

DAVIE, FLORIDA

RESOLUTION NO. R

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO CERTIFY AND FILE A RIGHT OF WAY MAINTENANCE MAP PURSUANT TO FLORIDA STATUTE SECTION 95.361(3) AS PRIMA FACIE EVIDENCE OF OWNERSHIP OF THAT CONSTRUCTED PORTION OF SW 58 AVENUE AS SHOWN IN THE ATTACHED RIGHT OF WAY MAINTENANCE MAP; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, respect to the portion of SW 58 Avenue shown in the attached right of way maintenance map has been properly occupied by the Public Works, Police and Fire-Rescue Departments (the "Road"), a search of the public records of Broward County, Florida reveals that the Road has not been formally conveyed as a public road and there is no such record of deed, dedication or appropriation of the Road to the public use; and

WHEREAS, the Town of Davie has regularly maintained or repaired the Road for the immediate past seven (7) years for use by the public for public transportation purposes; and

WHEREAS, Florida Statute Section 95.361(2) provides that, when a road has been regularly maintained for the immediate past seven (7) years by a municipality, such road shall be deemed to be dedicated to the public, and said dedication shall vest all rights, title, easements and appurtenances in and to the road in the municipality; and

WHEREAS, Florida Statute Section 95.361(3) provides that the filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in a municipality in accordance with subsection (2), duly certified by the mayor and clerk of the municipality, shall be prima facie evidence of ownership of the land by the municipality; and

WHEREAS, the attached Right of Way Maintenance Map complies with the requirements of Florida Statute Section 95.361(3), and upon filing, will be prima facie evidence of ownership of the Road; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE THAT:

Section 1. Legislative Findings/Recitals. The above recitals are hereby adopted by the Town of Davie as its legislative findings relative to the subjects and matters set forth in this Resolution.

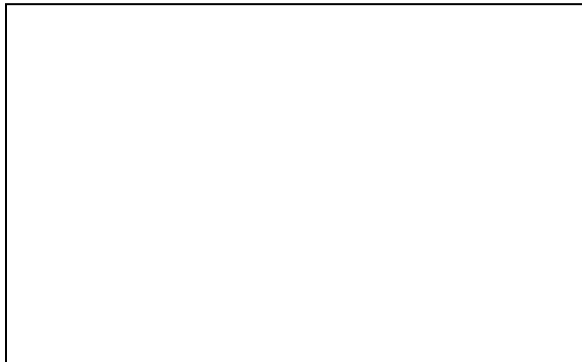
Section 2. The Town Council of the Town of Davie does hereby authorize the appropriate Town officials to certify and file the attached Right of Way Map as provided in Florida Statute Section 95.361(3).

Section 3. Conflict. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, it is the intent of the Town Council that such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are declared severable.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Davie Town Council on this ____ day of _____, 2024.



Mayor Judy Paul

Authentication:

Evelyn Roig
Town Clerk

Motion:		
Second:		
Vote	Yea	Nay
Mayor Paul		
Vice Mayor Whitman		
Councilmember Alfonso		
Councilmember Starkey		
Councilmember Luis		

Approved by the Town Attorney
as to form and legal sufficiency:

Allan T. Weinthal