

Maintained Right-of-Way on Private Property

Real Estate Services and Public Works have identified a number of parcels impacted by existing roadways. The action to acquire ownership of the roadway areas will vest all right, title, easement and appurtenances in and to the road in the County.

The County Engineer and staff have investigated and determined that certain roads, or portions of roads, have been maintained and are in compliance with provisions of Section 95.361, Florida Statutes.

95.361 Roads presumed to be dedicated.—

(2) In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway.

This agenda item authorizes the Chair of the Board of County Commissioners to approve the surveys showing portions of the County maintained right-of-way in Charlotte County, Florida pursuant to section 95.361 of the Florida Statutes.

Surveys of the roadways are shown in Exhibits A-S of the Resolution. These surveys depict the locations that have been continuously and uninterruptedly maintained by the County for more than seven (7) years.

The Board approval will allow the road to be dedicated to the public and shall vest all right, title, easement and appurtenances to the County.

After obtaining Board approval the surveys will be recorded in the Official Public Records of Charlotte County, Florida.