

2
①

Public Records of
St. Johns County, FL
Clerk # 2007006849,
O.R. 2859 PG 361-367
01/31/2007 at 09:04 AM,
REC. \$29.00 SUR. \$32.00

RESOLUTION NO. 2007- 15

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 FEDERAL POINT 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, **Federal Point 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 **Federal Point Road**, as shown in the survey that is included as **Exhibit A**, attached hereto, and incorporated herein; and

For Let P. Halperman
M+K

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

WHEREAS, the public entity has been continuously using **Federal Point 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 **Federal Point 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 **Federal Point Road**; and

WHEREAS, it is in the best interest of St. Johns County to establish its existing ownership of **Federal Point 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 Federal Point Road**, in the Public Records of St. Johns County, Florida.

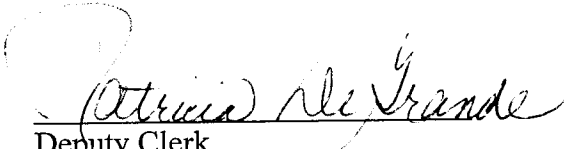
Section 3. The Clerk is instructed to record this Resolution in the Public Records of St. Johns County, Florida.

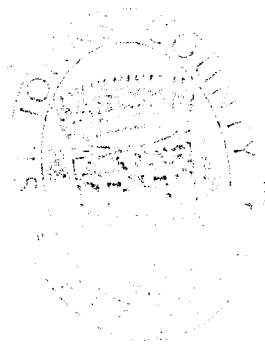
PASSED AND ADOPTED, this 23rd day of January, 2007.

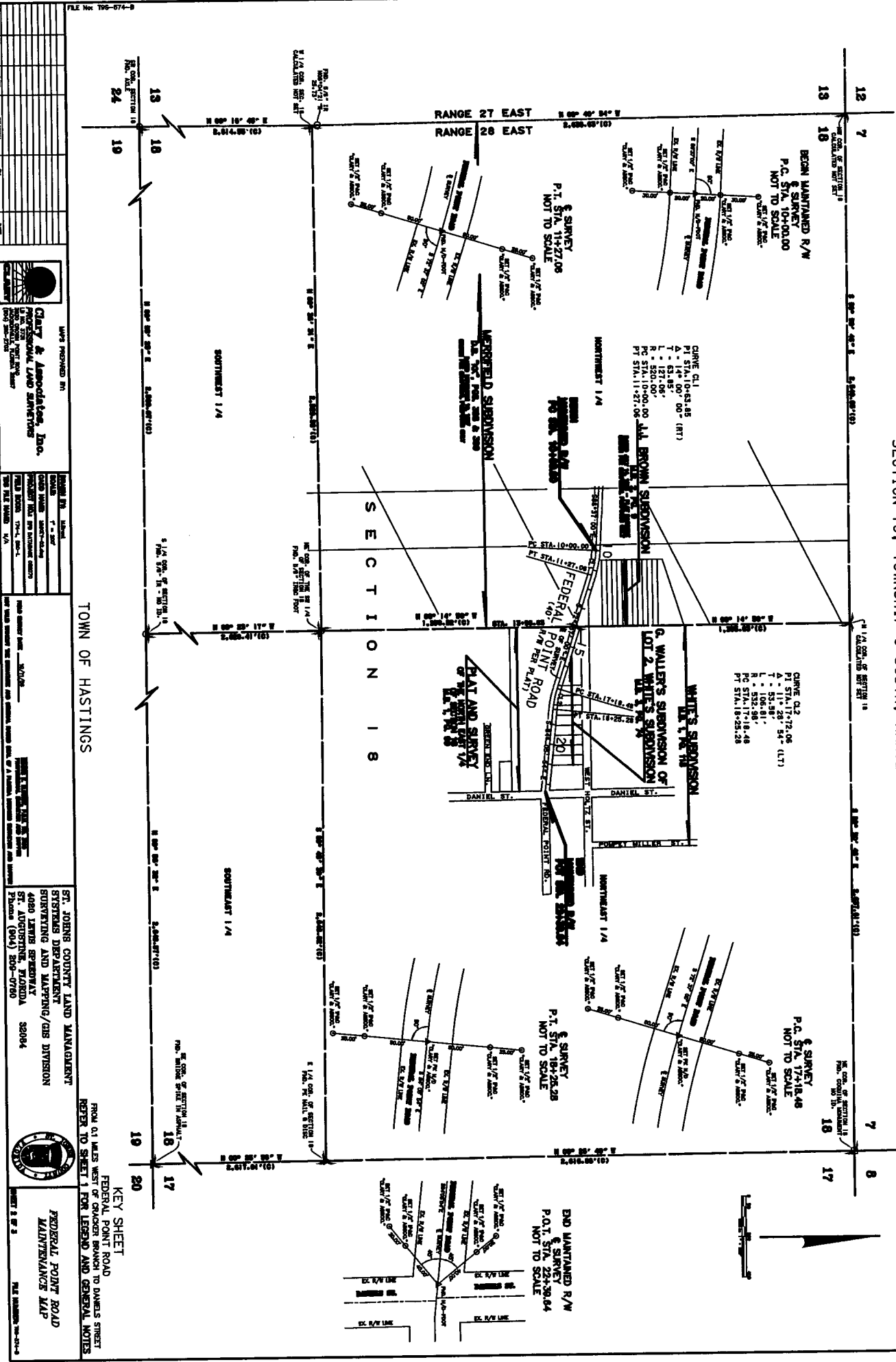
**BOARD OF COUNTY COMMISSIONERS,
ST. JOHNS COUNTY, FLORIDA**

By: 
Ben Rich, Chair

ATTEST: Cheryl Strickland, Clerk


Deputy Clerk





MADE PROMPT BY
CLARY & Associates, Inc.
 PROFESSIONAL LAND SURVEYORS
 1000 WEST 10TH AVENUE, SUITE 200
 DENVER, COLORADO 80202

PROJECT NO. 18-0001
 DATE: 12/15/11
 SHEET NO. 1 OF 1

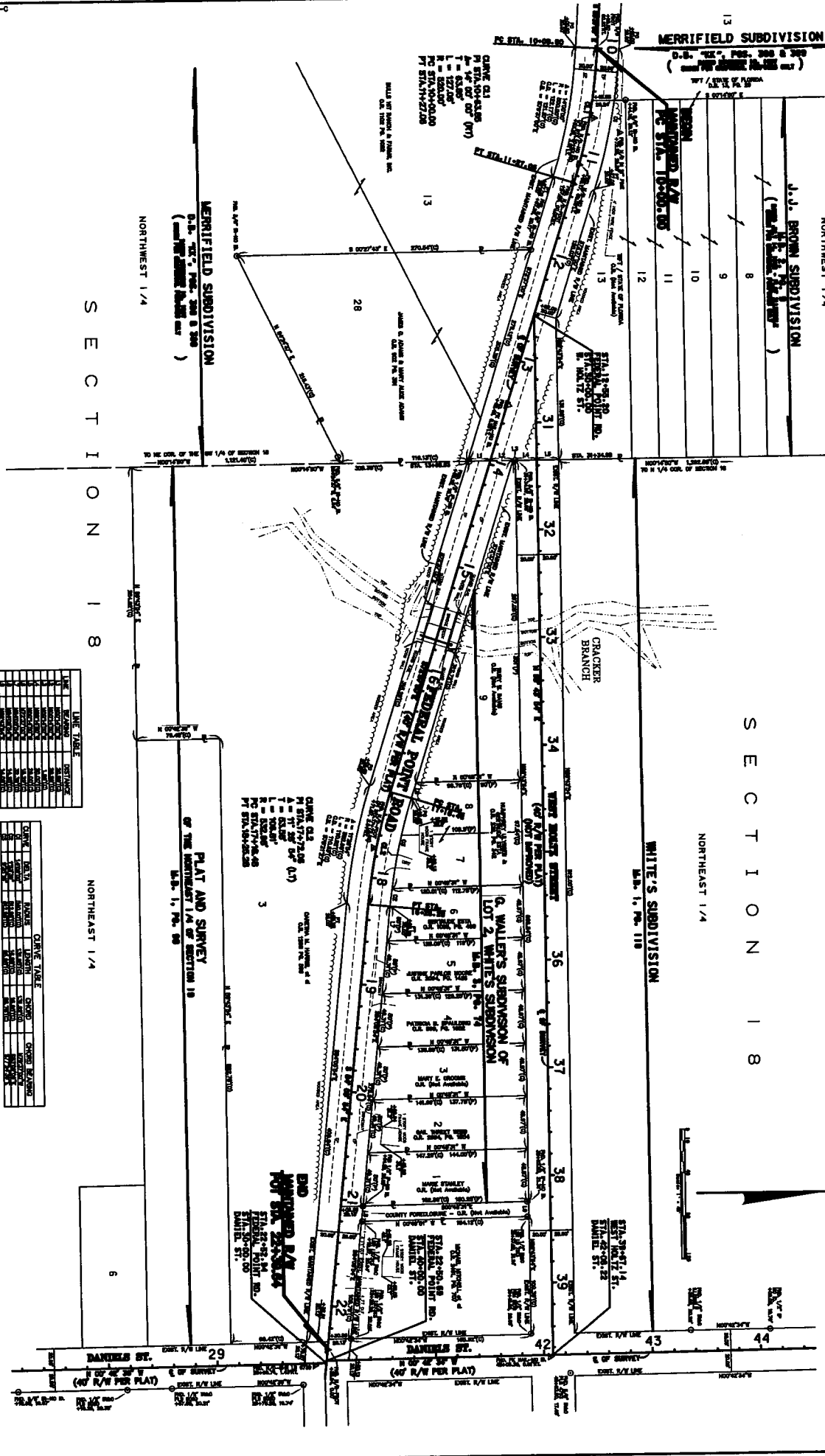
ST. JOHNS COUNTY LAND MANAGEMENT
 SYSTEMS DEPARTMENT
 SURVEYING AND MAPPING/GIS DIVISION
 4080 JAMES SPRENGER
 ST. JOHNS COUNTY, FLORIDA
 PHONE: (904) 800-0760

FEDERAL POINT ROAD
 MAINTENANCE MAP

KEY SHEET
 FEDERAL POINT ROAD
 FROM 0.1 MILES WEST OF CHANDLER BRANCH TO DANIEL STREET
 REFER TO SHEET 1 FOR LEGEND AND GENERAL NOTES

FILE NO. 106-674-9

SECTION 18, TOWNSHIP 9 SOUTH, RANGE 28 EAST



SECTION 18

TOWN OF HASTINGS

LINE TABLE

LINE NO.	DESCRIPTION	LENGTH	BEARING
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

CLIQUE TABLE

CLIQUE NO.	CLIQUE NAME	CLIQUE TYPE	CLIQUE STATUS
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

MERRIFIELD SUBDIVISION
D.B. REC. VOL. 308 B 308
NORTHWEST 1/4

MERRIFIELD SUBDIVISION
D.B. REC. VOL. 308 B 308
NORTHWEST 1/4

J.J. BROWN SUBDIVISION
D.B. REC. VOL. 308 B 308
NORTHWEST 1/4

UNDIVIDED PLY
D.B. REC. VOL. 308 B 308
NORTHWEST 1/4

WHITE'S SUBDIVISION
D.B. REC. VOL. 118
NORTHWEST 1/4

PLAT AND SURVEY
OF THE NORTHWEST 1/4 OF SECTION 18
D.B. REC. VOL. 308 B 308
NORTHWEST 1/4

END
UNDIVIDED PLY
FOR SIX LOTS
D.B. REC. VOL. 308 B 308
NORTHWEST 1/4

FILE No. 105-574-C

MADE PREPARED BY: **Clary & Associates, Inc.**
PROFESSIONAL LAND SURVEYORS
1000 W. 10TH ST., SUITE 100
DENVER, CO 80202
PHONE: (303) 733-1100

OWNER: **ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS DEPARTMENT**
SURVEYING AND MAPPING/GIS DIVISION
4020 LEVINE BOULEVARD
ST. AUGUSTINE, FLORIDA 32084
PHONE: (904) 805-0780

DATE: 11/11/03

SCALE: 1" = 400'

PROJECT: FEDERAL POINT ROAD MAINTENANCE MAP

FROM: 0.1 MILES WEST OF GRANGER BRANCH TO DANIELS STREET
REFER TO SHEET 1 FOR LEGEND AND GENERAL NOTES

DETAIL SHEET
FEDERAL POINT ROAD MAINTENANCE MAP

FILE NUMBER: 105-574-C


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 **Federal Point 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 road repairs as needed.

FURTHER AFFIANT SAYEITH NAUGHT.


Billy Tedder

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 19th day of December, 2006 by Billy Tedder Road and Bridge Supervisor, who is personally known to me.


Jennifer G. Kinlaw
Notary Public

