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Public Records of  
St. Johns County, FL  
Clerk # 2005043023,  
O.R. 2451 PG 768-771  
06/03/2005 at 01:11 PM,  
REC. \$17.00 SUR. \$18.50

RESOLUTION NO. 2005- 136

**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 JOHN STREET, CLAIMING A VESTED INTEREST IN THE ROAD DESCRIBED IN THE SURVEY MAP.**

**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**, **John Street**, 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**, Section 95.361, Florida Statutes details the procedure for a local government to claim a vested interest in a road not constructed by the local government; 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 proscribed 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 **John Street**; and

*For Let - P. Degraive  
BCC Sec'y*

**WHEREAS**, the public entity has been continuously using **John Street**, without permission of the underlying land owners for in excess of fourteen (14) years; and

**WHEREAS**, County Road and Bridge Superintendent, Ivan Burrell, has state in an affidavit (attached and incorporated as **Exhibit B**) that the County has been responsible for maintaining **John Street**, for the last fourteen (14) years; and

**WHEREAS**, it is in the best interest of St. Johns County to acquire ownership of **John Street**, under statutory dedication 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, an 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 John Street**, 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 18<sup>th</sup> day of may, 2005.

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

By: \_\_\_\_\_

*Bruce A. Maguire*  
**Bruce A. Maguire, Chairman**

**ATTEST:** Cheryl Strickland, Clerk of Court

*Patricia DeGrande*  
Deputy Clerk

**RENDITION DATE** 5-19-05

Exhibit "A"  
To Resolution

MAP SHOWING A SPECIFIC PURPOSE SURVEY OF A PART OF JOHN STREET LYING IN THE DANCY TRACT AS RECORDED IN MAP BOOK 1, PAGE 1 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. FOR: THE ST. JOHNS COUNTY REAL ESTATE DIVISION.

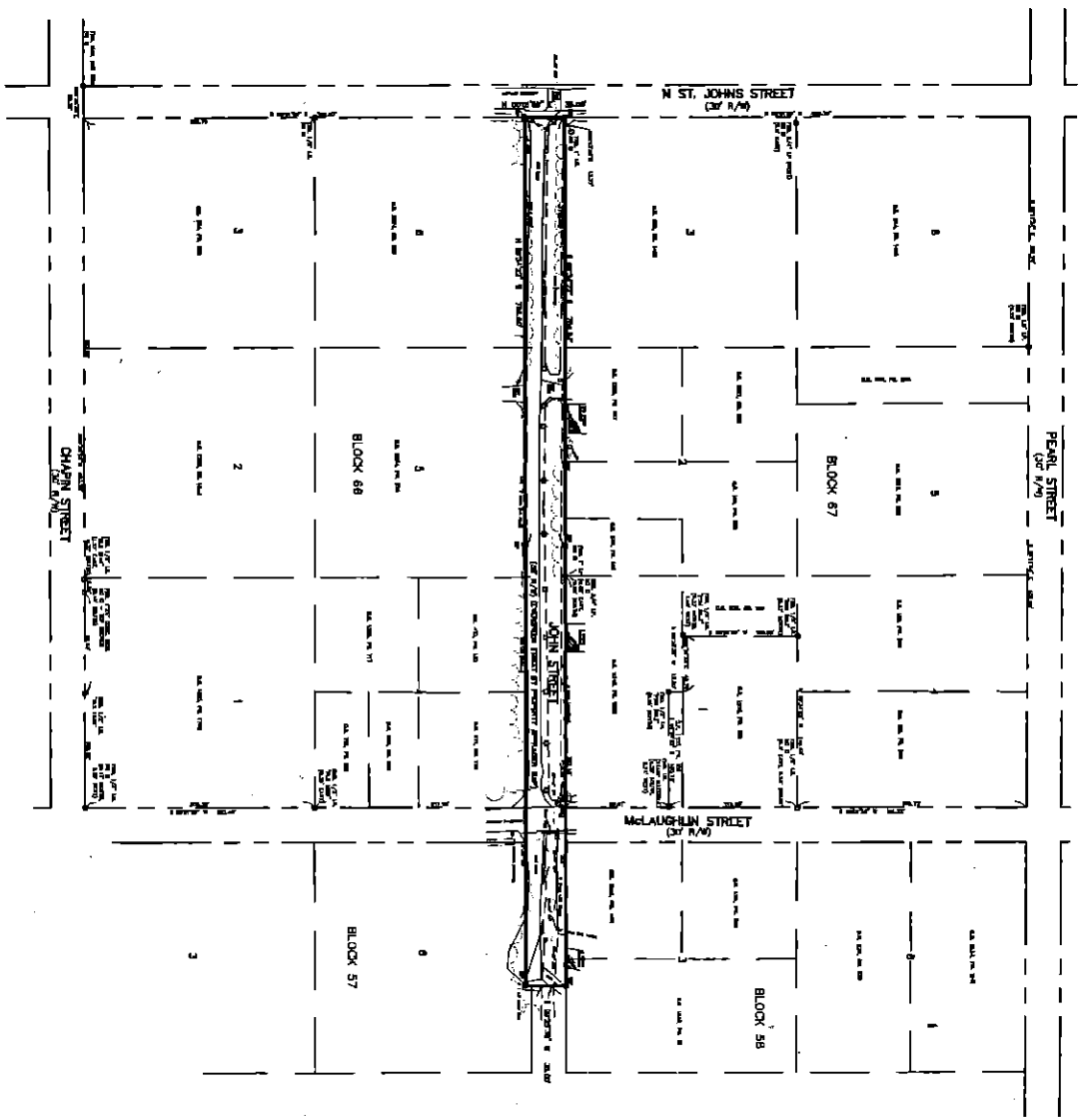
IT IS HEREBY CERTIFIED THAT:  
THE RIGHT-OF-WAY SHOWN HEREON IS KEPT IN ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IN ACCORDANCE WITH THE CONSTITUTION AND PRESENT LAWS OF THE STATE OF FLORIDA.  
DOMINGUEZ V. BIRD, 58, 2d D2  
FLA. DIST. CT. APP. 2ND DIST. 1988  
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

CHAIR  
ST. JOHNS COUNTY CLERK OF THE COURT

CLERK



- LEGEND
- WOOD UTILITY POLE
  - WOOD UTILITY POLE WITH DIRT ANCHOR
  - WOOD POLE
  - WOOD POLE
  - REFLECTOR
  - SIGN



<p>ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT SURVEYING AND MAPPING/GIS DIVISION 4480 JAMES BECKWOLD - P.O. DRAWER 348 ST. AUGUSTINE, FLORIDA 32084 Phone: (904) 883-3400</p>		<p>JOHN STREET SPECIFIC PURPOSE SURVEY TL NUMBER: 6-12</p>
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EXHIBIT "B"  
TO RESOLUTION

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

On this day before me, the undersigned authority, personally appeared Ivan Burrell, Road and Bridge Superintendent, who being first by me duly sworn, deposes and says that the County has been maintaining John Street for the last 14 years and the public has continuously used the road during this time. This maintenance includes digging ditches, road grading, stabilization and patching.

FURTHER AFFIANT SAYETH NAUGHT.

Ivan Burrell

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of April 2005 by IVAN BURRELL, Road and Bridge Superintendent, who is personally known to me.

Joan E. Gurr  
Notary  
Joan E. Gurr  
Commission # DD388477  
Expires March 6, 2009  
Bonded Troy #ain - Insurance, Inc. 800-385-7019