RESOLUTION NO. 14-08-55

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; ADOPTING A POLICY GOVERNING THE DEDICATION TO AND ACCEPTANCE OF PRIVATE ROADS BY THE VILLAGE; AUTHORIZING THE VILLAGE MANAGER AND VILLAGE ATTORNEY TO TAKE NECESSARY AND EXPEDIENT ACTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, upon incorporation Islamorada, Village of Islands (the “Village”) adopted the Monroe County standards for roads within the Village; and

WHEREAS, upon incorporation, the Village also accepted jurisdiction of the private roads that existed within the municipal boundaries of the Village; and

WHEREAS, the Village Council desires to establish a uniform and consistent policy governing the conversion of private roads to public roads within the Village; and

WHEREAS, some Village residents who reside along private roads have requested that the Village accept their private roads for the benefit of public services; and

WHEREAS, the Village Council desires to implement a policy whereby the Village may accept the dedication of a private road to the Village that meets a set of requisite uniform roadway standards established for roads and streets within Monroe County; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to adopt a policy governing the dedication of certain privately owned roadways to the Village.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.
Section 2. Intent. It is the intent of Village Council of Islamorada, Village of Islands that the Village considers accepting the dedication of private roads that meet current Monroe County road standards pursuant to the process and criteria established by this Resolution.

Section 3. Dedication of Private Roads: Minimum Standards.

For a private road, street or right-of-way to be dedicated to and accepted by the Village, the following minimum standards must be met:

(a): Paved roads and streets shall be paved at least twenty (20) feet wide on a minimum base width of twenty-two (22) feet and a minimum subgrade width of twenty-four (24) feet.

(b): Right-of-way shall be provided and dedicated to the public of at least fifty (50) feet, with twenty-five (25) feet on either side of centerline.

(c): Dead-end streets, designed to be so permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of at least seventy (70) feet, and a street property line diameter of at least 100 feet, or should be provided with a "T" type turnaround.

(d) Street grades, including bridge approaches, shall not exceed six (6%) percent and shall include properly designed vertical curves.

(e) Stabilized shoulders seven (7) feet wide shall be provided for public parking and safety.

(f) The minimum crown elevation of roads and streets shall be plus 4.0 msl.

(g) The private road, street or right-of-way shall be free from any encroachments.

(h) The Village must be able to safely provide essential services (fire protection, solid waste collection, etc.) along any private road/street in order for it to be dedicated to public ownership.

Section 4. Petition for Dedication; Required Documentation.

A petition for road dedication shall be submitted to the Village in such form as may be approved by the Village Manager and Village Attorney. The person/entity dedicating the private road shall absorb and pay the cost of preparing the legal documentation in support of such dedication to the Village. Such petition for dedication of a private road to the Village shall include the following documentation:
(a) A copy of the strip map clearly indicating where the road(s) to be dedicated are located (including mile marker information) along with a supplemental aerial photograph for reference.

(b) Property record cards showing the ownership of property adjoining the road to be dedicated. Adjoining property owners includes those persons and/or entities that own land touching the boundaries of the subject land/road to be dedicated.

(c) Survey & legal description of the roadways to be dedicated. Such survey should show the center of the right-of-way to verify the road location and should show the elevation of the road.

(d) Affidavit from all parties to whom the road is dedicated. All owners must provide a notarized affidavit consenting to the dedication of such road and should reflect the property owner(s) intent to dedicate the road for public use. Such affidavit shall be in a form approved by the Village Attorney. All owners must consent to the road dedication and provide deeds conveying their interest in the road to be dedicated.

(e) Letter from Homeowner’s Association (if applicable). A signed letter from the Homeowner’s Association either consenting or objecting to the road dedication shall be provided along with the Petition (as applicable).

Petitioner(s) shall be required to submit any and all documentation in support of the petition that may be required by the Village Manager and Village Attorney. The Village Manager shall make the determination and recommendation to the Village Council for consideration on all petitions for dedication of a private road where one hundred (100%) of all the vested owners of the private road have signed.
Section 5. Acceptance of Private Roads by the Village.

(a) Upon receipt of a petition for dedication of a private road, the Village shall determine if the road meets the minimum standards for roads/streets within Monroe County as referenced herein. If the road does not meet minimum standards, the Village Manager will recommend that the Village Council not accept dedication of the private road. The Village Manager or his/her designee may specify the reason(s) for the failure to meet the roadway standards.

(b) Any private road that does not meet the minimum standards set forth herein or is otherwise deemed sub-standard by the Village will not be eligible for dedication to the Village until it meets the Village’s requisite standards or is otherwise brought into an acceptable degree of compliance. The Village Council may consider a waiver or reduction of certain standards as they relate to health, safety and the ability to provide services when there are special circumstances or conditions that make compliance with requisite road standards impractical or unreasonable.

(c) If the Village Council elects to consider dedication of a private road that does not meet the minimum standards set forth herein or is otherwise deemed substandard by the Village Manager or his/her designee, the Village shall only consider dedication of such private road for public use subject to the following conditions:

1. The Village shall not assume any obligation or responsibility to make any surface or infrastructure improvements to bring a sub-standard private road up to requisite current standards prior to dedication and acceptance by the Village.

2. The cost for any and all necessary improvements and fees to bring a sub-standard private road up to current standards shall be paid by the owner(s) of the private road in a manner to be determined by the owner(s) thereof.

3. The Village Manager will prepare an estimate of costs associated with future costs of maintenance and improvement of such road(s) to be dedicated for consideration by the Village Council prior to acceptance by the Village.
(d) No dedication of a private road, right-of-way or easement is effective until the Village Council formally adopts a resolution accepting such dedication as provided for herein.

**Section 6. Authority of Village Manager.**

The Village Manager is hereby authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

**Section 7. Effective Date.** This resolution shall be effective immediately upon its adoption.

Motion to adopt by Councilman Ken Philipson, seconded by Vice Mayor Deb Gillis.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:**

Mayor Ted Blackburn  YES  
Vice Mayor Deb Gillis  YES  
Councilman Mike Forster  YES  
Councilman Ken Philipson  YES  
Councilman Dave Purdo  YES  

**PASSED AND ADOPTED this 7th day of AUGUST, 2014.**  

![Signature]

TED BLACKBURN, MAYOR

**ATTEST:**

![Signature]

KELLY TOOTH, VILLAGE CLERK

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS ONLY**

![Signature]

ROGER V. BRYAN, VILLAGE ATTORNEY
ROAD DEDICATION PETITION
(a separate petition for each road should be submitted)

Date Submitted:  ____________________

Name of Property Owner(s):  _____________________________________________________

Phone (Home):  _____________ (Work):  ______________
Phone (Cell):  ______________ (Fax):  ____________________
Email:  ________________________________________________________________

Roadway (to be dedicated):  __________________________________________________

Key/Island:  ______________ Mile Marker:  ______________

Petitioner(s) seeks the dedication for the following reasons:

____________________________________________________________________________

____________________________________________________________________________

Petitioners/Property owners agree to be responsible for recording cost in relation to this road dedication.

____________________________________
Petitioner/Property Owner

STATE OF FLORIDA
COUNTY OF ________

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20___, by
________________________

(NOTARY SEAL)

Personally Known _____ OR Produced Identification ______

Type of Identification Produced_______________________________________________

We hereby petition the Village Council of Islamorada, Village of Islands to accept the dedication of the above referenced road.
The following Exhibits are attached as follows:

Exhibit A: __________
(Proof of Inspection by Village including whether the roadway meets minimum standards)

Exhibit B: __________
(Strip Map of Key (and aerial photograph) showing the location of the road to be dedicated, U.S. 1, and Mile Marker number)

Exhibit C: __________
(Survey & Legal Description (metes and bounds) of the road(s) which is to be dedicated)

Exhibit D: __________
(Affidavits from all property owners consenting to the road dedication and indicating their intent to dedicate the road for public use.)

Exhibit E: __________
(Letter from members of the Homeowner’s Association indicating their consent or objection to the road dedication)

Exhibit F: __________
(Deeds from property owner(s) conveying the road to be dedicated to Islamorada, Village of Islands. Property owner(s) must certify that they are the sole owners of the property adjoining the roadway that is offered for dedication and property owners must clearly indicate their intent to dedicate the road for public use). The deeds may be provided after acceptance and approval by the Village Council, but acceptance and approval is contingent upon obtaining all deeds and the recording of all deeds in the Official Records of Monroe County.
Sample Letter from Homeowner’s Association Member

Date: ______________________

Village Council of Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL 33036

To Whom It May Concern:

I/We ___________________________________ am/are the property owner(s)
(member(s) of the homeowners association) of ________________________________
and I am writing this letter in reference to the petition to dedicate ____________________
to Monroe County and I/we hereby _____ consent _____ object to the petition for road dedication.

______________________________
Signature of member/property owner
AFFIDAVIT

I/we ___________________________ property owner(s) of ___________________________

which adjoins ______________________ Avenue/Road/Street do hereby consent to the
dedication of said road to the Village Council of Islamorada, Village of Islands and intend to dedicate
such road for public use. I/we hereby certify that I/we are the sole owners of the above referenced
property.

____________________________________
Printed name of Property Owner

____________________________________
Signature of Property Owner

STATE OF FLORIDA
COUNTY OF __________

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by
____________________________________

(NOARTY SEAL)

Personally Known _____ OR Produced Identification ______

Type of Identification Produced__________________________________________________________

We hereby petition the Village Council of Islamorada, Village of Islands to accept the dedication of the
above referenced road