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Public Records of
St. Johns County, FL
Clerk# 02-059683
O.R. 1829 PG 844
11:31AM 10/11/2002
REC \$29.00 SUR \$4.00

RESOLUTION NO. 2002- 201

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAP FOR HUB BAILEY 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. 1958)

WHEREAS, the Board of County Commissioners, have instructed County Staff to obtain documentation in order to justify continued County maintenance of roads that are not dedicated to St. Johns County or are owned by St. Johns County; and

WHEREAS, Hub Bailey Road, as described in **Exhibit A**, attached hereto, and incorporated herein, is a road that County staff has documented as warranting continued County maintenance; and

WHEREAS, in Downing v. Bird, 100 So.2d 57 (Fla. 1958), 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 Hub Bailey Road meets each of the criteria, set forth in Downing v. Bird, supra; and

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

Mark P. Segre
BCC Secty

WHEREAS, County Road and Bridge Supervisor, Johnny Newsome, have stated in a memo (**Exhibit B**, attached hereto, and incorporated herein), that the County has been responsible for maintaining Hub Bailey Road for the last twenty five (25) 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 Hub Bailey 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 Hub Bailey 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 1st day of October, 2002.

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

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

ATTEST: Cheryl Strickland, Clerk

Patricia A. Grande
Deputy Clerk

RENDITION DATE 10-3-02

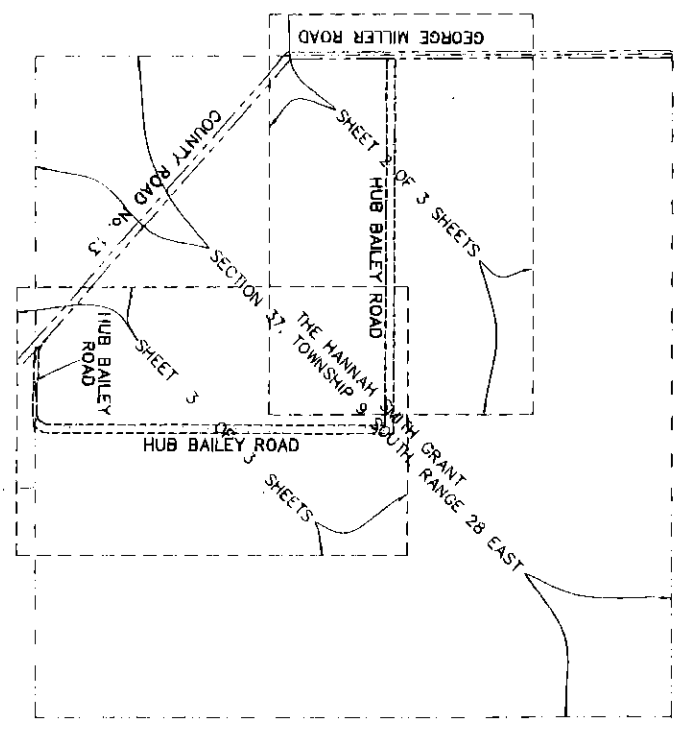


MAP SHOWING A SPECIFIC PURPOSE SURVEY OF HUB BAILEY ROAD LYING IN A PART OF THE HANNAH SMITH GRANT, SECTION 37, TOWNSHIP 9 SOUTH, RANGE 28 EAST AND A PART OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST JOHNS COUNTY, FLORIDA.

ROAD PLAT BOOK _____ PAGE _____

GENERAL NOTES:

1. HUB BAILEY ROAD IS SHOWN TO CROSS THE CENTER OF SECTION 37, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST JOHNS COUNTY, FLORIDA.
2. HUB BAILEY ROAD IS SHOWN TO CROSS THE CENTER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST JOHNS COUNTY, FLORIDA.
3. THE CENTER OF SECTION 37, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST JOHNS COUNTY, FLORIDA IS SHOWN TO BE 1/4 SECTION.
4. THE CENTER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST JOHNS COUNTY, FLORIDA IS SHOWN TO BE 1/4 SECTION.
5. THE CENTER OF SECTION 37, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST JOHNS COUNTY, FLORIDA IS SHOWN TO BE 1/4 SECTION.
6. THE CENTER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST JOHNS COUNTY, FLORIDA IS SHOWN TO BE 1/4 SECTION.



- POINTS SURVEYED HERE
- DIAMONDS ARE NEIGHBOR
- DIAMONDS ARE TOWNSHIP
- DIAMONDS ARE COUNTY
- DIAMONDS ARE STATE
- DIAMONDS ARE FEDERAL
- DIAMONDS ARE NATIONAL
- DIAMONDS ARE INTERNATIONAL
- DIAMONDS ARE LOCAL
- DIAMONDS ARE DISTRICT
- DIAMONDS ARE TERRITORY
- DIAMONDS ARE PROVINCE
- DIAMONDS ARE COUNTRY
- DIAMONDS ARE WORLD
- DIAMONDS ARE UNIVERSE
- DIAMONDS ARE GOD
- DIAMONDS ARE HEAVEN
- DIAMONDS ARE EARTH
- DIAMONDS ARE WATER
- DIAMONDS ARE FIRE
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- DIAMONDS ARE DEATH
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- DIAMONDS ARE CHARITY
- DIAMONDS ARE WISDOM
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- DIAMONDS ARE MERCY
- DIAMONDS ARE GRACE
- DIAMONDS ARE PEACE
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- DIAMONDS ARE HAPPINESS
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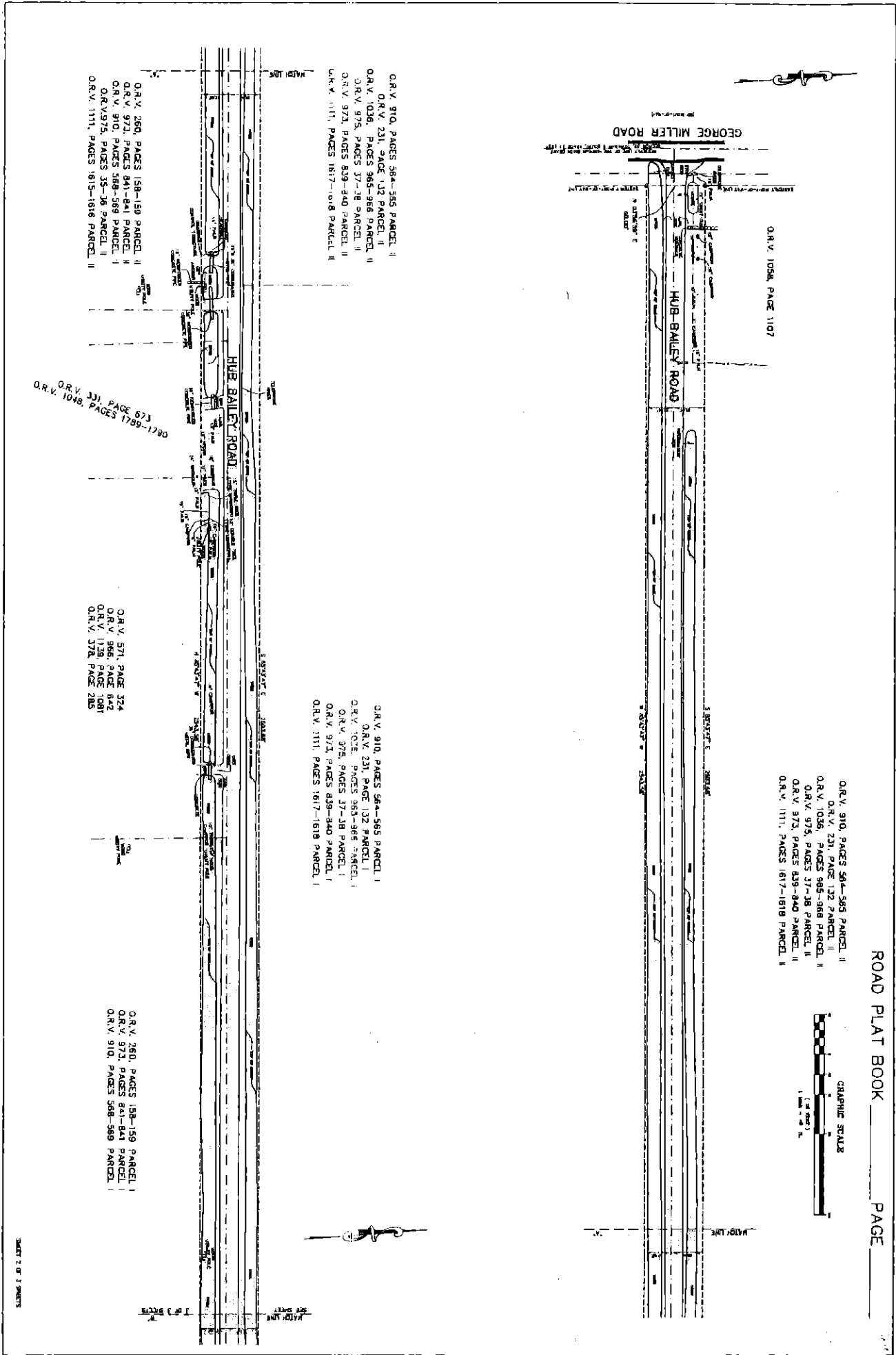
HUB BAILEY ROAD SPECIFIC PURPOSE SURVEY	SHEET DATE: 12-15-10	BOOKING DATE: 12-15-10
	APPROVED BY: [Signature]	REVISION DATE:
	DRAWN BY: [Signature]	DATE: 12-15-10

2131 CONNORVILLE SQUARE BOULEVARD,
JACKSONVILLE, FLORIDA 32216
DEGREE SURVEYS, INC.
LICENSURE NUMBER LA 4493

DEGREE
SURVEYING & MAPPING CONSULTANTS

THE STATE OF FLORIDA, DEPARTMENT OF REVENUE
TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST. JOHN COUNTY, FLORIDA
SECTION 37, TOWNSHIP 9 SOUTH, RANGE 28 EAST

CERTIFIED TRUE
ST. JOHN COUNTY REAL ESTATE DIVISION



O.R.V. 1058, PAGE 1107

O.R.V. 910, PAGES 564-565 PARCEL II
 O.R.V. 231, PAGE 132 PARCEL II
 O.R.V. 1036, PAGES 965-966 PARCEL II
 O.R.V. 975, PAGES 37-38 PARCEL II
 O.R.V. 973, PAGES 839-840 PARCEL II
 O.R.V. 1111, PAGES 1617-1618 PARCEL II

GRAPHIC SCALE
 (1 inch = 20 feet)

O.R.V. 910, PAGES 564-565 PARCEL II
 O.R.V. 231, PAGE 132 PARCEL II
 O.R.V. 1036, PAGES 965-966 PARCEL II
 O.R.V. 975, PAGES 37-38 PARCEL II
 O.R.V. 973, PAGES 839-840 PARCEL II
 O.R.V. 1111, PAGES 1617-1618 PARCEL II

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 O.R.V. 973, PAGES 839-840 PARCEL I
 O.R.V. 1111, PAGES 1617-1618 PARCEL I

O.R.V. 260, PAGES 158-159 PARCEL II
 O.R.V. 973, PAGES 841-841 PARCEL II
 O.R.V. 910, PAGES 568-569 PARCEL I
 O.R.V. 975, PAGES 35-36 PARCEL II
 O.R.V. 1111, PAGES 1615-1616 PARCEL II

O.R.V. 331, PAGE 673
 O.R.V. 1048, PAGES 1789-1790

O.R.V. 571, PAGE 374
 O.R.V. 966, PAGE 842
 O.R.V. 1129, PAGE 1081
 O.R.V. 378, PAGE 285

O.R.V. 260, PAGES 158-159 PARCEL I
 O.R.V. 973, PAGES 841-841 PARCEL I
 O.R.V. 910, PAGES 568-569 PARCEL I

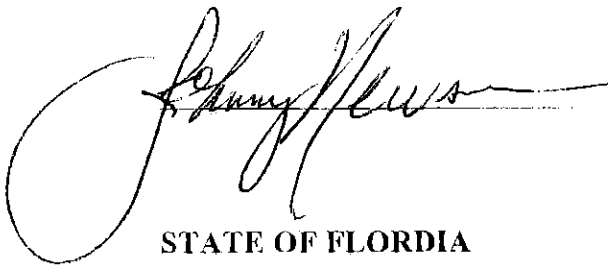
Exhibit B to Resolution

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

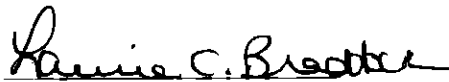
On this day before me, the undersigned authority, personally appeared Johnny Newsome, Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining Hub Bailey Road for the last 25 years and the public has continuously used the road during this time. This maintenance includes digging ditches, road grading and stabilization.

FURTHER AFFIANT SAYETH NAUGHT.

 6-11-02

STATE OF FLORIDA
COUNTY OF ST. JOHNS

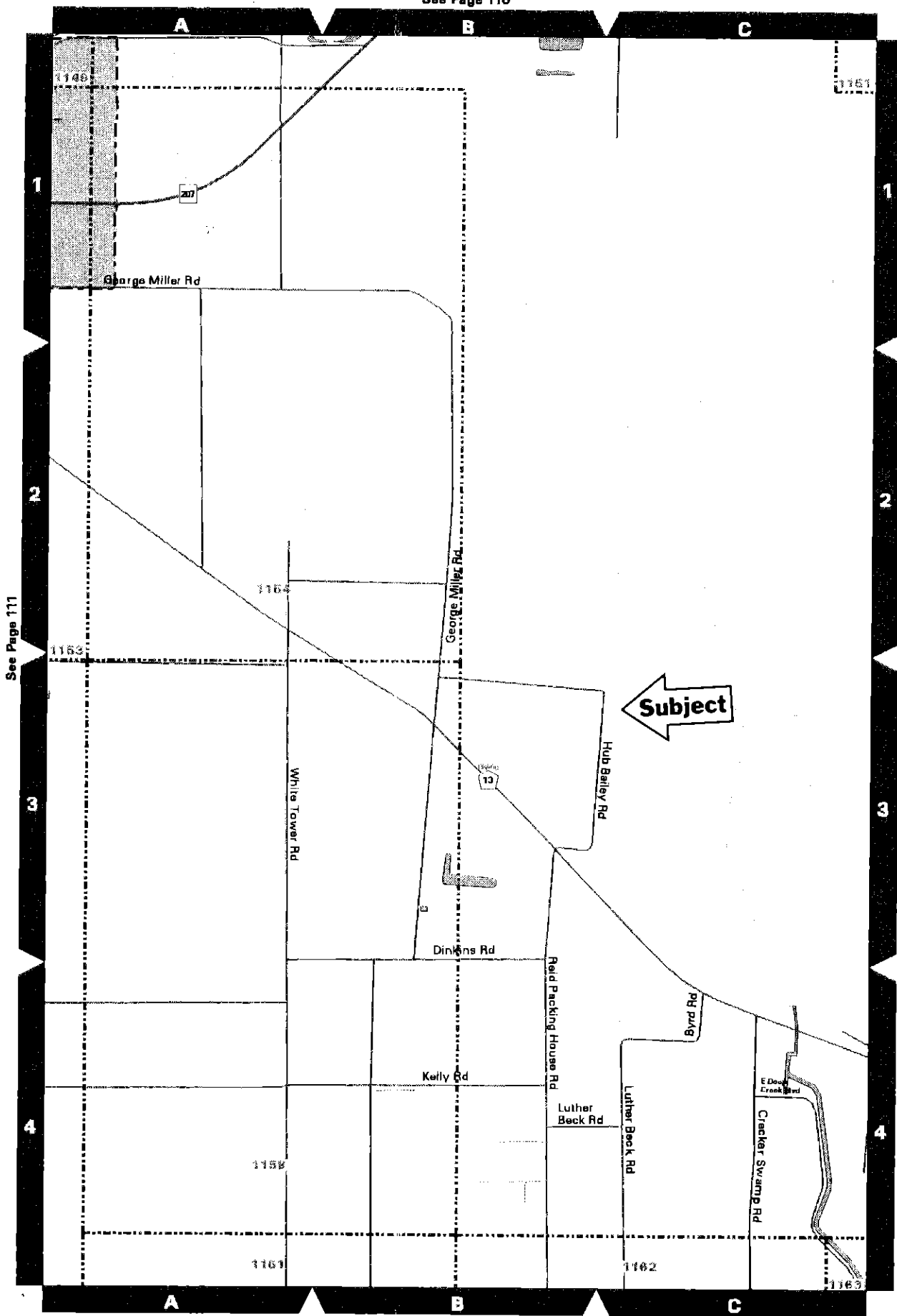
The foregoing instrument was acknowledged before me this 11th day of June 2002, by Johnny Newsome, Road and Bridge Supervisor, who is personally known to me.


Notary



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

See Page 110



See Page 111