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Public Records of
St. Johns County, FL
Clerk# 02-068726
O.R. 1851 PG 994
03:14PM 11/21/2002
REC \$21.00 SUR \$3.00

RESOLUTION NO. 2002- 229

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 TRAIL 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, Trail 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 Trail Road meets each of the criteria, set forth in Downing v. Bird, supra; and

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

Joe Let - P. DeGrande
BCC Secty

WHEREAS, County Road and Bridge Supervisor, Frankie Hitchcock, has stated in a memo (**Exhibit B**, attached hereto, and incorporated herein), that the County has been responsible for maintaining Trail Road for the last twenty (20) years; and

WHEREAS, by filing the survey map with the Clerk of the Courts of St. Johns County, the County acquires a vested interest in the right-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 Trail 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 Trail 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 5th day of November, 2002.

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

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

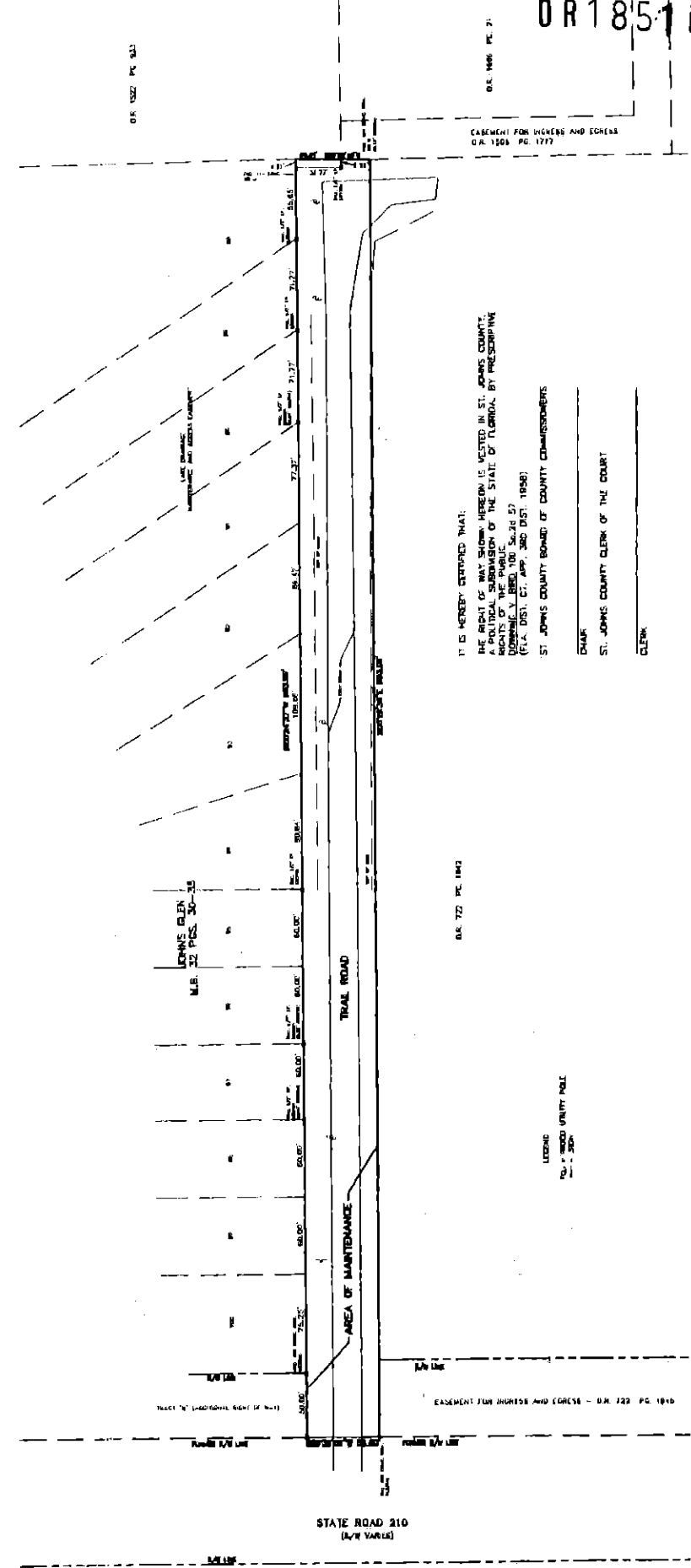
ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande
Deputy Clerk

RENDITION DATE 11-12-02

PLAT BOOK _____ PAGE _____

MAP SHOWING A SPECIFIC PURPOSE SURVEY OF TRAIL ROAD LYING IN SECTION 18, TOWNSHIP 5 SOUTH, RANGE 18 EAST OF ST. JOHNS COUNTY, FLORIDA FOR ST. JOHNS COUNTY REAL ESTATE DIVISION



O.S. 1552 PG. 103
O.S. 1466 PG. 71
CASEMENT FOR HIGHWAYS AND EGRESS
O.S. 1504 PG. 1777

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 PRESUMPTIVE
RIGHTS OF THE PUBLIC,
DOMINANTLY USED FOR PUBLIC PURPOSES,
(FLA. DIST. CT. APP. 3RD DIST. 1999)
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

O.S. 722 PG. 1842

LEADING TO
ST. JOHNS COUNTY MILE

EASEMENT FOR HIGHWAYS AND EGRESS - O.S. 722 PG. 1842

STATE ROAD 210
(A/W VARIUS)

ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT
SURVEYING AND MAPPING/CIS DIVISION
4000 LINDSEY DRIVEWAY - P.O. BOX 2419
ST. JOHNS COUNTY, FLORIDA 32050
PHONE (904) 825-2430

ST. JOHNS COUNTY
FLORIDA

ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT
SURVEYING AND MAPPING/CIS DIVISION
4000 LINDSEY DRIVEWAY - P.O. BOX 2419
ST. JOHNS COUNTY, FLORIDA 32050
PHONE (904) 825-2430

FILE NUMBER: 18-000

Exhibit "B" to Resolution

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 Trail Road for the last 20 years and the public has continuously used the road during this time. This maintenance includes digging ditches, road grading, stabilization and mowing.

FURTHER AFFIANT SAYETH NAUGHT.

Frankie Hitchcock

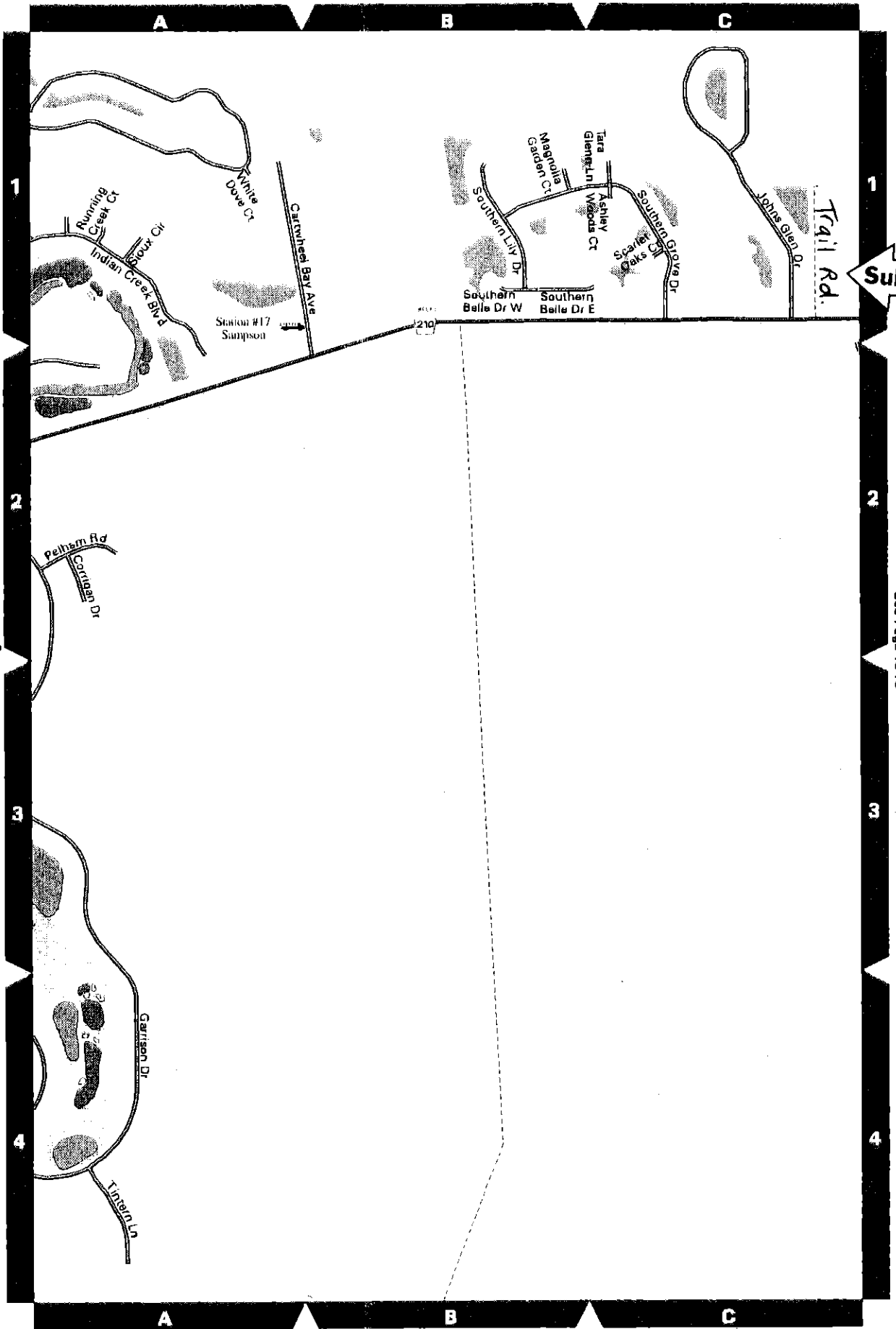
STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 16~~th~~ day of October 2002, by Frankie Hitchcock, Road and Bridge Supervisor, who is personally known to me.

Laurie C. Braddock
Notary



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



Subject

See Page 1043

See Page 1045