

1  
8  
7257

RESOLUTION NO. 2002- 152

**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 A PART OF BROUGH ROAD AND MEADOWBROOK ROAD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHTS-OF-WAY DESCRIBED IN THIS SURVEY BY PRESCRIPTIVE 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**, part of Brough Road and Meadowbrook Road, as described in **Exhibit A**, attached hereto, and incorporated herein, are two 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 Part of Brough Road and Meadowbrook Road meets each of the criteria, set forth in Downing v. Bird, *supra*; and

Mark P. DeGard  
BCC Secty

**WHEREAS**, the public has been continuously using Part of Brough Road and Meadowbrook Road without permission of the underlying land owners for in excess of twenty (20) years; and

**WHEREAS**, County Road and Bridge Supervisor, Harold Cooper and Johnny Newsome, have stated in two separate memos (**Exhibit B**, attached hereto, and incorporated herein), that the County has been responsible for maintaining Brough Road and Meadowbrook Road for the last thirty (30) 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; and

**WHEREAS**, it is in the best interest of St. John's County to acquire ownership of Part of Brough Road and Meadowbrook Road, 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 Part of Brough Road and Meadowbrook Road 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 6<sup>th</sup> day of August, 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** 8-12-02

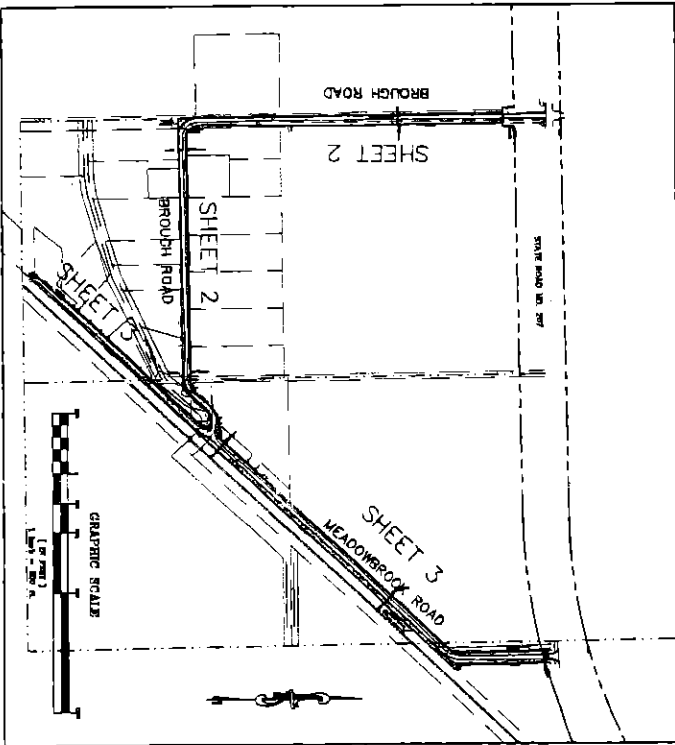
OR1797PG1694

MAP SHOWING A SPECIFIC PURPOSE SURVEY OF A  
PART OF BROUGH ROAD AND MEADOWBROOK ROAD LYING  
IN SECTION 25, TOWNSHIP 8 SOUTH, RANGE 28 EAST  
OF ST. JOHNS COUNTY, FLORIDA.  
FOR: THE ST. JOHNS COUNTY REAL ESTATE DIVISION

ROAD PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

GENERAL NOTES

- The Specific Purpose of this survey is to show monumentation and maintenance of Brough Road and Meadowbrook Road for acquisition purposes.
- Right of Way of State Road No. 207 Per Florida Department of Transportation Form Section 2105-2527, dated December 23, 2000. All acquisitions for new Right of Way may not be completed at date of this survey.



LEGEND

—	SECTION LINE
—	PROPERTY LINE
—	RIGHT OF WAY LINE
—	AREA OF MAINTENANCE
—	TRAIL LINE
—	TYPE OF BANK LINE
—	TYPE OF DIRT ROAD
—	RAILROAD
—	FLORIDA DEPARTMENT OF TRANSPORTATION
—	DRAINAGE EASEMENT
—	WOOD UTILITY POLE
—	WOOD UTILITY POLE WITH GUY ANCHOR
—	GUY POLE
—	WOOD BOX
—	REFLECTOR
—	UNDERGROUND ELECTRIC
—	WELL
—	SOUTHERN BELL RISER BOX
—	TV RISER BOX
—	SIGN

INDEX OF SHEETS

SHEET NO.	SHEET DESCRIPTION
1	COVER SHEET AND KEY MAP
2-3	DETAIL SHEETS

BROUGH ROAD AND MEADOWBROOK ROAD has been verified in the County in accordance with Chapter 98, F.S. [98.361 Subsection (1)] as certified by  
St. Johns County Board of County Commissioners

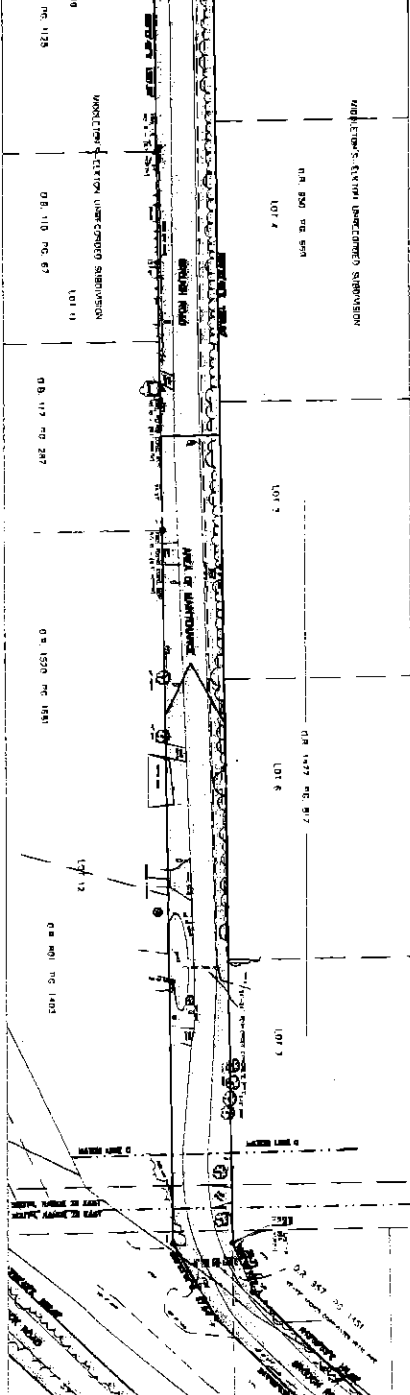
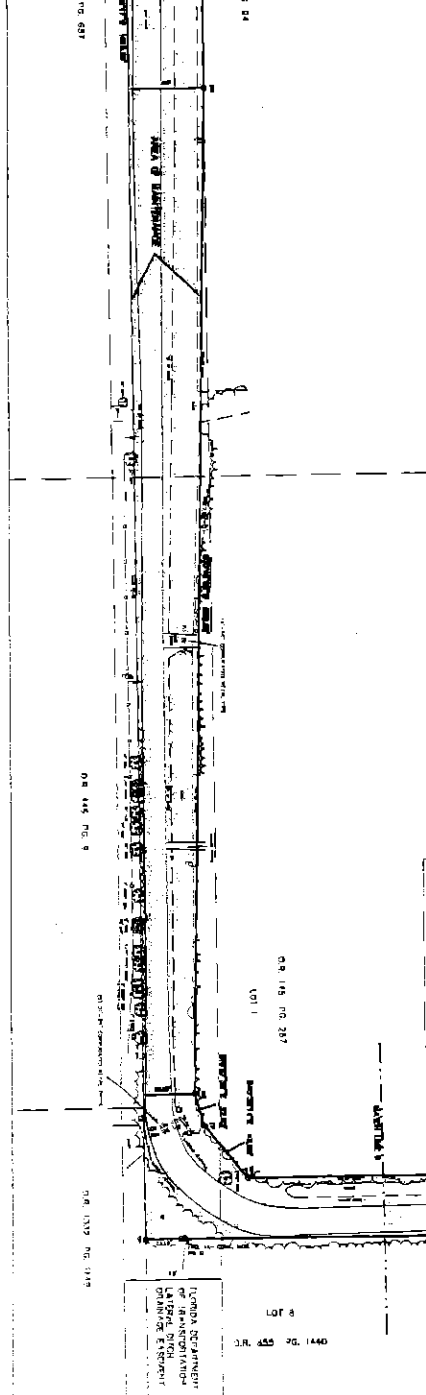
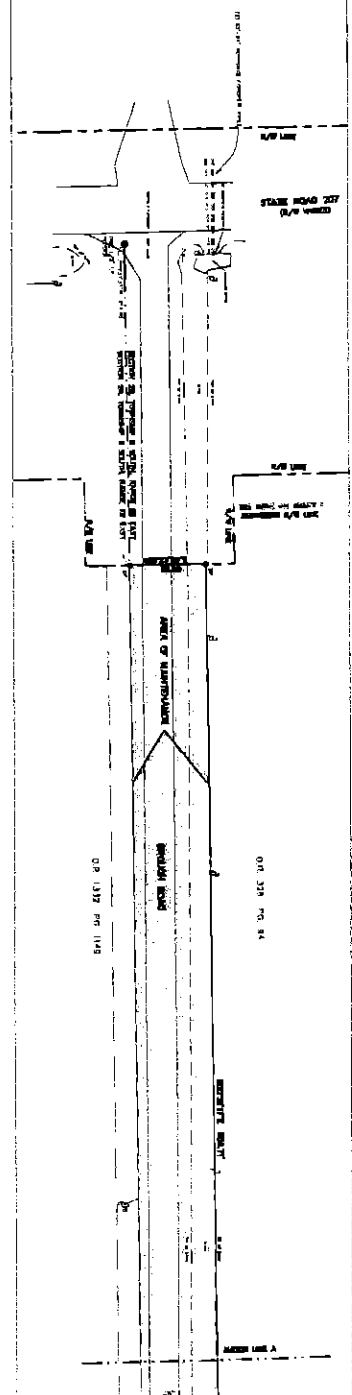
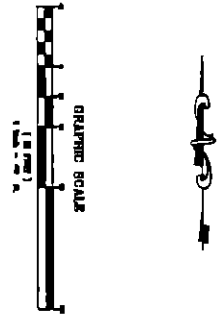
Board Chair \_\_\_\_\_  
St. Johns County Clerk of Courts \_\_\_\_\_  
Clerk \_\_\_\_\_

ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT  
SURVEYING AND MAPPING/GIS DIVISION  
4080 LANTANA AVENUE - P.O. BOX 349  
ST. AUGUSTINE, FLORIDA 32084  
Phone: (854) 825-3400

BROUGH ROAD AND MEADOWBROOK ROAD  
SPECIFIC PURPOSE SURVEY

FILE NUMBER: 1-138

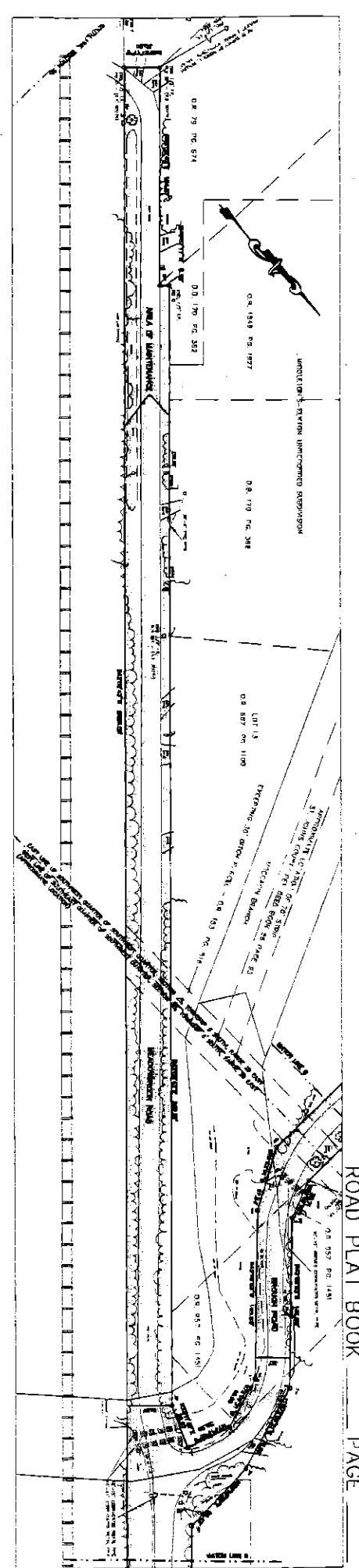
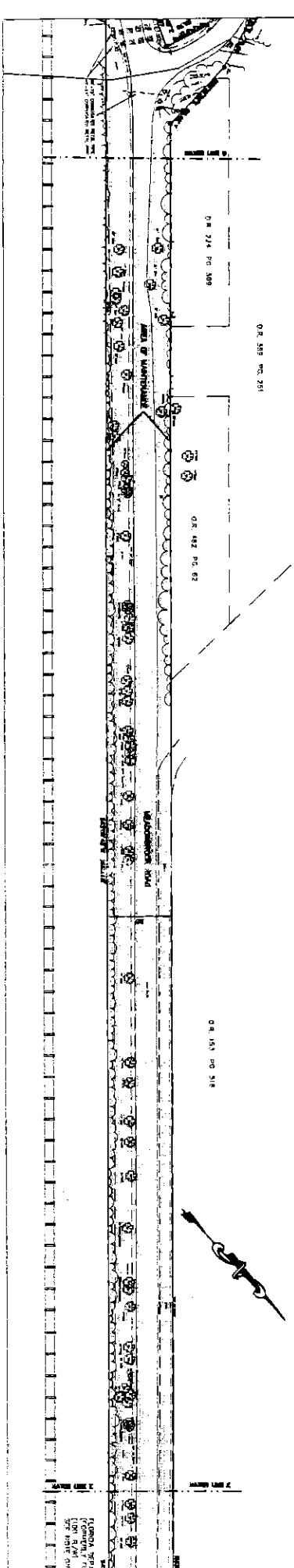
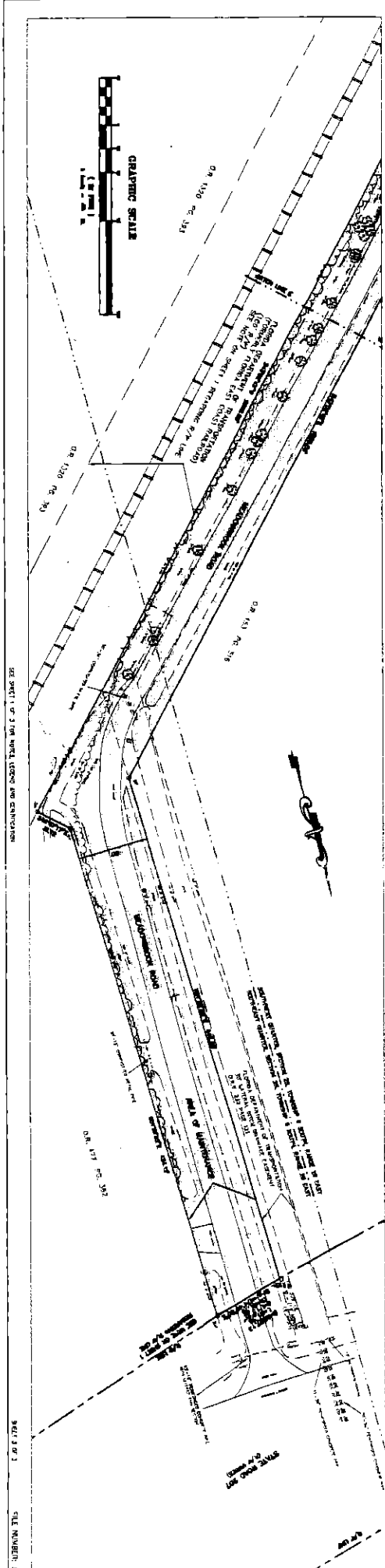
OR1797PG1695



SEE SHEET 1 OF 4 FOR WORK DONE AND REMARKS

SHEET 2 OF 3

SEE NUMBER 1-110



RECORDS AND DEEDS TOWN OF 11200 55

3613 OF 1

FILE NUMBER: 1-25

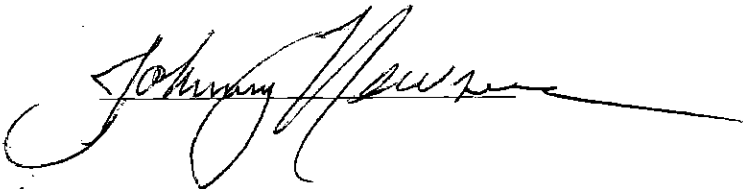
Exhibit "B" to Resolution

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

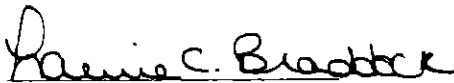
On this day before me, the undersigned authority, personally appeared Johnny Newsome, Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining Meadowbrook Road for the last 30 years and the public has continuously used the road during this time. 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 15<sup>th</sup> day of July 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.

Exhibit "B" to Resolution

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

On this day before me, the undersigned authority, personally appeared Harold Cooper, Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining Brough Road for the last 30 years and the public has continuously used the road during this time. This maintenance includes digging ditches, road grading and stabilization.

FURTHER AFFLIANT SAYETH NAUGHT.

Harold Cooper

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of May 2002, by Harold Cooper, Road and Bridge Supervisor, who is personally known to me.

Joan E. Gurr  
Notary



Joan E. Gurr  
MY COMMISSION # DD006696 EXPIRES  
March 4, 2005  
BONDED THRU TROY FAIR INSURANCE INC.

