

15.00

RESOLUTION NO. 2000-150

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, FORMALLY ACCEPTING THE DEDICATION OF STREETS, ALLEYS AND EASEMENTS SHOWN ON CERTAIN PLATS WHICH PREDATE STATUTORY LAWS OF PLATTING SET OUT IN CHAPTER 177, PART 1, FLORIDA STATUTES.

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WHEREAS, laws relating to the platting of land were not enacted by the Florida Legislature until 1971; and

WHEREAS, plats filed of record prior to that date sometimes had no language of express dedication of rights-of-way, streets, alleys and easements to public use; and

WHEREAS, by making a sale of platted lots, the owner of a tract manifests an intent to dedicate streets and rights-of-way necessary to access those lots; and

WHEREAS, common law dedication requires (1) an intention by the owner to dedicate the property for public use; and (2) an acceptance by the public; and

WHEREAS, Judge Scott Kenney rendered a Final Judgment in the case Driver v. Indian River County, in the Nineteenth Judicial Circuit, in and for Indian River County, Florida (Case No. 00-0343 CA19) ruling that there must be clear, satisfactory and unequivocal evidence that the public has accepted such dedications, either formally, or by the improvement, maintenance or use of said streets and rights-of-way.

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C. County Clerk

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA that all dedicated rights-of-way, streets, easements, and alleys shown on the following listed platted lands are hereby expressly and formally accepted:

- Townsite Plat of Roseland, Plat Book 1, Page 43, Public Records of St. Lucie County, Florida, now lying in Indian River County, Florida.
- Plat of Wauregan, Plat Book 1, Page 178, Public Records of Brevard County, Florida, now lying in Indian River County, Florida.
- Subdivisions Nos. 1 and 2, Ambersand Beach, originally platted in Brevard County at Plat Book 3, Page 76, and also being recorded in Plat Book 7, Page 8-A, Public Records of Indian River County.
- A. A. Berry Subdivision, recorded in Plat Book 2, Page 14 of the Public Records of St. Lucie County, Florida, said lands now lying in Indian River County, Florida.

The resolution was moved for adoption by Commissioner Ginn, and the motion was seconded by Commissioner Stanbridge, and, upon being put to a vote, the vote was as follows:

Chairman Fran B. Adams	<u>Aye</u>
Vice Chairman Caroline D. Ginn	<u>Aye</u>
Commissioner Kenneth R. Macht	<u>Aye</u>
Commissioner John W. Tippin	<u>Aye</u>
Commissioner Ruth M. Stanbridge	<u>Aye</u>

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The Chairman thereupon declared the resolution duly passed and adopted this 12th day of December, 2000.

**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

By *Fran B Adams*
Fran B. Adams, Chairman

ATTEST: Jeffrey K. Barton, Clerk

By *Patricia M. Ridgely*
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY *W. G. Collins*
WILLIAM G. COLLINS
DEPUTY COUNTY ATTORNEY

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