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Public Records of
St. Johns County, FL
Clerk# 04-008754
O.R. 2135 PG 1960
09:40AM 02/10/2004
REC \$25.00 SUR \$3.50

RESOLUTION NO. 2004 31

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361, FLORIDA STATUTES TO FILE THE SURVEY MAP FOR WINIFRED MASTERS ROAD, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP, AND/OR ESTABLISHING A PRESCRIPTIVE EASEMENT IN THE SAME RIGHTS-OF-WAY, IN ACCORDANCE WITH THE PRINCIPLES SET FORTH IN DOWNING V. BIRD, 100 SO.2D 57 (FLA. 1958)

WHEREAS, the Board of County Commissioners of St. Johns County, Florida have instructed staff to obtain documentation in order to justify continued County maintenance of road that are neither dedicated to St. Johns County, nor are owned by St. Johns County; and

WHEREAS, Winifred Masters Road, as described in attached and incorporated **Exhibit A**, which is the **Survey Map**, and which is a road that County staff has documented as warranting continued County maintenance; and

WHEREAS, the procedure set forth in Section 95.361, Florida Statutes, is as follows:

- 1) the road has been constructed by a non-governmental entity, or not constructed by the entity currently maintaining or repairing the road;
- 2) the road has been maintained and/or repaired for the immediate past seven (7) years by the County; and

WHEREAS, under the criteria set forth in Section 95.361, Florida Statutes, such road shall be deemed dedicated to the County, to the extent of the width of the road that actually has been maintained or repaired for the prescribed period, whether or not such road has been formally established as a public highway; and

WHEREAS, the filing of the **Survey Map** with the Clerk of the Courts of St. Johns County, pursuant to Section 95.361, Florida Statutes, by St. Johns County serves as prima facie evidence of ownership of **Winifred Masters Road**, as shown in the survey that is included as Exhibit "C", attached hereto, and incorporated herein; and

*Inkel BCC City
P. DeGard*

WHEREAS, in Downing v. Bird, 100 So.2d 57 (Fla. 1958), the Florida Supreme Court set forth separate criteria in which a public entity (such as the County), may establish, claim, and maintain a prescriptive easement on certain property; 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 Winifred Masters Road, meets each of the criteria, set forth in Downing v. Bird, supra; and

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

WHEREAS, County Road and Bridge Supervisor, **Ricky S. Saffelder**, has state in an affidavit (attached and incorporated as **Exhibit B**) that the County has been responsible for maintaining **Winifred Masters 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 60 foot right-of-way; and

WHEREAS, St. Johns County can demonstrate that St. Johns County's actions meet the criteria set forth in both/either Section 95.361, Florida Statutes, and/or Downing v. Bird, 100 So.2d 57 (Fla. 1958), with respect to establishing either statutory dedication, or a prescriptive easement over the above-noted, and described **Winifred Masters Road**; and

WHEREAS, it is in the best interest of St. Johns County to acquire ownership of **Winifred Masters Road** under either statutory dedication or prescriptive easement, 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 Chairman of the Board of County Commissioners, and Clerk of the Courts are hereby authorized to file the attached **Survey Map of Winifred Masters Road** in the Public Records of St. Johns County, Florida.

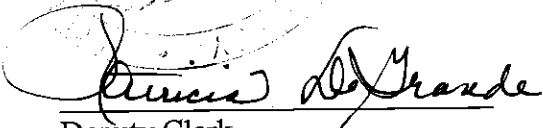
Section 3. The Clerk is instructed to record this Resolution in the Public Records of St. Johns County, Florida.

PASSED AND ADOPTED, this 3 day of February 2004.

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

By: 
Karen R. Stern, Chair

ATTEST: Cheryl Strickland, Clerk

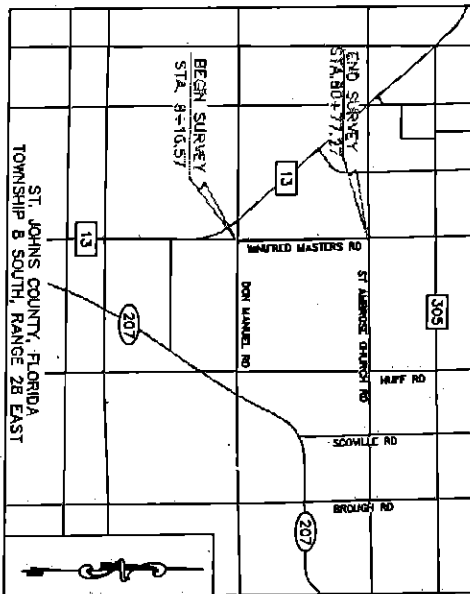

Deputy Clerk

RENDITION DATE 2-4-04

EXHIBIT "A" PRO RESOLUTION

A PART OF SECTIONS 27 & 28
TOWNSHIP 8 SOUTH, RANGE 28 EAST,
ST. JOHNS COUNTY, FLORIDA

VICINITY MAP
NOT TO SCALE



LEGEND

- 1 - CONCRETE SUBGRADE
- 2 - HOT PAVEMENT
- 3 - COLD PAVEMENT
- 4 - ASPHALT
- 5 - GRAVEL
- 6 - DIRT
- 7 - UNPAVED
- 8 - DRAINAGE
- 9 - EROSION CONTROL
- 10 - FLOOD CONTROL
- 11 - FLOOD PROTECTION
- 12 - FLOOD DAMAGE
- 13 - FLOOD HAZARD
- 14 - FLOOD PROTECTION
- 15 - FLOOD DAMAGE
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- 98 - FLOOD PROTECTION
- 99 - FLOOD DAMAGE
- 100 - FLOOD HAZARD

GENERAL NOTES

1. THE RIGHT-OF-WAY LINES SHOWN ON THIS MAP ARE BASED ON THE SURVEY DATA SUBMITTED TO THE COUNTY ENGINEER BY THE APPLICANT AND ARE SUBJECT TO THE APPROVAL OF THE COUNTY ENGINEER.
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SURVEYOR'S CERTIFICATION

I, the undersigned, being a duly licensed Professional Land Surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the applicant, and that the same conforms to the requirements of the Florida Statutes, Chapter 349, and the rules and regulations of the State Board of Professional Land Surveyors.

DATE: _____

PROFESSIONAL LAND SURVEYOR NO. _____



Henry Conway
Professional Land Surveyor
No. 12345
State of Florida

MAINTAINED RIGHT-OF-WAY TABULATION			
R/W LIMITS	R/W WIDTH	R/W ESTABLISHED BY	REMARKS
STA. 8-10-57	60.0'	CONCRETE	EXISTING
STA. 80-77-27	60.0'	CONCRETE	EXISTING

IT IS HEREBY CERTIFIED THAT:
The Right of Way shown hereon is located in St. Johns County, Florida, a Political Subdivision of the State of Florida, by prescriptive rights of the public.
Dated this 15th day of May, 2017.
St. Johns County Board of County Commissioners

St. Johns County Clerk of Courts

DATE

County Project No. N/A

MAINTAINED RIGHT-OF-WAY PROJECT NO. N/A

MAINTENANCE MAP

COUNTY OF ST. JOHNS
RIGHT OF WAY MAPPING

APPROVED BY

DATE

PROJECT NO.

PROJECT NO.

PROJECT NO.

PROJECT NO.

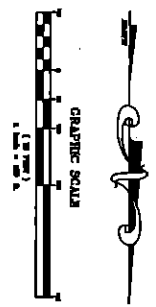
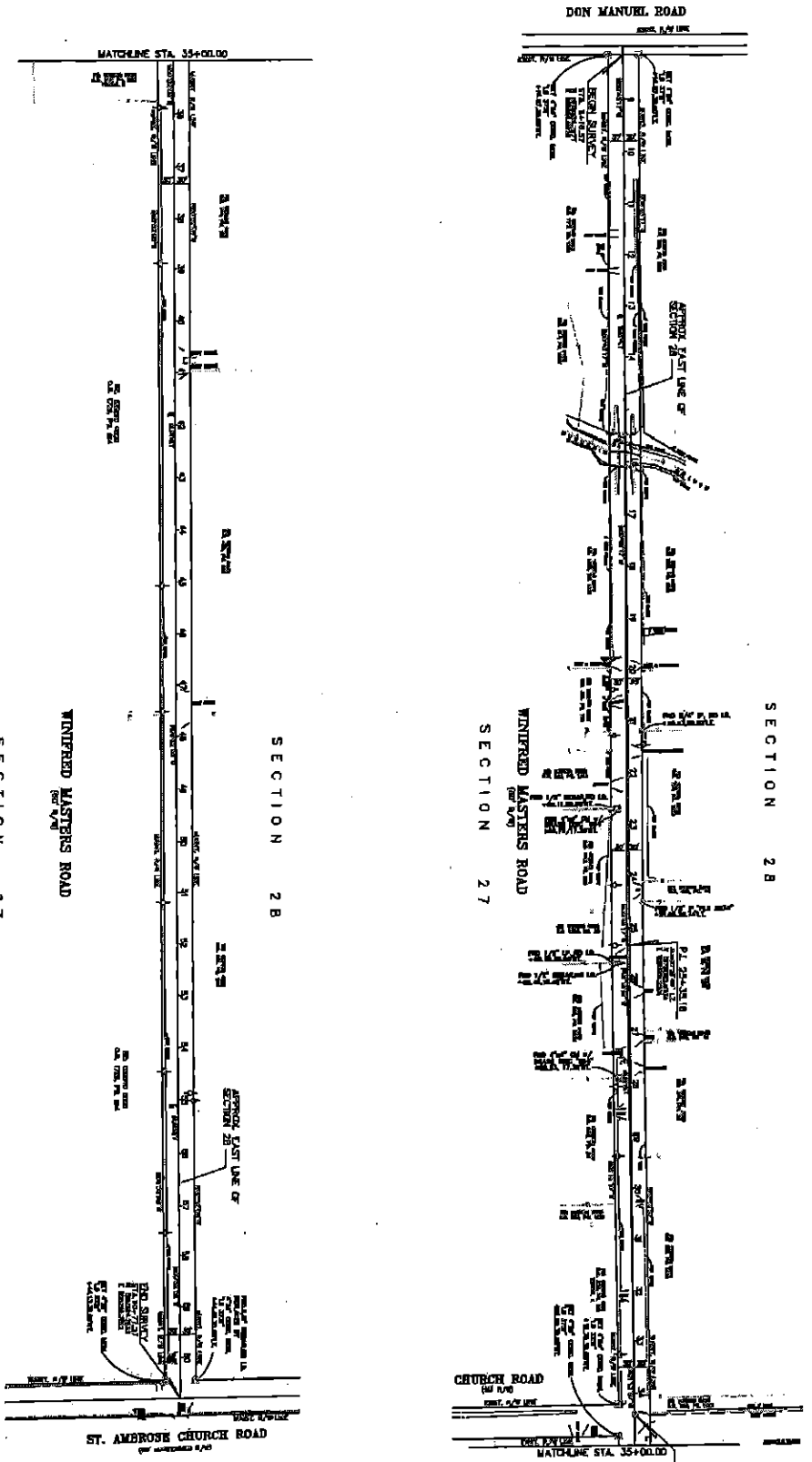
PROJECT NO.

PROJECT NO.

PROJECT NO.



A PART OF SECTIONS 27 & 28,
TOWNSHIP 8 SOUTH, RANGE 28 EAST,
ST. JOHNS COUNTY, FLORIDA



MAINTENANCE MAP

COUNTY OF ST. JOHNS
RIGHT OF WAY MAPPING

SECTION	LOT	AREA	OWNER	REMARKS
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COUNTY PROJECT NO. N/A
WINFREED MASTERS ROAD ST. JOHNS COUNTY

CLARY & Associates, Inc.
1000 W. UNIVERSITY BLVD.
TALLAHASSEE, FLORIDA 32304
(904) 833-1111

MAINTENANCE MAP
ROAD TO ST. AMBROSE CHURCH ROAD
FIELD BOOK NO. 3
DATE OF SURVEY 1/11/07
SCALE 1" = 100'

SHEET 3 OF 3

EXHIBIT "B"
TO RESOLUTION

OR2135PG1965

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

On this day before me, the undersigned authority, personally appeared, Ricky G. Saffelder Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining Winifred Masters 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.

Ricky G. Saffelder
Ricky G. Saffelder

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 5th day of January, 2004 by Ricky G. Saffelder, Road and Bridge Supervisor, who is personally known to me.

Laurie C. Braddock
Notary Public



Laurie C. Braddock
Commission # CC 020060
Expires April 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.