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RESOLUTION NO. 2002- 221

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS TO FILE THE SURVEY MAPS FOR BAR B RANCH ROAD NORTH AND SOUTH CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHTS-OF-WAY DESCRIBED IN THESE SURVEYS 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, Bar B Ranch Road North, as described in **Exhibit A-1**, and Bar B Ranch Road South, as described in **Exhibit A-2**, attached hereto, and incorporated herein, are roads 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 Bar B Ranch Road North and South meets each of the criteria, set forth in Downing v. Bird, supra; and

WHEREAS, the public has been continuously using Bar B Ranch Road North and South without permission of the underlying land owners for in excess of twenty (20) years; and

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B/C County
Full Co -

WHEREAS, County Road and Bridge Supervisor, Johnny Newsome, has stated in a memo (**Exhibit B-1**, attached hereto, and incorporated herein), that the County has been responsible for maintaining Bar B Ranch Road North for the last twenty eight (28) years. County Road and Bridge Supervisor, Frankie Hitchcock, has stated in a memo (**Exhibit B-2**, attached hereto, and incorporated herein), that the County has been responsible for maintaining Bar B Ranch Road South for the last twenty (20) years with a ten year interruption between 1991 and 2001; and

WHEREAS, by filing the survey maps with the Clerk of the Courts of St. Johns County, the County acquires a vested in the rights-of-way as shown in the surveys that are included as **Exhibit C-1 and Exhibit C-2**, attached hereto, and incorporated herein; and

WHEREAS, it is in the best interest of St. John's County to acquire ownership of Bar B Ranch Road North and South, 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 maps of Bar B Ranch Road North and South 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 22 day of October, 2002.

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

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

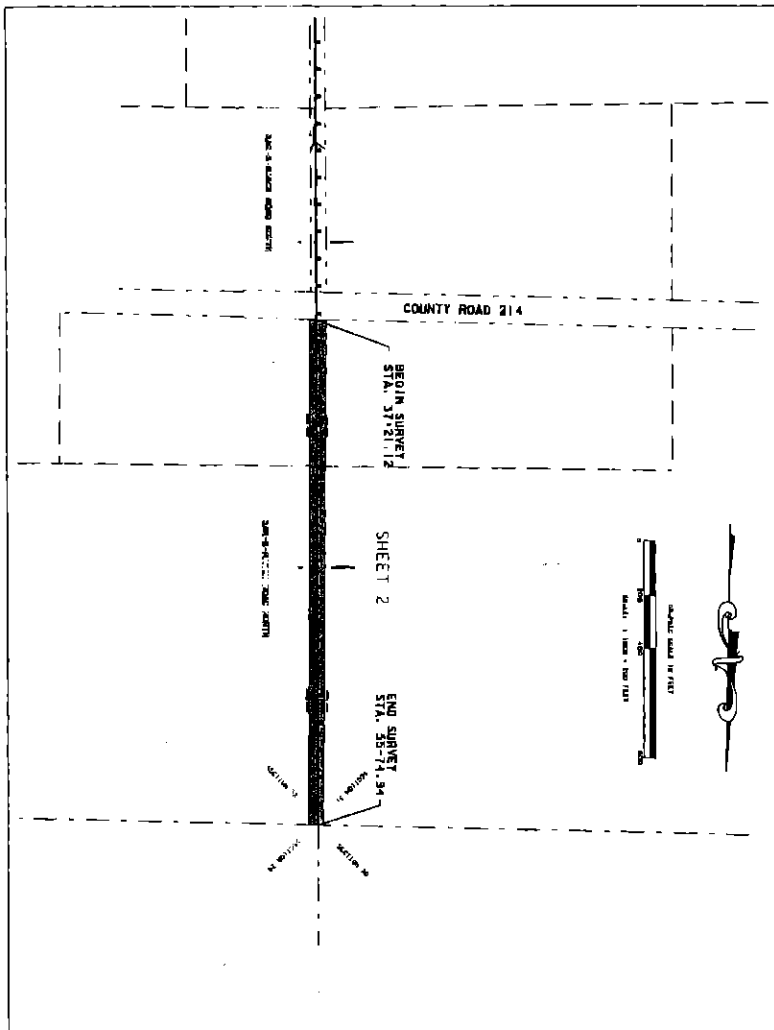
ATTEST: Cheryl Strickland, Clerk

Patricia A. Grande
Deputy Clerk

RENDITION DATE 10/23/02

MAP SHOWING A SPECIFIC PURPOSE SURVEY OF A PART OF
BAR-B-RANCH ROAD NORTH, LYING IN SECTIONS 31 AND 32,
TOWNSHIP 7 SOUTH, RANGE 26 EAST OF
ST. JOHNS COUNTY, FLORIDA

ROAD PLAT BOOK _____ PAGE _____



- 1. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 350, and the rules and regulations of the State Board of Surveyors.
- 2. The survey was made by the undersigned, a duly qualified and licensed Surveyor in the State of Florida.
- 3. The survey was made for the purpose of showing the location and extent of the easement for the proposed road.
- 4. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 350, and the rules and regulations of the State Board of Surveyors.
- 5. The survey was made in accordance with the provisions of the Florida Statutes, Chapter 350, and the rules and regulations of the State Board of Surveyors.

DATE OF SURVEY	11/15/18
NAME OF SURVEYOR	DAVID L. WILSON
ADDRESS	1000 W. UNIVERSITY BLVD., SUITE 100, GAITHERSBURG, MD 20878
PHONE	(301) 251-1111
FAX	(301) 251-1112
EMAIL	dwilson@wilsonsurvey.com
STATE OF FLORIDA	DAVID L. WILSON
NO. OF LICENSE	12345
EXPIRES	12/31/2020

LEGEND

--- BOUNDARY LINE

--- EASEMENT

--- ROAD

--- SURVEY LINE

--- MOTION

--- CORNER

--- CENTERLINE

--- RIGHT-OF-WAY

--- ADJACENT PROPERTY

--- UNDEVELOPED LAND

--- DEVELOPED LAND

--- WATER

--- FENCE

--- UTILITY

--- ELEVATION

--- DISTANCE

--- BEARING

--- AREA

--- PERIMETER

--- VOLUME

--- WEIGHT

--- LENGTH

--- WIDTH

--- HEIGHT

--- DEPTH

--- TEMPERATURE

--- PRESSURE

--- FORCE

--- ENERGY

--- POWER

--- CURRENT

--- VOLTAGE

--- RESISTANCE

--- CAPACITANCE

--- INDUCTANCE

--- FREQUENCY

--- PERIOD

--- PHASE

--- AMPLITUDE

--- VELOCITY

--- ACCELERATION

--- DECELERATION

--- ANGULAR VELOCITY

--- ANGULAR ACCELERATION

--- LINEAR VELOCITY

--- LINEAR ACCELERATION

--- GRAVITATIONAL ACCELERATION

--- GRAVITATIONAL VELOCITY

--- GRAVITATIONAL PERIOD

--- GRAVITATIONAL PHASE

--- GRAVITATIONAL AMPLITUDE

--- GRAVITATIONAL VELOCITY

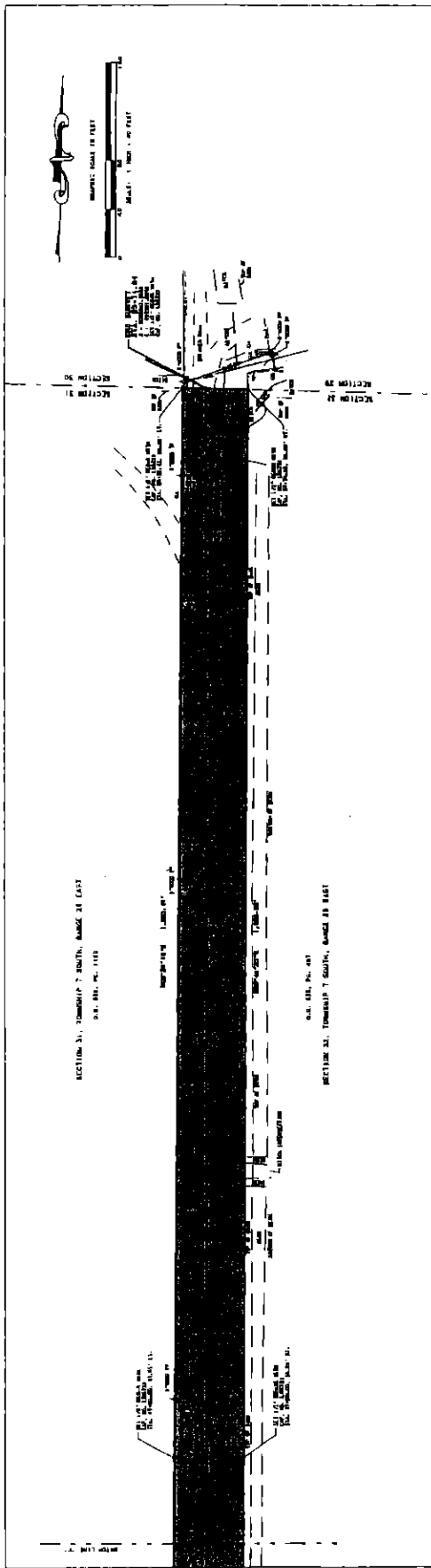
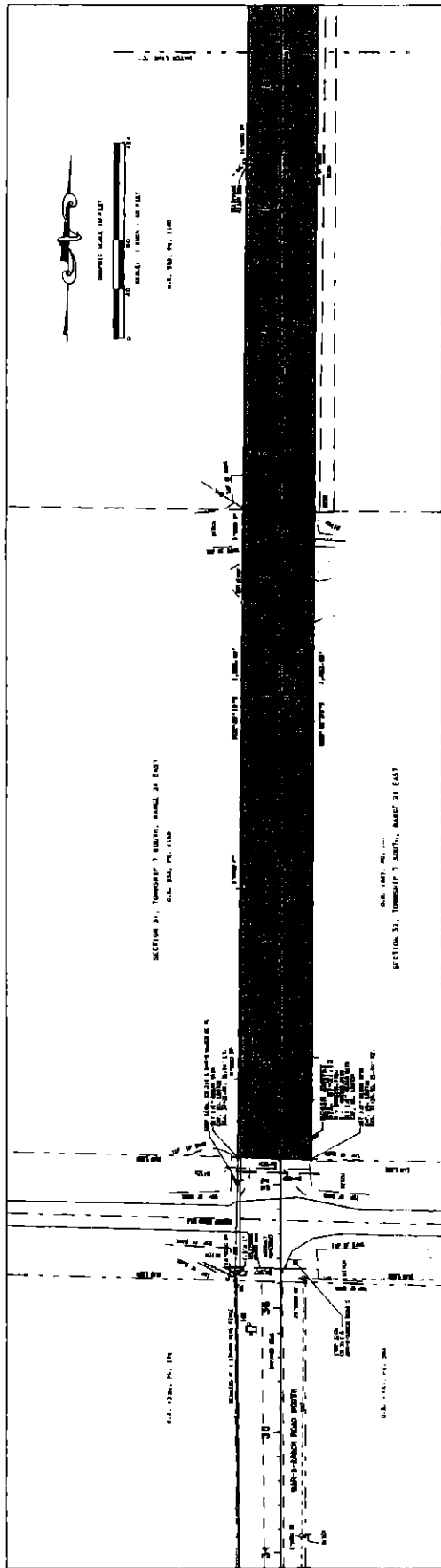
--- GRAVITATIONAL ACCELERATION

--- GRAVITATIONAL PERIOD

--- GRAVITATIONAL PHASE

--- GRAVITATIONAL AMPLITUDE

ROAD PLAT BOOK PAGE

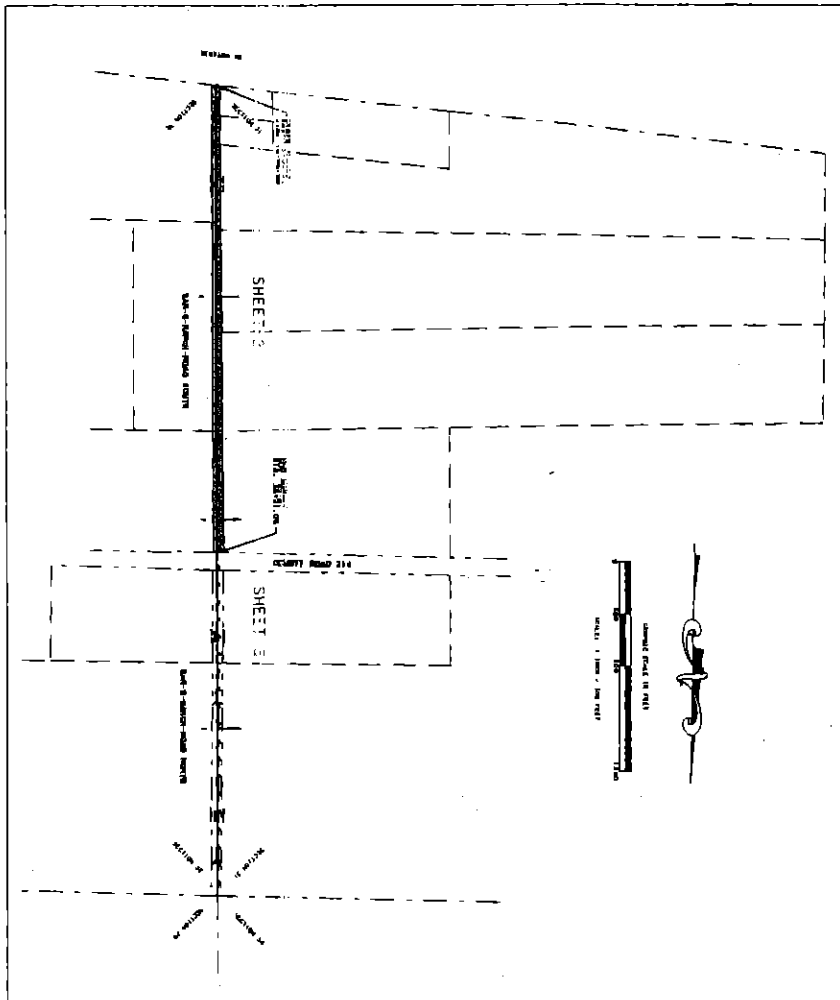


SEE SHEET 1 OF 3 FOR NOTES, LEGEND AND CERTIFICATION

11/20/2018

MAP SHOWING A SPECIFIC PURPOSE SURVEY OF A PART OF
BAR-B-RANCH ROAD SOUTH LYING IN SECTIONS 31 AND 32,
TOWNSHIP 7 SOUTH, RANGE 28 EAST OF
ST. JOHNS COUNTY, FLORIDA

ROAD PLAT BOOK _____ PAGE _____



SCALE OF 1" = 100'

LEGEND

1. THIS MAP WAS PREPARED BY THE SURVEYOR GENERAL OF FLORIDA IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 349, STATUTES OF FLORIDA, AS AMENDED.

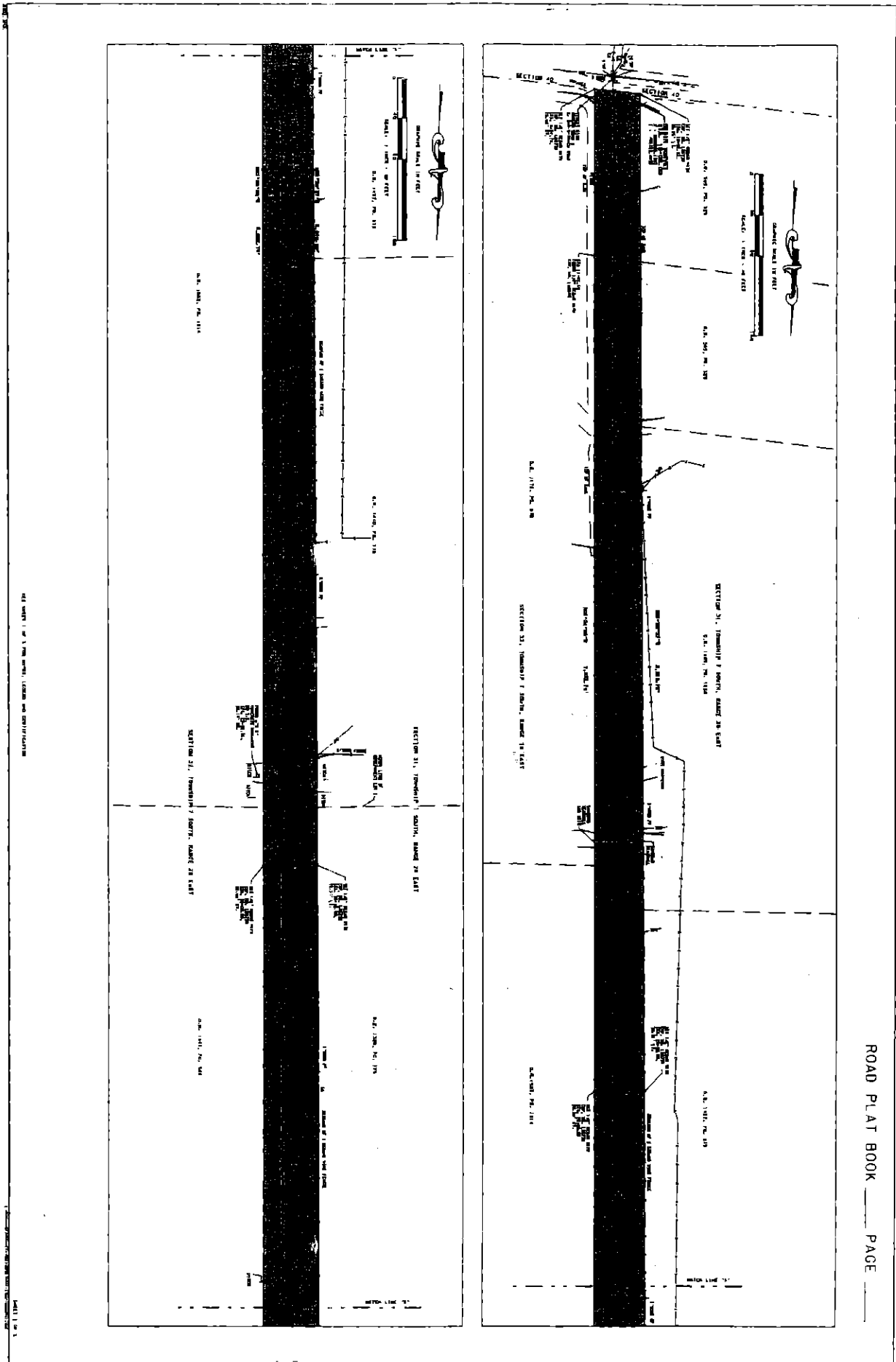
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 349, STATUTES OF FLORIDA, AS AMENDED.

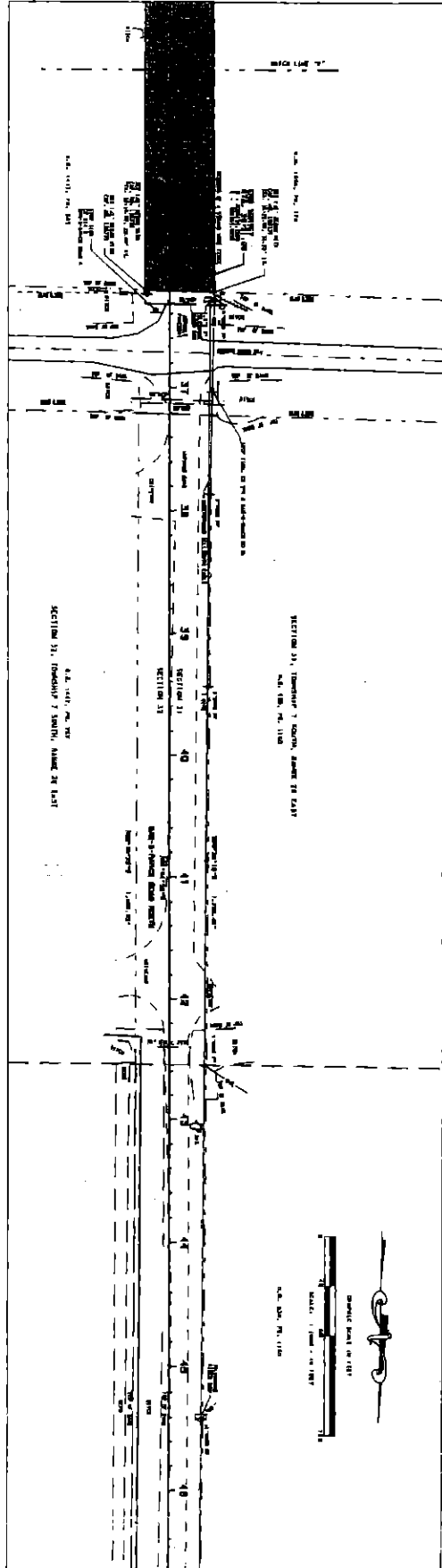
3. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 349, STATUTES OF FLORIDA, AS AMENDED.

4. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 349, STATUTES OF FLORIDA, AS AMENDED.

5. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 349, STATUTES OF FLORIDA, AS AMENDED.

NO. 1	SECTION 31	SECTION 32
NO. 2	SECTION 31	SECTION 32
NO. 3	SECTION 31	SECTION 32
NO. 4	SECTION 31	SECTION 32
NO. 5	SECTION 31	SECTION 32
NO. 6	SECTION 31	SECTION 32
NO. 7	SECTION 31	SECTION 32
NO. 8	SECTION 31	SECTION 32
NO. 9	SECTION 31	SECTION 32
NO. 10	SECTION 31	SECTION 32





ROAD PLAT BOOK _____ PAGE _____

SEE SHEET 1 OF 3 FOR NORTH, TOWNSHIP AND COORDINATION

SCALE 1/4" = 1'

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

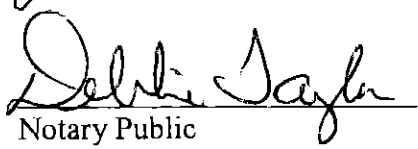
On this day before me, the undersigned authority, personally appeared Johnny Newsome, Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining Bar B Ranch Road North of CR 214 for the last 28 years and the public has continuously used the road during this time. This maintenance includes digging ditches, road grading and stabilization.

FURTHER AFFIANT SAYETH NAUGHT.


Johnny Newsome

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 3rd day of July, 2002 by Johnny Newsome, Road and Bridge Supervisor, who is personally known to me.


Notary Public



Debbie Taylor
Commission # CC 913963
Expires April 14, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

On this day before me, the undersigned authority, personally appeared Frankie Hitchcock, Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining Bar B Ranch Road south of CR 214 for at least 20 years, with a 10 year interruption between 1991 and 2001. The public has continuously used the road during this time. This maintenance includes digging ditches, road grading and stabilization.

FURTHER AFFIANT SAYETH NAUGHT.

Frankie Hitchcock
Frankie Hitchcock

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 7th day of October, 2002 by Frankie Hitchcock, Road and Bridge Supervisor, who is personally known to me.

Laurie C. Braddock
Notary Public



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

OR1841PG1129

