Circuit Court for recording purposes.

The Rockledge Drive Maintenance Map was prepared by Michael J. Sweeney, Brevard County Surveyor, and reviewed by Marc E. Bernath, Public Works Director; Susan G. Jackson, Assistant Public Works Director and Road and Bridge Program Manager; and, Corrina Gumm, Public Works Traffic Operations Manager. Additional information was also verified through an affidavit by Ryan Mertz, Public Works Road and Bridge Maintenance Manager, as it pertains to verifying the limits of the maintained right of way line based on a site inspection. The Maintenance Map represents that portion of Rockledge Drive between U.S. Highway 1 and north to 1851 Rockledge Drive; this area falls within unincorporated Brevard County - District 2. The portions of maintained right of way shown on the Maintenance Map are supported by road maintenance logs that date back to 2013, whereby Brevard County has maintained and/or repaired the existing asphalt pavement, official traffic control devices, and associated roadside swales and/or ditches, and other associated structures and facilities continuously and uninterruptedly for at least the immediate past seven (7) years.

The area indicated on the Rockledge Drive Maintenance Map shall be dedicated to the Public to the extent of

the width that has been maintained and/or repaired for the prescribed period. Furthermore, the rights, title, easements, and appurtenances to the land as described on this Rockledge Drive Maintenance Map shall be vested in Brevard County.

Put simply, under Florida law, the County's act of regularly maintaining and/or repairing Rockledge Drive continuously and uninterruptedly for at least the immediate past 7 years has already resulted in Rockledge Drive being deemed to be dedicated to the public. In this case, the County's road maintenance and/or repair responsibilities on Rockledge Drive date back to the late 1970s/early 1980s based on available records in which segments of Rockledge Drive were turned over to the County from the Florida Department of Transportation. The purpose for filing the Rockledge Drive Maintenance Map is to enumerate and document the County's specific ownership boundaries on Rockledge Drive.

The User Department approves this request and recommends that the Board adopt, execute, and file the Rockledge Drive Maintenance Map in a Road Plat Book and record the Resolution in the Official Records of Brevard County, Florida, in order to recognize the County's rights to such portions of the Rockledge Drive right-of-way.

This acquisition follows the policies and procedures as set forth in Administrative Order 37.

Clerk to the Board Instructions:

Upon execution by the Chair, the Public Works Department will make arrangements to pick up the original executed Rockledge Drive Maintenance Map (four sections) and original executed Resolution from the Clerk's office.