

①

Public Records of
St. Johns County, FL
Clerk # 2006061466,
O.R. 2765 PG 350-357
08/16/2006 at 08:21 AM,
REC. \$33.00 SUR. \$36.50

RESOLUTION NO. 2006- 267

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 FOUR MILE 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, **Four Mile 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 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 **Four Mile Road**, as shown in the survey that is included as **Exhibit A**, attached hereto, and incorporated herein; and

Charles P. Dequade
MIR

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

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

WHEREAS, County Road and Bridge Supervisor, **Billy Tedder**, has stated in an affidavit (attached and incorporated as **Exhibit B**) that the County has been responsible for maintaining **Four Mile 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 **Four Mile Road**; and

WHEREAS, it is in the best interest of St. Johns County to establish its existing ownership of **Four Mile 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 Four Mile 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 8th day of August, 2006.

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

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

ATTEST: Cheryl Strickland, Clerk

CONDITION DATE 8/8/2006

Robin L. Platt
Deputy Clerk

EXHIBIT "A" TO RESOLUTION

COUNTY ROAD PLAT BOOK _____, PAGE _____

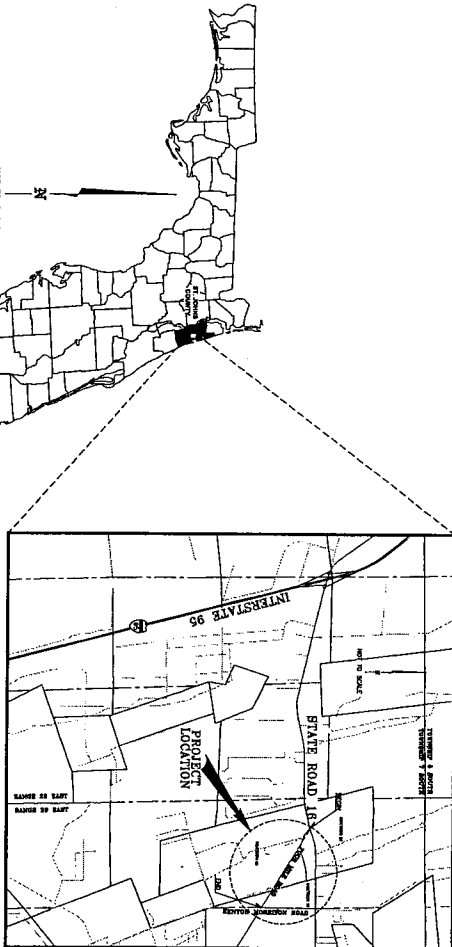
SHEET 1 OF 3

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

MAINTENANCE MAP

FOUR MILE ROAD

LYING IN A PART OF SECTION 37, A PART OF SECTION
40, AND A PART OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 29 EAST,
ST. JOHNS COUNTY, FLORIDA



- NOTES:
- 1) BEARINGS AND COORDINATES SHOWN HEREON ARE REFERENCED TO THE FLORIDA STATE PLANT CORPUSCULE SYSTEM, EAST ZONE, NAD 83/NO. AND ARE BASED ON ST. JOHNS COUNTY GEODETIC CONTROL MONUMENTS POINT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
 - 2) INFORMATION SHOWN HEREON IS FOR INFORMATION ONLY AND IS NOT TO BE USED AS THE BASIS FOR ANY LEGAL ACTION OR AS THE BASIS FOR ANY CLAIM OR AS THE BASIS FOR ANY LIABILITY.
 - 3) THIS IS A SURFACE SURVEY ONLY. UNDERGROUND UTILITIES SUCH AS TRENCHES AND UTILITIES, IF ANY, WERE NOT LOCATED.
 - 4) THIS SURVEY WAS CONDUCTED BY A LICENSED SURVEYOR AND THE RESULTS THEREOF ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.

FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF ST. JOHNS, FLORIDA, THIS _____ DAY OF _____, 2008, AT _____ O'CLOCK _____ OF THE DAY.

CLERK OF THE CIRCUIT COURT
ST. JOHNS COUNTY, FLORIDA

MAINTENANCE CERTIFICATION:
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 VIRTUE OF THE FLORIDA STATUTES AND BY PREScriptive RIGHTS OF THE PUBLIC.
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

CLERK
ST. JOHNS COUNTY CLERK OF THE COURT

INDEX	
SHEET NO.	DESCRIPTION
1	COVER (THIS SHEET)
2-3	MAINTENANCE MAP

THIS SURVEY WAS PERFORMED FOR THE SPECIFIC PURPOSE OF ESTABLISHING A SURVEY LINE AND LOCATING THE LIMITS OF MAINTAINED RIGHT-OF-WAY FOR THE TRANSPORTATION FACILITY SHOWN ON THIS MAP. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS SURVEY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS SURVEY.

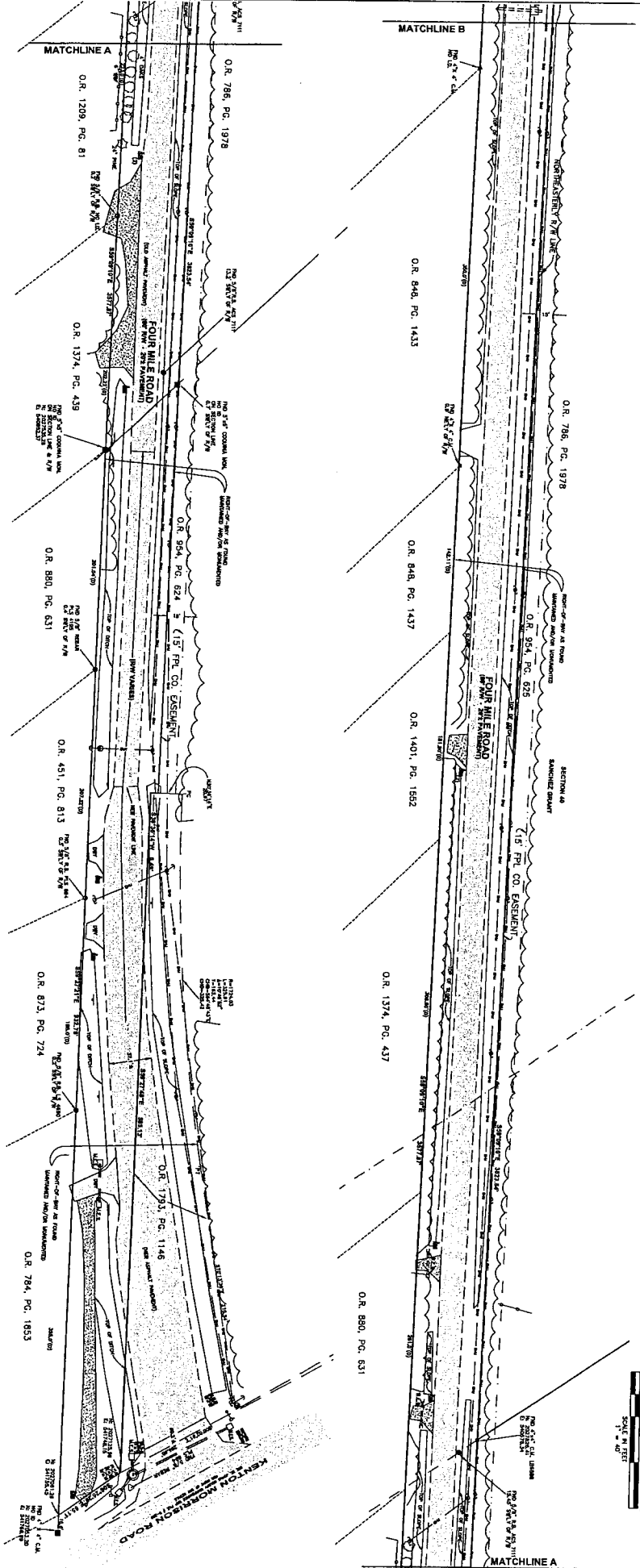
FIELD TERRAIN
LORD MEADOWS SURVEY & LANDS, INC. 2001
1000 W. UNIVERSITY BLVD., SUITE 100
ORLANDO, FLORIDA 32817

THIS SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS PRESENT.

LORD MEADOWS SURVEY & LANDS, INC.
5773 HORNHAWK BOULEVARD
ACACOSWILLE, FLORIDA 32205
PHONE (904) 798-4444 FAX (904) 798-1179
LICENSED SURVEYOR No. 6848

W.D. NO. 2008-148
ORDERED BY: J. FERRARO
DATE: 05/14/08
DRAWN BY: C. HARTY
CHECKED BY: C. HARTY

**A MAP SHOWING A SPECIFIC PURPOSE SURVEY OF
 FOUR MILE ROAD LYING IN A PART OF SECTION 37, A PART OF SECTION
 40, AND A PART OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 29 EAST,
 ST. JOHNS COUNTY, FLORIDA**
FOR: ST. JOHNS COUNTY CONSTRUCTION SERVICES



LEGEND

1" = 40'	SECTION BOUNDARY
---	SECTION 37
---	SECTION 40
---	SECTION 10
---	SECTION 36
---	SECTION 35
---	SECTION 34
---	SECTION 33
---	SECTION 32
---	SECTION 31
---	SECTION 30
---	SECTION 29
---	SECTION 28
---	SECTION 27
---	SECTION 26
---	SECTION 25
---	SECTION 24
---	SECTION 23
---	SECTION 22
---	SECTION 21
---	SECTION 20
---	SECTION 19
---	SECTION 18
---	SECTION 17
---	SECTION 16
---	SECTION 15
---	SECTION 14
---	SECTION 13
---	SECTION 12
---	SECTION 11
---	SECTION 10
---	SECTION 9
---	SECTION 8
---	SECTION 7
---	SECTION 6
---	SECTION 5
---	SECTION 4
---	SECTION 3
---	SECTION 2
---	SECTION 1
---	SECTION 0
---	SECTION -1
---	SECTION -2
---	SECTION -3
---	SECTION -4
---	SECTION -5
---	SECTION -6
---	SECTION -7
---	SECTION -8
---	SECTION -9
---	SECTION -10
---	SECTION -11
---	SECTION -12
---	SECTION -13
---	SECTION -14
---	SECTION -15
---	SECTION -16
---	SECTION -17
---	SECTION -18
---	SECTION -19
---	SECTION -20
---	SECTION -21
---	SECTION -22
---	SECTION -23
---	SECTION -24
---	SECTION -25
---	SECTION -26
---	SECTION -27
---	SECTION -28
---	SECTION -29
---	SECTION -30
---	SECTION -31
---	SECTION -32
---	SECTION -33
---	SECTION -34
---	SECTION -35
---	SECTION -36
---	SECTION -37
---	SECTION -38
---	SECTION -39
---	SECTION -40
---	SECTION -41
---	SECTION -42
---	SECTION -43
---	SECTION -44
---	SECTION -45
---	SECTION -46
---	SECTION -47
---	SECTION -48
---	SECTION -49
---	SECTION -50
---	SECTION -51
---	SECTION -52
---	SECTION -53
---	SECTION -54
---	SECTION -55
---	SECTION -56
---	SECTION -57
---	SECTION -58
---	SECTION -59
---	SECTION -60
---	SECTION -61
---	SECTION -62
---	SECTION -63
---	SECTION -64
---	SECTION -65
---	SECTION -66
---	SECTION -67
---	SECTION -68
---	SECTION -69
---	SECTION -70
---	SECTION -71
---	SECTION -72
---	SECTION -73
---	SECTION -74
---	SECTION -75
---	SECTION -76
---	SECTION -77
---	SECTION -78
---	SECTION -79
---	SECTION -80
---	SECTION -81
---	SECTION -82
---	SECTION -83
---	SECTION -84
---	SECTION -85
---	SECTION -86
---	SECTION -87
---	SECTION -88
---	SECTION -89
---	SECTION -90
---	SECTION -91
---	SECTION -92
---	SECTION -93
---	SECTION -94
---	SECTION -95
---	SECTION -96
---	SECTION -97
---	SECTION -98
---	SECTION -99
---	SECTION -100

W.D. NO. 20-146

THIS SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS PRESENT.

L.A. BROOKLYN
LAND SURVEYORS
 5773 NORWATY BRISBARD,
 JACKSONVILLE, FLORIDA 32205
 PHONE (904) 756-4449 FAX (904) 756-4179
 LICENSED SURVEYOR No. 6986

EXHIBIT "B" TO RESOLUTION

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST JOHNS

On this day before me, the undersigned authority, personally appeared Billy Tedder Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining **4 Mile Road** as shown on the attached map for the last 20 years and the public has continuously used the road during this time. This maintenance includes digging ditches, mowing and roadway maintenance.

FURTHER AFFIANT SAYEITH NAUGHT.

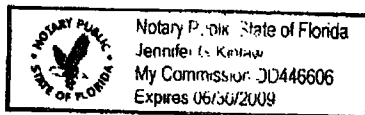
Billy Tedder

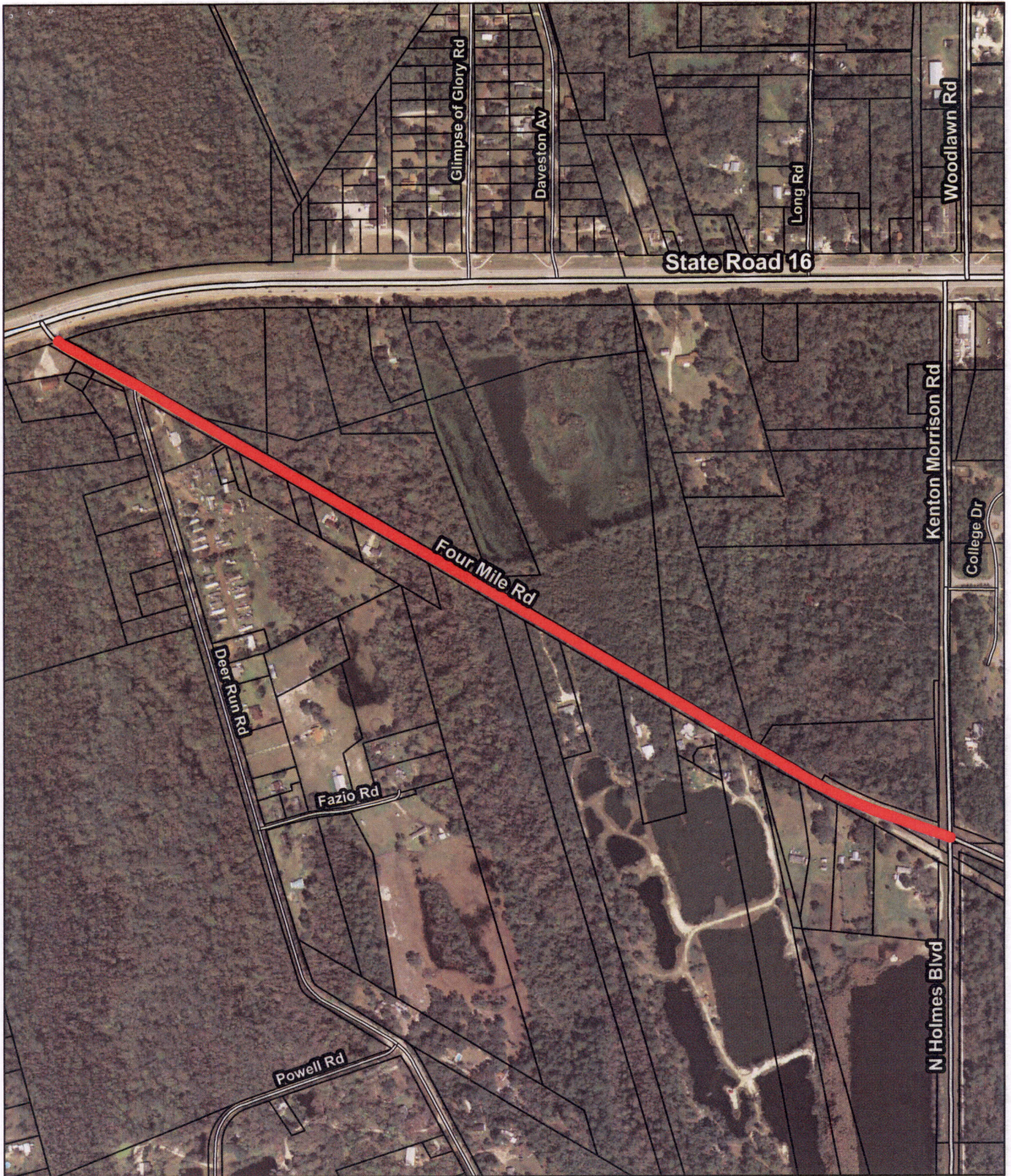
Billy Tedder

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 27th day of July, 2006 by Billy Tedder Road and Bridge Supervisor, who is personally known to me.

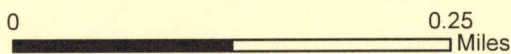
Jennifer Kenlaw
Notary Public





St. Johns County
 Real Estate Division
 (904) 209-0794
 July 25, 2006

Maintenance Map Area Four Mile Road



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

