



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: February 9, 2023

SUBJECT: 61st Drive Maintenance Map

BACKGROUND

As part of the West Wabasso Septic to Sewer Project, the County intends on installing sewer facilities along 61st Drive. In fact, the County has recently purchased two lots on 61st Drive, which will serve as the location for part of the sewer infrastructure in the area. Pursuant to section 95.361, Florida Statutes, if 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, 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.

County records indicate that the County has been maintaining 61st Drive for the period set forth in statute and thus, County staff is proposing to file the attached maintenance map with the Clerk of the Circuit Court as provided for under the statute. The filing of the map will be prima facie evidence of ownership of the land by Indian River County. With 61st Drive being a public road, the County will be able to install the sewer infrastructure necessary to complete this phase of the West Wabasso Septic to Sewer project.

Notices of this public meeting were sent to all of the owners of property along 61st Drive. It is important to note that the County ownership will only extend to the limits of the area being maintained by the County.

FUNDING

County staff spent \$12.60 on first class letters to the property owners, which was paid for from the Utilities/Cust Svc/Postage account, number 47126536-034210. The cost of recording the maintenance map would be approximately \$75.00 and would come from the ARP Fund/ARP/Constr Prg/West Wabasso Sewer Phase 3 account, number 13821936-066510-21512.

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RECOMMENDATION

The County Attorney's Office recommends that the Indian River County Board of County Commissioners vote to authorize the chair to execute and the County Attorney's Office to file the maintenance map with the Clerk of the Circuit Court as proscribed by Florida Statutes.

ATTACHMENT

61st Drive Maintenance Map
Example of Letter