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Public Records of
St. Johns County, FL
Clerk # 2006000072,
O.R. 2616 PG 367-373
01/03/2006 at 01:44 PM,
REC. \$29.00 SUR. \$32.00

RESOLUTION NO. 2005- 386

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 GODWIN 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 roads that are neither dedicated to St. Johns County, nor are owned by St. Johns County; and

WHEREAS, Godwin 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, 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 twenty (20) 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 being varying in width from 30 feet to 45 feet as shown in the survey 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 Godwin Road, as shown in the survey that is included as Exhibit A and A-1, attached hereto, and incorporated herein; and

In Ret - JCC Secty

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

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

WHEREAS, County Road and Bridge Supervisor, **Frankie Hitchcock**, has stated in an affidavit (attached and incorporated as **Exhibit B**) that the County has been responsible for maintaining **Godwin Road**, for the last twenty (20) years; 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 **Godwin Road**; and

WHEREAS, it is in the best interest of St. Johns County to establish its existing ownership of **Godwin 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 Godwin 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.

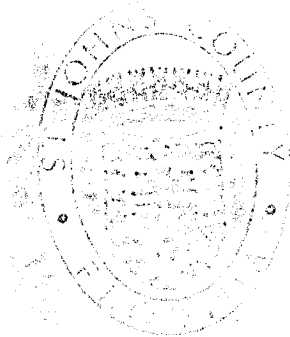
PASSED AND ADOPTED, this 13 day of Dec., 2005.

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

By: James E. Bryant
James E. Bryant, Chair

ATTEST: Cheryl Strickland, Clerk

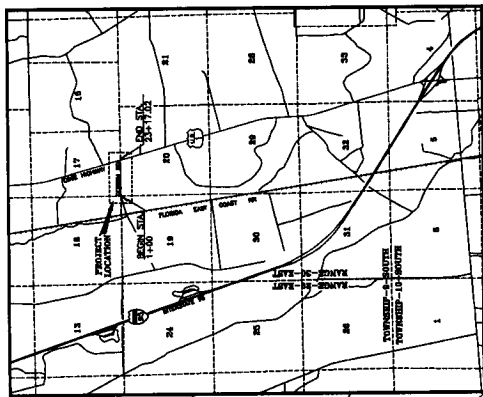
Patricia R. Grande
Deputy Clerk



RECORDATION DATE 12-15-05

ST. JOHNS COUNTY PUBLIC WORKS DEPARTMENT
 MAPS OF THE COUNTY ROAD
MAINTENANCE MAP

GODWIN ROAD
 FROM THE WEST LINE OF SECTION 17 TO
 THE WESTERLY RIGHT-OF-WAY LINE OF S.R. 6 (U.S. 1)



FOR THE RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, IN ROAD PLAT BOOK _____, PAGE _____ ON THE _____ DAY OF _____, A.D. 2002.

CLERK OF THE CIRCUIT COURT
 ST. JOHNS COUNTY, FLORIDA

MAINTENANCE CERTIFICATION
 IT IS HEREBY CERTIFIED THAT: THIS ROADWAY IS LOCATED IN ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AND IS SUBJECT TO THE PROVISIONS OF THE FLORIDA STATUTES AND BY PROSCRIPTION RIGHTS OF THE PUBLIC. THE ROADWAY IS 100 FEET WIDE, 20 FEET WIDE AT THE CURBSIDE, AND 10 FEET WIDE AT THE CENTERLINE. THE ROADWAY IS LOCATED IN SECTION 17, TOWNSHIP 10N, RANGE 17W, DISTRICT 10A03, ST. JOHNS COUNTY, FLORIDA.

CHURMAN _____
 ST. JOHNS COUNTY CLERK OF THE COURT
 CLERK _____

INDEX	
SHEET NO.	DESCRIPTION
1	COVER (THIS SHEET)
2	MAINTENANCE MAP

CONTROL DATA	
STATION	EAST
BEAM STA. 1+00	1,850,746.11
DND STA. 23+17.00	1,851,775.53
	560,003.93

- NOTES:
- 1) DISTANCES, BEARINGS AND COORDINATES SHOWN HEREON ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE (801), NORTH AMERICAN DATUM OF 1983 (NAD 83/AD), AND ARE BASED ON NATIONAL GEODETIC SURVEY CORN STATIONS JACKSONVILLE, GRAND BEACH AND PALMBA.
 - 2) INFORMATION SHOWN ON THIS MAP IS THE RESULT OF A SURVEY DATE SHOWN AND CAN ONLY BE RELIED UPON AS THEY EXISTED ON THE DATE SHOWN.
 - 3) THIS IS A SURFACE SURVEY ONLY. UNDERGROUND IMPROVEMENTS SUCH AS FOOTERS AND UTILITIES, IF ANY, WERE NOT LOCATED.
 - 4) BECAUSE OF THE NATURE OF THESE MAPS, THE INFO CONSIDERATION THAT THEY MAY HAVE BEEN ALTERED BY REPRODUCTION DRICES.

THIS SURVEY WAS PERFORMED FOR THE SPECIFIC PURPOSE OF ESTABLISHING A SURVEY LINE AND LOCATING THE LIMITS OF MAINTENANCE RIGHT-OF-WAY FOR THE TRANSPORTATION FACILITY IDENTIFIED HEREON. THE SURVEY WAS CONDUCTED BY THE SURVEYOR AND COMPLETED IN OCTOBER, 2002.

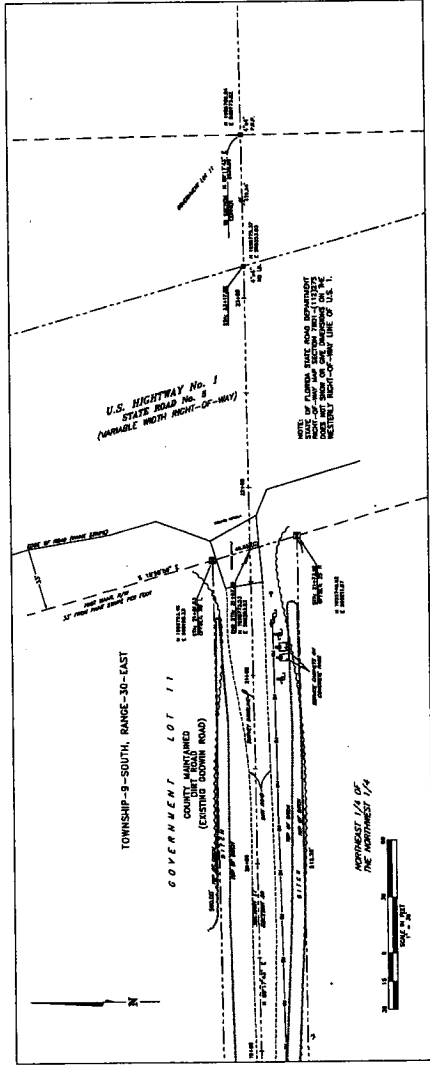
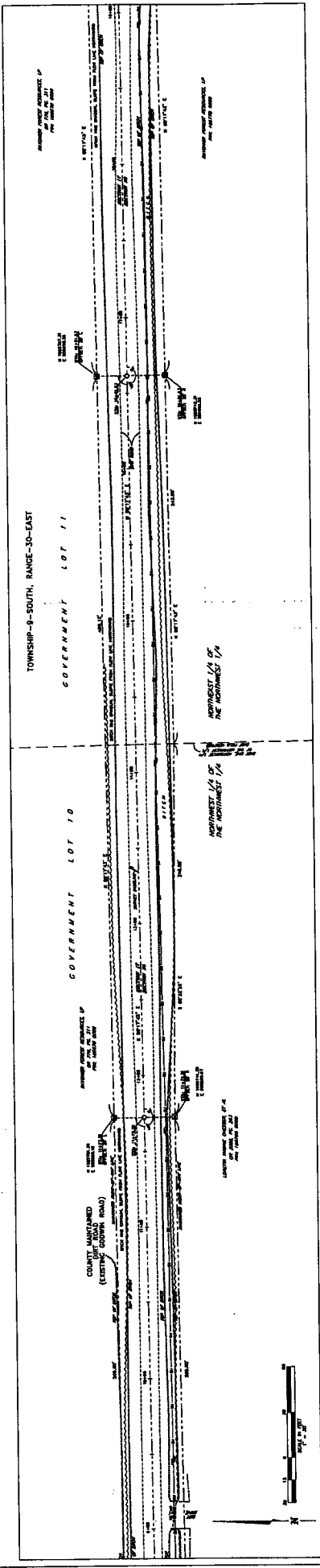
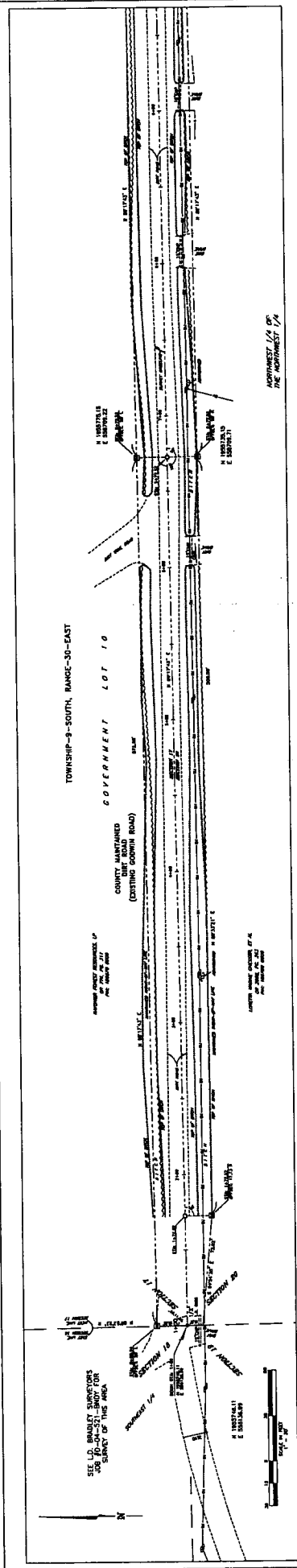
PABLO FERRARI
 Florida Professional Surveyor in Service No. 6481
 1000 N. W. 10th St., Suite 100
 Ft. Lauderdale, FL 33304
 PABLO FERRARI SURVEYING AND MAPPING

LDBRIDGE
LAND SURVEYORS
 8775 NORTHERN BULLFINCH,
 JACKSONVILLE, FLORIDA 32216-4470
 PHONE: 904-786-8888 FAX: 904-786-4470
 LICENSED SURVEYORS SINCE 1988

W.A. NO. 05-238 SURVEY DATE: 10/18/2002 DRAFTED BY: A. WALLER
 CHECKED BY: P. FERRARI DATE FILED: 03/28/03
 17 312 Pgs. 31-38

SHEET 1 OF 2 THIS MAP IS NOT COMPLETE WITH OUT SHEET 2 OF 2.

EXHIBIT "A -1" TO RESOLUTION



LEGEND	ABBREVIATIONS	
SURVEY	(Symbol)	SURVEY
BOUNDARY	(Symbol)	BOUNDARY
...

LABRILEY
LAND SURVEYORS

5775 NORMANDY BOULEVARD,
JACKSONVILLE, FLORIDA 32206
PHONE (904) 784-4444 FAX (904) 784-1479
LICENSED SURVEYORS No. 0088

W.G. NO.: 05-228 SURVEY DATE: 10/19/2000 DRAFTED BY: A. WALKER
CHECKED BY: P. FORBANI CAD FILE: 05232.JWC

SEE SHEET 1 FOR NOTES.
THIS MAP IS NOT COMPLETE WITH OUT SHEET 1 OF 2.

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 Godwin Road 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.

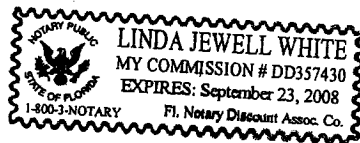
Frankie Hitchcock

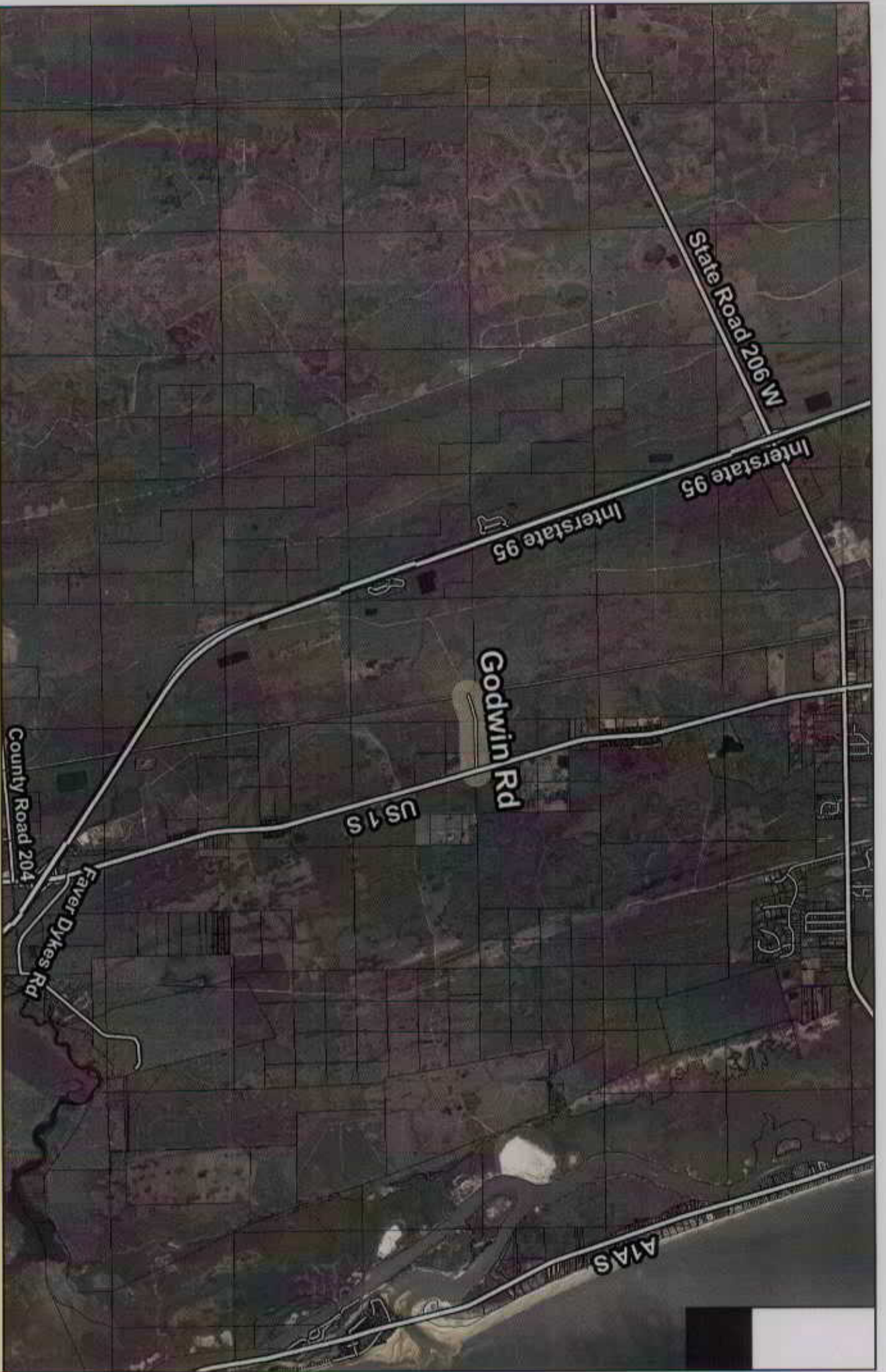
Frankie Hitchcock

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 28 day of April, 2005 by Frankie Hitchcock, Road and Bridge Supervisor, who is personally known to me.

Linda Jewell White
Notary Public





State Road 206 W

Interstate 95

Interstate 95

Godwin Rd

US 1 S

County Road 204

Faver Dykes Rd

A1A S



St. Johns County
Real Estate Division
(904) 209-0794
November 28, 2005

Godwin Road Location



DISCLAIMER.
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.

