

RESOLUTION CLARIFYING JURISDICTION OVER SIDEWALKS ADJACENT TO COUNTY ROADS

WHEREAS, numerous roads within the County were transferred from the State of Florida to Pinellas County for jurisdiction and maintenance through functional reclassification pursuant to Sec. 335.04, Florida Statutes, 1978; and

WHEREAS, pursuant to that statute, as reconfirmed by Sec. 335.0415, Florida Statutes, 1995, the area transferred included only the portion of the road between the curbs and specifically excluded sidewalks; and

WHEREAS, doubt has been expressed by some municipalities as to their responsibility for those sidewalks adjacent to County roads that cross through and into municipalities; and

WHEREAS, attempts to define and divide responsibility between some municipalities and the County through interlocal agreements has been unsuccessful; and

WHEREAS, it is desirable to clarify the responsibility of the County as to these sidewalks,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, in regular meeting duly assembled this 19th day of December, 2000, that Pinellas County has no jurisdiction or responsibility for maintenance over those sidewalks within municipalities which existed alongside County roads transferred from the State of Florida pursuant to functional reclassification; and

BE IT FURTHER RESOLVED that nothing in this resolution is intended to or shall have the effect of changing the responsibility which Pinellas County has over sidewalks adjacent to all other County roads, or those sidewalks which it has built subsequent to the transfer referenced above; and

BE IT FURTHER RESOLVED that nothing in this resolution is intended to or shall have any effect over sidewalks that have in the past, or may in the future be the subject of interlocal agreements between the municipalities and the County.

Commissioner Latvala offered the foregoing resolution and moved its adoption, which was seconded by Commissioner Morrone, and upon roll call the vote was:

AYES: Stewart, Harris, Seely, Latvala and Morrone.

NAYS: None.

ABSENT AND NOT VOTING: Todd and Welch.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By Carol B. Chenevix
Attorney

I, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this 28th day of January, A.D. 2009.

KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio Clerk of the Board of County Commissioners, Pinellas County, Florida.

By [Signature]
Deputy Clerk

