

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: June 7, 2010

Date Submitted: May 27, 2010

To: Honorable Chairman and Members of the Board

From: Heather J. Encinosa, County Attorney

Subject: Request Board Approval of a Resolution Approving and Certifying Survey Portion of Mt. Beasor Road Showing Road and Right-of-Way Dedicated to Wakulla County Pursuant to Section 95.361, Florida Statute

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### **Statement of Issue:**

This agenda item is to provide the Board of County Commissioners with a Resolution and Survey performed on a portion of Mt. Beasor Road so that the Board may approve and certify the Survey depicting a portion of Mt. Beasor Road and associated road right-of-way that has been continuously maintained and repaired by the Wakulla County Public Works Department for a period in excess of seven years, such that the road and right-of-way is presumed to be dedicated and owned by Wakulla County for public use pursuant to section 95.361, Florida Statutes.

### **Background:**

In the area depicted on the Survey, there is a parcel of property owned by Mr. John Sites who has erected a chain link fence within the Mt. Beasor Road and right-of-way area that has been continuously maintained and repaired by Wakulla County Public Works for public use and enjoyment for a period well in excess of seven years. The passage of the Resolution and the certification of the Survey will provide a presumption of County ownership pursuant to Florida Statute section 95.361 of that portion of Mt. Beasor Road depicted on the subject Survey.

The County Attorney's Office has been working in conjunction with the Public Works Department to have the property owner, Mr. John Sites voluntarily remove his fence that extends into the County maintained area of Mt. Beasor Road such that it impedes vehicular travel along the road through creation of a constricted area and also would impede the access of certain emergency vehicles that might be called upon to travel along the subject roadway in response to calls for assistance in the subject area. To date, the County Attorney's Office has not received any favorable response from the property owner, Mr. Sites or his retained counsel, Mr. William Webster related to its requests to remove the fence. Therefore, the County Attorney's Office is preparing to proceed with legal action to seek a Court Order for removal of the subject fence. The certification of the subject Survey will help establish the location and extent of the roadway that has been dedicated to County ownership and public use pursuant to section 95.361, Florida Statutes.

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**Options:**

1. Approve the Resolution and certify the attached Survey of a portion of Mt. Beasor Road that depicts road and road right-of-way dedicated to Wakulla County pursuant to section 95.361(2), Florida Statutes.
2. Do not approve or certify the attached Survey.
3. Board Direction.

**Recommendation:**

Option #1

**Attachments:**

1. Resolution
2. Survey