

**PROPOSED**

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND THE CLERK TO CERTIFY THE  
3 MAINTENANCE MAP OF CYPRESS CREEK ROAD (NW 62ND STREET) EAST OF  
4 THE INTERSECTION WITH POWERLINE ROAD (NW 9TH AVENUE), LOCATED IN  
5 THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, AND FILE SAME  
6 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF BROWARD COUNTY,  
7 IN ACCORDANCE WITH SECTION 95.361(3), FLORIDA STATUTES; AND PROVIDING  
8 FOR SEVERABILITY AND AN EFFECTIVE DATE.

9  
10 WHEREAS, Broward County constructed Cypress Creek Road (NW 62nd Street),  
11 including the portion described in the Maintenance Map, attached hereto and  
12 incorporated herein as Exhibit A (the "Right-of-Way"), and has maintained or repaired the  
13 Right-of-Way continuously and uninterruptedly for at least four (4) years. The legal  
14 description of the Right-of-Way is set forth in Exhibit A;

15 WHEREAS, Section 95.361, Florida Statutes, details the procedure for a local  
16 government to claim a vested interest in a road to the extent of the width that has been  
17 actually maintained;

18 WHEREAS, Section 95.361(1), Florida Statutes, provides that "[w]hen a road,  
19 constructed by a county, a municipality, or the Department of Transportation, has been  
20 maintained or repaired continuously and uninterruptedly for 4 years by the county,  
21 municipality, or the Department of Transportation, jointly or severally, the road shall be

22 deemed to be dedicated to the public to the extent in width that has been actually  
23 maintained for the prescribed period, whether or not the road has been formally  
24 established as a public highway. The dedication shall vest all rights, title, easement, and  
25 appurtenances in and to the road in . . . [t]he county, if it is a county road . . . whether or  
26 not there is a record of a conveyance, dedication, or appropriation to the public use";

27 WHEREAS, the Right-of-Way consists of a sidewalk, curbing, gutter, and other  
28 appurtenances of Cypress Creek Road (NW 62nd Street), a County road;

29 WHEREAS, Section 95.361(3), Florida Statutes, provides that the "filing of a map  
30 in the office of the clerk of the circuit court of the county where the road is located showing  
31 the lands and reciting on it that the road has vested in . . . a county . . . in accordance with  
32 . . . subsection (1) [of Section 95.361] . . . duly certified by . . . [t]he chair and clerk of the  
33 board of county commissioners of the county, if the road is a county road . . . shall be  
34 prima facie evidence of ownership of the land by the . . . county"; and

35 WHEREAS, it is in the best interest of Broward County and to the benefit of its  
36 residents that Broward County assert its ownership of the Right-of-Way pursuant to  
37 Section 95.361(1), Florida Statutes, NOW, THEREFORE,

38 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
39 BROWARD COUNTY, FLORIDA:

40 Section 1. The above recitals are true and correct and are incorporated herein  
41 as if set forth in full hereunder.

42 Section 2. The Mayor and the Clerk are authorized to certify and file the  
43 Maintenance Map of the Right-of-Way, attached hereto as Exhibit A, in the office of the

