

RESOLUTION NO. 2000-5

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING THE FILING OF A MAP OF A PORTION OF ROBERTS ROAD WITH THE CLERK OF COURTS IN ACCORDANCE WITH FLORIDA STATUTE 95.361 ROADS PRESUMED TO BE DEDICATED WHEN CONSTRUCTED BY THE COUNTY AND MAINTAINED BY THE COUNTY FOR 4 YEARS THE ROAD SHALL BE VESTED IN ST. JOHNS COUNTY, FLORIDA.

WHEREAS, Florida Statutes 95.361 Roads presumed to be dedicated (copy attached hereto and made a part hereof as Exhibit "A") clearly states the process whereby a road constructed by a county has been maintained or repaired continuously and uninterruptedly for 4 years by the county, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formerly established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in St. Johns County by filing a map in the office of the Clerk of Court; and

WHEREAS, the Board of County Commissioners in Resolution No. 88-73 and Resolution No. 88-89 established a list of roads long considered by the County to be County Roads with little or no documentation of record County ownership; and

WHEREAS, the Board of County Commissioners in Resolution No. 88-73 and Resolution No. 88-89 instructed staff to obtain documentation in order to document justification for continued County maintenance of said roads; and

WHEREAS, Roberts Road as described and shown on the map, Exhibit "B" attached hereto and made a part hereof is one of the roads considered to be a County road; and

WHEREAS, the attached Memorandum (attached hereto and made a part hereof as Exhibit "C") from Frankie Hitchcock, Supervisor-Road & Bridge states it has been the County's responsibility to maintain the dirt portion of Roberts road; and

WHEREAS, the St. Johns County Capital Improvement Plan for Fiscal year 2000 calls for the paving of the unpaved portion of Roberts Road; and

WHEREAS, it is in the best interest of St. Johns County to acquire ownership of Roberts Road for this project that will benefit the citizens of St. Johns County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

1. All the above are finding of fact.

2. Per Florida Statute 95.361 Section (1) the Chairman of the Board of County Commissioners and the Clerk of the Board are hereby authorized to execute the attached map of Roberts Road to be filed in the Public Records of St. Johns County hereby vesting ownership of Roberts Road in St. Johns County in accordance with Florida Statute 95.361 Roads presumed to be dedicated.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida,
This 18th day of January, 2000.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

By: Patricia A. Grande
Deputy Clerk

EXHIBIT "A" TO RESOLUTION

The 1999 Florida Statutes

[View Statutes](#)[Order Statutes](#)[Online Sunshine](#)[Print View](#)**Title VIII****Chapter 95**[View Entire Chapter](#)

LIMITATIONS Limitations of Actions; Adverse Possession

95.361 Roads presumed to be dedicated.--

(1) When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or by any other means of acquisition, duly certified by:

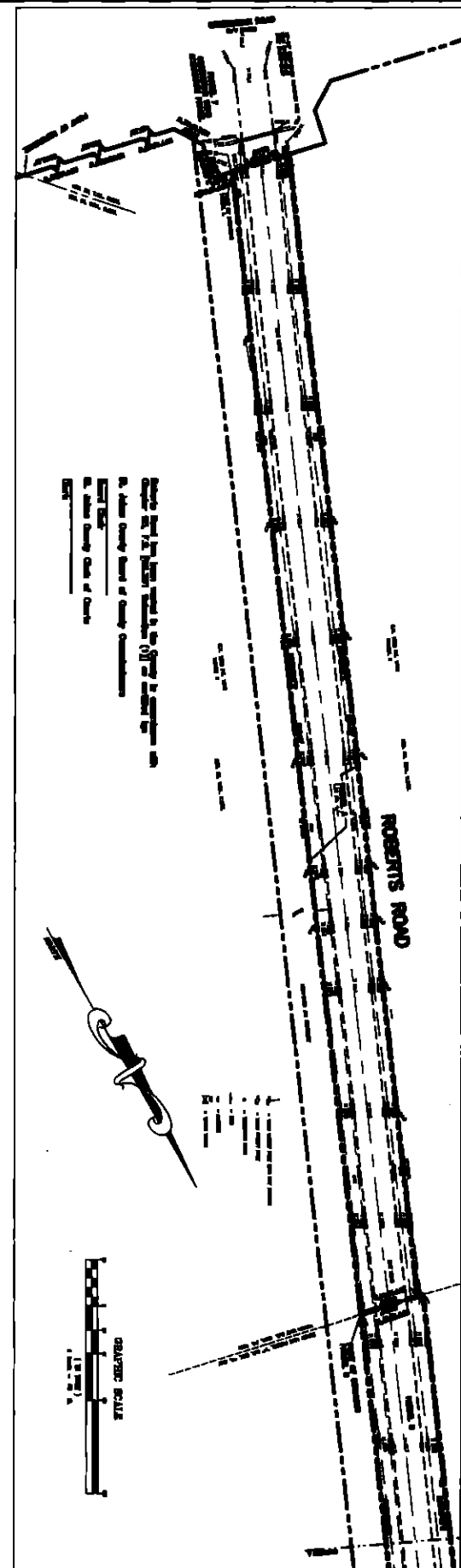
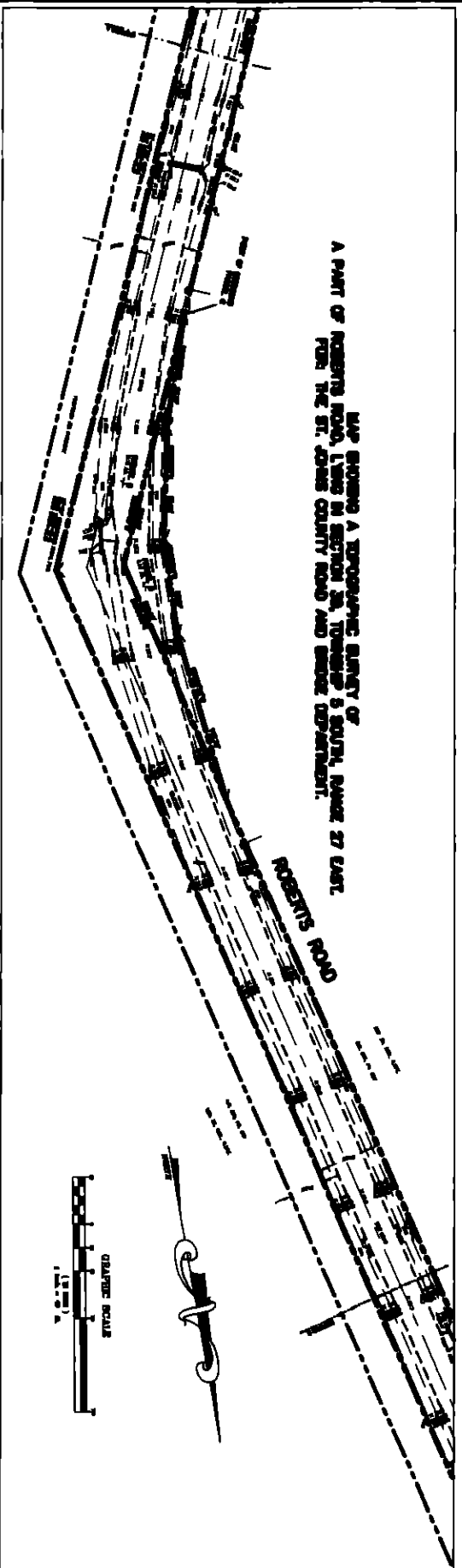
- (a) The secretary of the Department of Transportation, or the secretary's designee, if the road is a road in the State Highway System or State Park Road System;
- (b) The chair and clerk of the board of county commissioners of the county, if the road is a county road; or
- (c) The mayor and clerk of the municipality, if the road is a municipal road or street,

shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

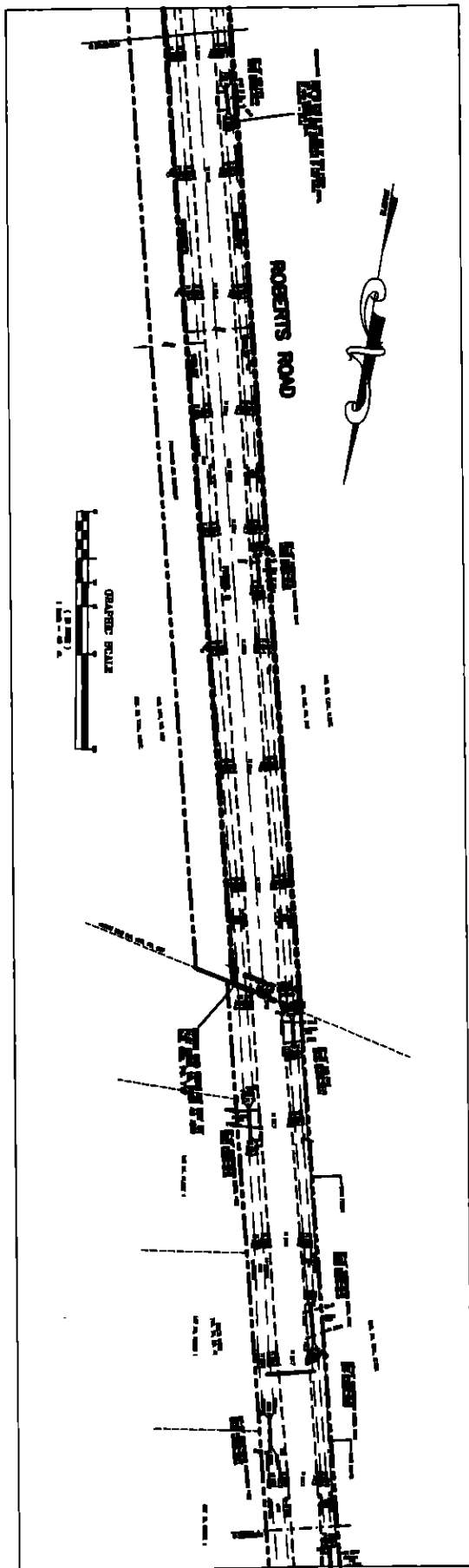
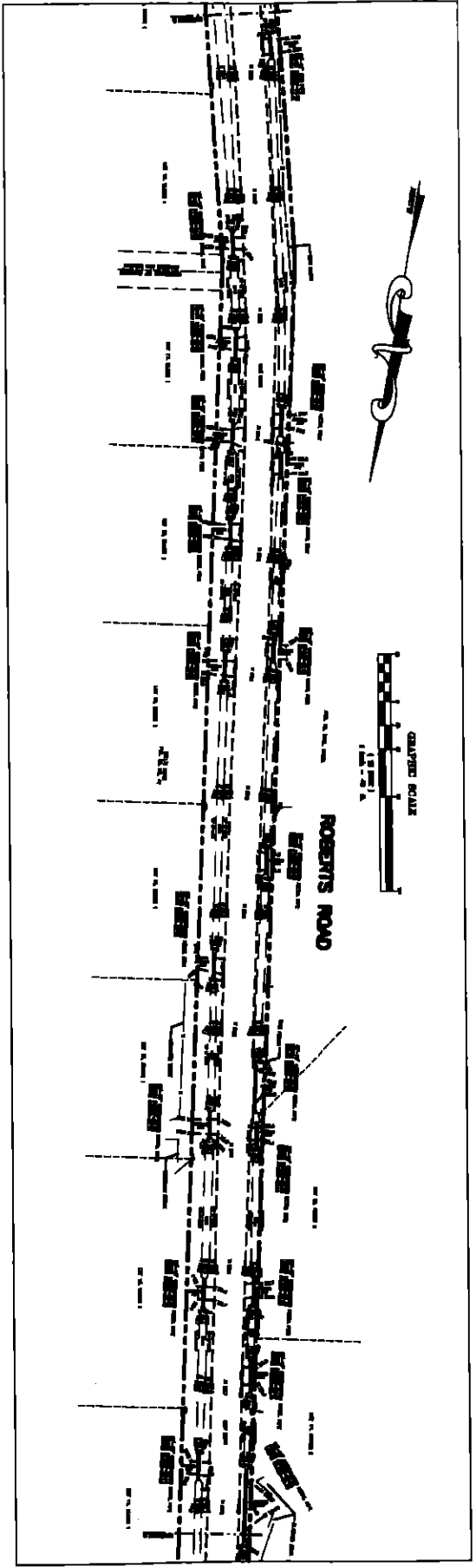
History.--s. 110, ch. 29965, 1955; ss. 23, 35, ch. 69-106; s. 23, ch. 74-382; s. 1, ch. 77-174; s. 3, ch. 88-168; s. 529, ch. 95-147.

Note.--Former s. 337.31.

MAP SHOWING A TOPOGRAPHIC SURVEY OF
 A PART OF ROBERTS ROAD, LINES IN SECTION 28, TOWNSHIP 5 SOUTH, RANGE 27 WEST,
 FOR THE ST. JOHNS COUNTY ROAD AND BRIDGE DEPARTMENT.



<p>1. THE ENGINEER HAS CONDUCTED A SURVEY OF THE ABOVE DESCRIBED ROAD AND BRIDGE AND HAS FOUND THAT THE SAME ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>2. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>3. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p>	<p>4. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>5. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>6. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p>	<p>7. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>8. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>9. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p>	<p>10. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>11. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p> <p>12. THE ENGINEER HAS FOUND THAT THE ROAD AND BRIDGE ARE IN GOOD CONDITION AND ARE WELL MAINTAINED.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



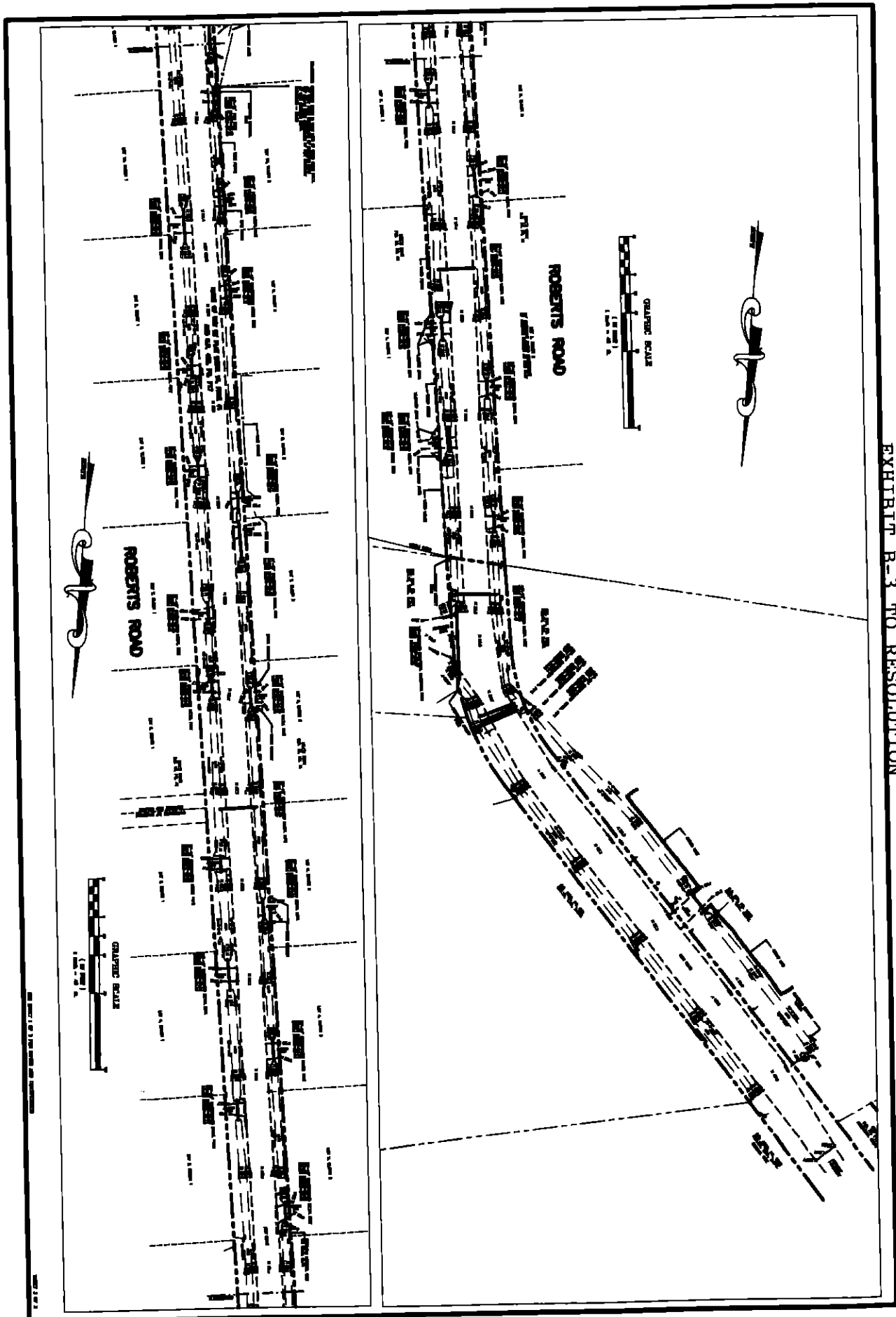


EXHIBIT "C" TO RESOLUTION

MEMORANDUM

TO: Mary Ann Blount, Real Estate Manager

FROM: Frankie Hitchcock, Supervisor III - Road & Bridge *FH*

DATE: December 08, 1999

SUBJECT: Dirt portion Of Roberts Road



Speaking for the last 27 years it has been the County's responsibility to maintain the dirt portion of Roberts Rd. This includes digging ditches, road grading and stabilization. Approximately 500 loads of material have been used in the stabilization of this road.

Please call this office with any questions you may have.