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RESOLUTION NO. 2002- 133

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP OF KNOWLTON STREET CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHTS-OF-WAY DESCRIBED IN THIS SURVEY BY PERSCRIPTIVE RIGHTS OF THE PUBLIC IN ACCORD WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA. 1950)

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, adopted County Resolution No. 88-73 which established a list of roads long considered to be County Roads with little or no documentation of recorded County ownership; and

WHEREAS, the Board of County Commissioners, pursuant to County Resolution No. 88-73, has instructed County Staff to obtain documentation in order to justify continued County maintenance of said roads; and

WHEREAS, Knowlton Street, as described in **Exhibit A**, attached hereto, and incorporated herein, is one of the roads that County staff has documented as warranting continued County maintenance; and

WHEREAS, in Downing v. Bird, 100 So.2d 57 (Fla. 1950), the Florida Supreme Court set forth criteria for the public to establish a prescriptive easement; and

WHEREAS, the criteria set forth in Downing v. Bird, supra, is as follows:

- 1) actual, continuous uninterrupted use by the public entity for the full prescriptive period of twenty (20) years;
- 2) that the use be adverse under a claim of right, and either be with the actual knowledge of the owner, or so open, notorious, and visible that knowledge of the use is imputed to the owner;
- 3) that such use be inconsistent with the owner's use and enjoyment of his land and must not be a permissive use; and
- 4) that such use be related to a certain limited and defined area of land, or if for a right-of-way, the use be of a definite route with a reasonably certain line, width, and termini; and

WHEREAS, St. Johns County can demonstrate that Knowlton Street meets each of the criteria, set forth in Downing v. Bird, supra; and

In & Let - P. DeGrade
BCC Secty

WHEREAS, the public has been continuously using Knowlton Street without permission of the underlying land owners for in excess of twenty (20) years; and

WHEREAS, County Road and Bridge Supervisor, Johnny Newsome, has stated in a memo (**Exhibit B**, attached hereto, and incorporated herein), that the County has been responsible for maintaining the Knowlton Street for the last twenty-five (27) years; and

WHEREAS, by filing the survey map with the Clerk of the Courts of St. Johns County, the rights-of-way as shown in the survey that is included as Exhibit C, attached hereto, and incorporated herein;

WHEREAS, it is in the best interest of St. John's County to acquire ownership of Knowlton Street, and that such acquisition 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:

Section 1. The above recitals are incorporated by reference into the body of this Resolution, and such recitals are adopted as findings of fact.

Section 2. The Chair of the Board of County Commissioners, and the Clerk of the Courts are hereby authorized to file the attached survey map of Knowlton Street in the Public Records of St. Johns County, Florida.

Section 3. The Clerk is instructed to record this Resolution in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 16th day of July, 2002.

**BOARD OF COUNTY COMMISSIONERS,
ST. JOHNS COUNTY, FLORIDA**

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

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande
Deputy Clerk

RENDITION DATE 7-18-02

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

A PORTION OF KNOWLTON STREET
 BLOCK 1 OF THE McLAUGHLIN ADDITION
 SECTION 45, TOWNSHIP 7 SOUTH, RANGE 29 EAST
 ST. JOHNS COUNTY, FLORIDA

ROAD PLAT BOOK _____ PAGE _____

IT IS HEREBY CERTIFIED THAT:

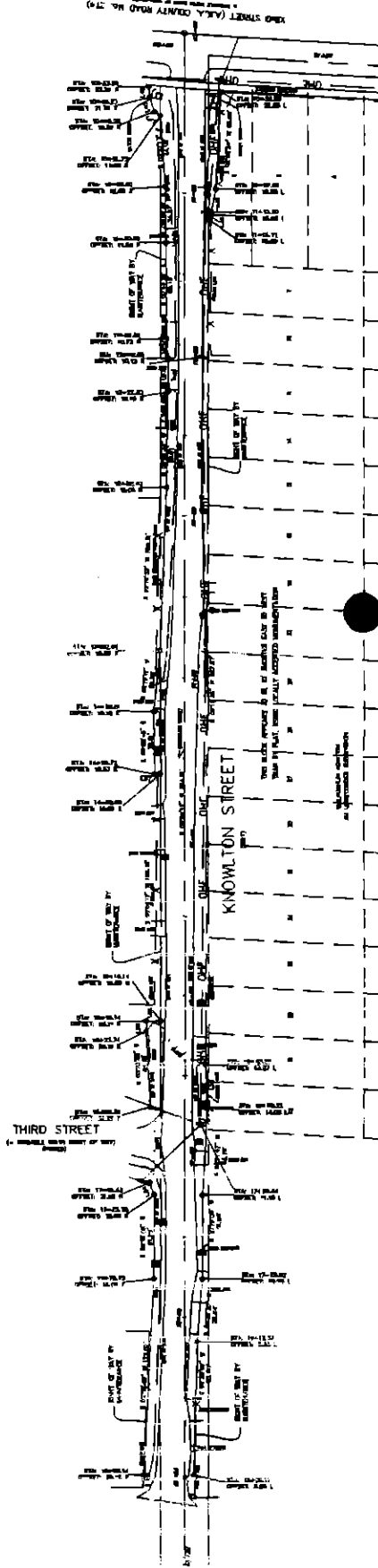
THE RIGHT OF WAY SHOWN HEREON IS VESTED IN ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA BY PREScriptive RIGHTS OF THE PUBLIC, DOWNING V. BIRD 100 So.2d 57 (Fla. 1950)

BOARD CHAIR

CLERK

LINE	BEARING	LENGTH	BEARING
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NOT TO SCALE



ST. JOHNS COUNTY DEVELOPMENT SERVICES
 ST. JOHNS COUNTY ENGINEERING

PRIVETT-NILES and ASSOCIATES, INC.
 SURVEYING AND MAPPING CONSULTANTS
 3000 N. UNIVERSITY BLVD., SUITE 70
 TAMPA, FLORIDA 33610
 (813) 833-2881 FAX (813) 833-8070

PROJECT NO. 883-401
 DATE: 10/15/88
 SCALE: AS SHOWN
 DRAWN BY: J. W. WILSON
 CHECKED BY: J. W. WILSON

OR 1797 P 61706

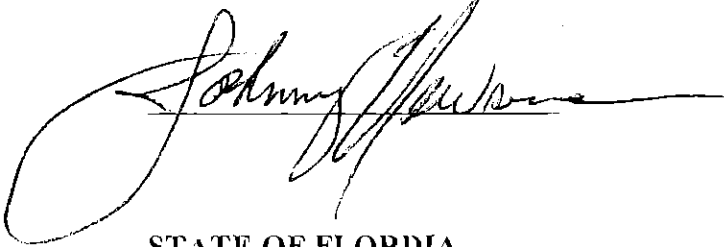
Exhibit "B" to Resolution

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

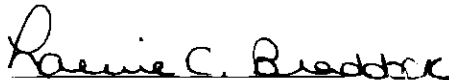
On this day before me, the undersigned authority, personally appeared Johnny Newsome, Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining Knowlton Road for the last 27 years and the public has continuously used the road during this time. This maintenance includes digging ditches, road grading and stabilization.

FURTHER AFFIANT SAYETH NAUGHT.



STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 4th day of June 2002, by Johnny Newsome, Road and Bridge Supervisor, who is personally known to me.


Notary



Laurie C. Braddock
Commission # CC 928860
Expires April 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.