

2
6

Public Records of
St. Johns County, FL
Clerk# 02-075077
O.R. 1867 PG 757
01:43PM 12/19/2002
REC \$25.00 SUR \$3.50

RESOLUTION NO. 2002-260

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 HASTINGS BOULEVARD CLAIMING A VESTED INTEREST IN ST. JOHNS COUNTY IN THE RIGHT-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 neither dedicated to St. Johns County nor are owned by St. Johns County; and

WHEREAS, Hastings Boulevard, 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 Hastings Boulevard meets each of the criteria, set forth in Downing v. Bird, supra; and

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

Jack P. Dequardle
BCC Secty

WHEREAS, County Road and Bridge Supervisor, Frankie Hitchcock, has stated in an affidavit (**Exhibit B**, attached hereto, and incorporated herein), that the County has been responsible for maintaining Hastings Boulevard for the last 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 Hastings Boulevard, 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 Hastings Boulevard 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 3rd day of December, 2002.

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

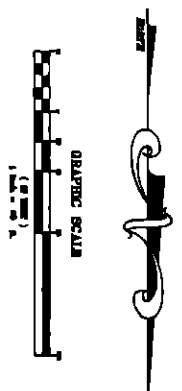
By: James E. Bryant
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk

Patricia A. Strickland
Deputy Clerk

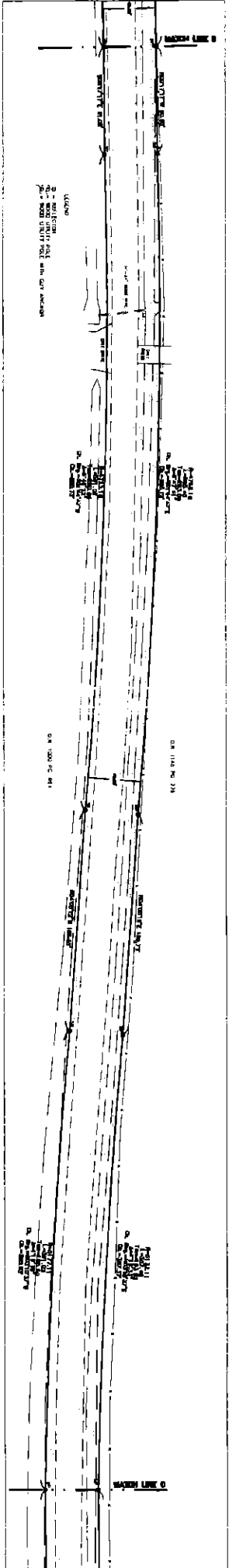
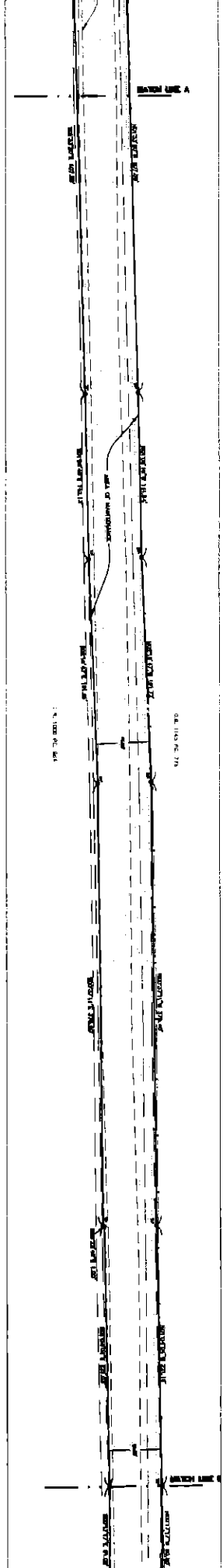
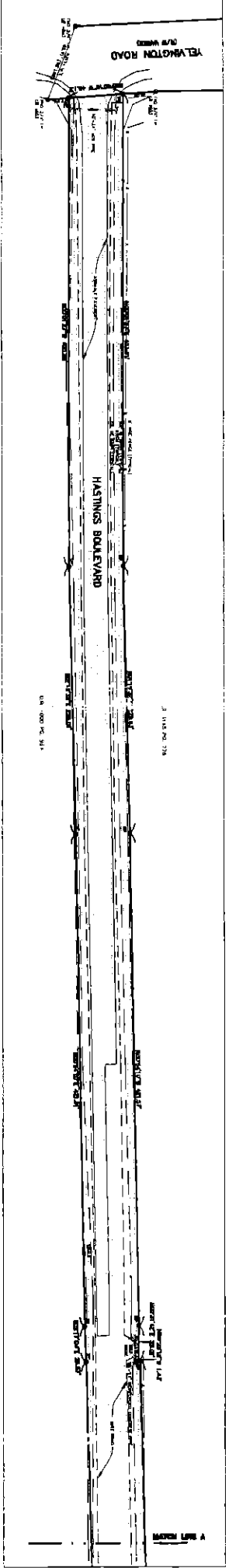
RENDITION DATE 12-5-02

MAP SHOWING A SPECIFIC PURPOSE SURVEY OF
 A PART OF HASTINGS BOULEVARD LYING IN
 SECTIONS 8 AND 17, TOWNSHIP 10 SOUTH, RANGE
 28 EAST OF ST. JOHNS COUNTY, FLORIDA,
 FOR THE ST. JOHNS COUNTY REAL ESTATE DIVISION



IT IS HEREBY CERTIFIED THAT
 THE MAP OR MAPS ABOVE REFERRED TO WAS MADE BY ST. JOHN COUNTY
 A PART OF THE TERRITORY OF THE STATE OF FLORIDA AT THE COUNTY
 RECORDS OFFICE OF ST. JOHN COUNTY, FLORIDA, ON THE 10th DAY OF
 FEBRUARY, 1954, IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE
 OF THE STATE OF FLORIDA, CHAP. 320, SECT. 10, AND
 ST. JOHN COUNTY BOARD OF COUNTY COMMISSIONERS

CLERK
 ST. JOHN COUNTY CLERK OF THE COURT



ST. JOHN COUNTY DEPARTMENT OF PUBLIC WORKS
 4080 LAMB DRIVEWAY - P.O. BOX 340
 ST. AUGUSTINE, FLORIDA 32086
 PHONE (904) 853-2450

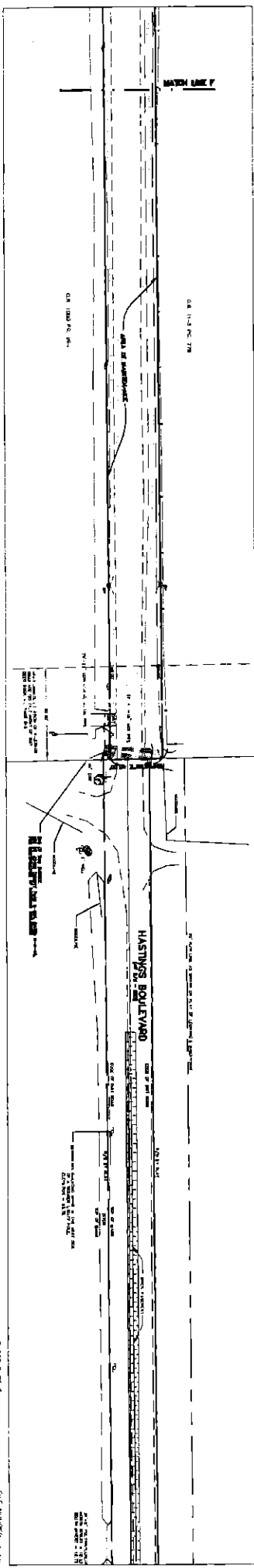
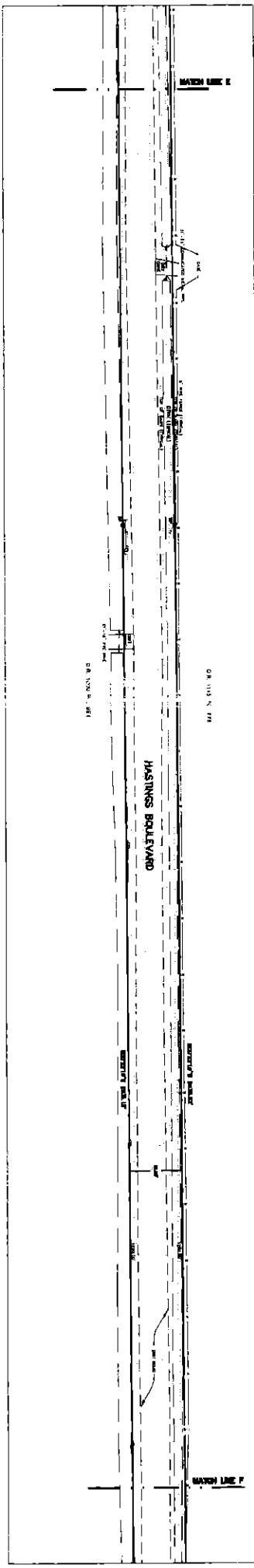
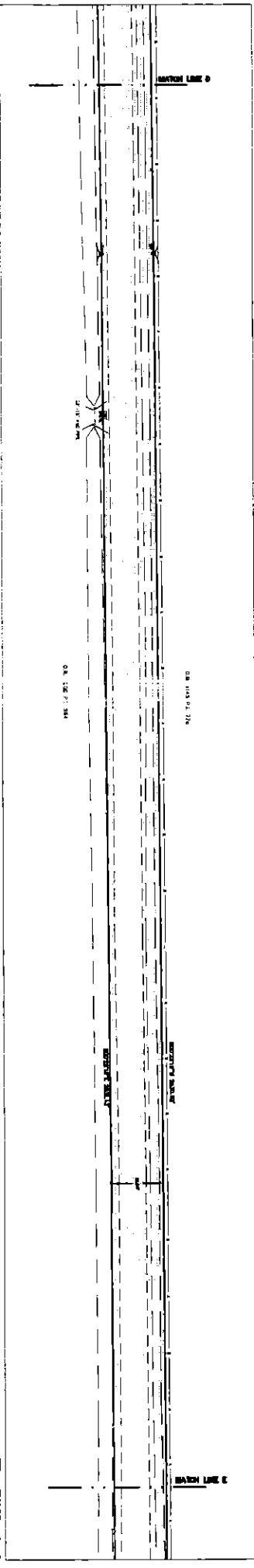
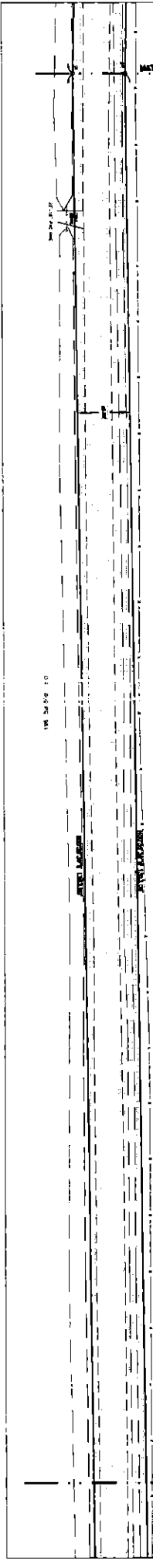
DATE OF SURVEY	10 FEB 1954
BY	ST. JOHN COUNTY BOARD OF COUNTY COMMISSIONERS
FOR	A PART OF HASTINGS BOULEVARD
SECTION	8 AND 17
TOWNSHIP	10 SOUTH
RANGE	28 EAST
COUNTY	ST. JOHN COUNTY
STATE	FLORIDA
PROJECT NO.	01-240
FIELD BOOK NO.	78-11
THIS FILE NAME	4458 WOOD

ST. JOHN COUNTY DEPARTMENT OF PUBLIC WORKS
 4080 LAMB DRIVEWAY - P.O. BOX 340
 ST. AUGUSTINE, FLORIDA 32086
 PHONE (904) 853-2450

ST. JOHN COUNTY DEPARTMENT OF PUBLIC WORKS
 4080 LAMB DRIVEWAY - P.O. BOX 340
 ST. AUGUSTINE, FLORIDA 32086
 PHONE (904) 853-2450



HASTINGS BOULEVARD
 SPECIFIC PURPOSE SURVEY
 SHEET 1 OF 2
 FILE NUMBER 5-24



SEE SHEET 1 OF 2 FOR NOTES, LEGEND AND DESCRIPTION

SHEET 2 OF 2

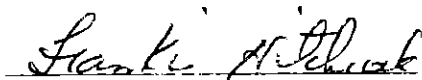
PLAT NUMBER 8 244

Exhibit "B" to Resolution

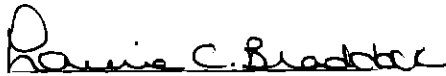
AFFIDAVITSTATE OF FLORIDA
COUNTY OF ST. JOHNS

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

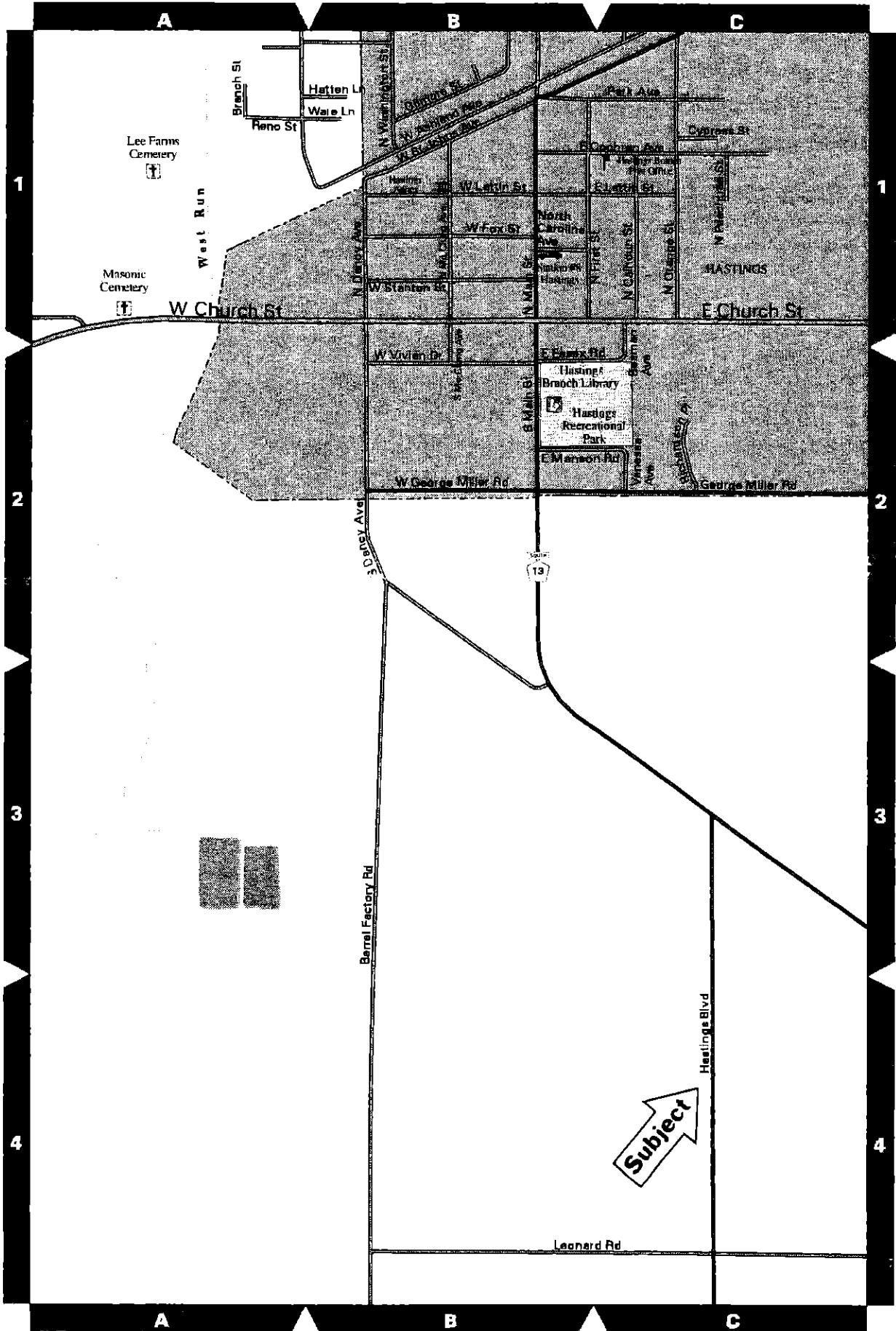
FURTHER AFFIANT SAYETH NAUGHT.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 21st day of November 2002, by Frankie Hitchcock, 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 1154