

11

Public Records of  
St. Johns County, FL  
Clerk # 2008023568,  
O.R. 3073 PG 687-697  
04/24/2008 at 01:15 PM,  
REC. \$45.00 SUR. \$50.00

RESOLUTION NO. 2008- 103

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 SOUTH HOLMES BOULEVARD, 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 has instructed staff to obtain documentation in order to justify continued County maintenance of roads that are neither dedicated to St. Johns County, nor owned by St. Johns County; and

WHEREAS, South Holmes Boulevard, 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

Janet P. Halperman  
M+R

**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 **South Holmes Boulevard**, as shown in the survey that is included as **Exhibit A**, attached hereto, and incorporated herein; and

**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 **South Holmes Boulevard**, meets each of the criteria, set forth in Downing v. Bird, *supra*; and

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

**WHEREAS**, County Road and Bridge Supervisor, **Rick Saffelder**, has stated in an affidavit (attached and incorporated as **Exhibit B**) that the County has been responsible for maintaining **South Holmes Boulevard**, 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 **South Holmes Boulevard**; and

**WHEREAS**, it is in the best interest of St. Johns County to establish its existing ownership of **South Holmes Boulevard**, 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 South Holmes Boulevard**, 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 15<sup>th</sup> day of April, 2008.

BOARD OF COUNTY COMMISSIONERS,  
ST. JOHNS COUNTY, FLORIDA

By: 

Thomas G. Manuel, Chair

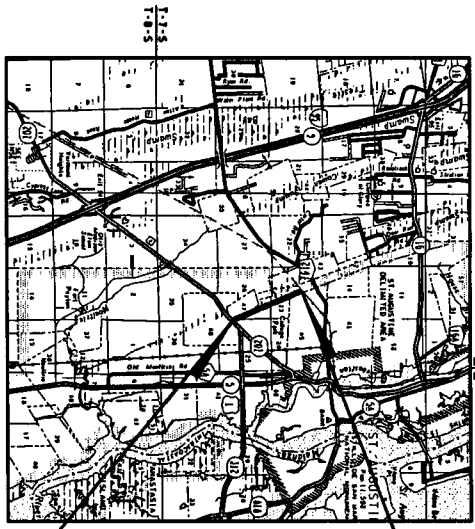
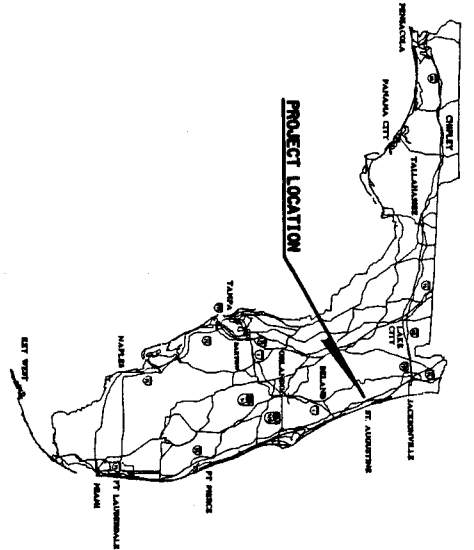
ATTEST: Cheryl Strickland, Clerk



Deputy Clerk

RENDITION DATE 4/18/08

ST. JOHNS COUNTY  
PUBLIC WORKS DEPARTMENT  
MAPS OF THE  
COUNTY ROAD  
SPECIFIC PURPOSE SURVEY  
MAINTENANCE MAP  
SOUTH HOLMES BOULEVARD  
FROM S.R. NO. 207 TO NORTHWOOD DRIVE  
ST. JOHNS COUNTY, FLORIDA



END SURVEY STA. 87+41.67  
BEGIN SURVEY STA. 10+00.00



**LEGEND**

1. Right of Way	11. Right of Way
2. Right of Way	12. Right of Way
3. Right of Way	13. Right of Way
4. Right of Way	14. Right of Way
5. Right of Way	15. Right of Way
6. Right of Way	16. Right of Way
7. Right of Way	17. Right of Way
8. Right of Way	18. Right of Way
9. Right of Way	19. Right of Way
10. Right of Way	20. Right of Way

- GENERAL NOTES:**
1. THE SURVEY AND COMPUTATIONS WERE MADE AND BASED ON THE FLORIDA STATE PLAT AS ESTABLISHED FROM ST. JOHNS COUNTY COUNTY CORNER BETWEEN SECTIONS 23, 26 AND 29, RANGE 29 EAST, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA.
  2. THE DISTANCE REPORT OF ANY LINE FOR STATE ROAD NO. 207 AS SHOWN HEREON ARE BASED ON STATE OF FLORIDA ROAD DEPARTMENT REPORT OF ANY LINE SECTION NO. 72000-204.
  3. PROPERTY BOUNDARIES HAVE BEEN DETERMINED FROM FIELD SURVEY AND LATEST RECORDS THAT ARE AVAILABLE.
  4. THE SURVEY POINTS OF THE SURVEY FOR THE RECONSTRUCTION OF SOUTH HOLMES BOULEVARD FROM S.R. NO. 207 TO NORTHWOOD DRIVE HAVE BEEN ESTABLISHED AND SHOWN ON THIS MAP. THE SURVEY POINTS ARE SHOWN AS BENCH MARKS AND ARE IDENTIFIED BY THE LETTERS A THROUGH J.
  5. ATTENTION IS DIRECTED TO THE FACT THAT THESE MAPS HAVE BEEN PREPARED BY SURVEYOR AT HIS OWN RISK AND WITHOUT ANY GUARANTEE OR WARRANTY OF ANY KIND.
  6. ALL THE SPACES FROM THE SURVEY AND SHOWN AS 10' FROM THE SURVEY, UNLESS OTHERWISE SHOWN, IS NOT GUARANTEED AS IT HAS BEEN CALCULATED FROM A CLOSED FIELD SURVEY ON SMOOTH ROAD WASHINGTON.
  7. THE LOCATION OF SURVEY FOR SOUTH HOLMES BOULEVARD WAS SHOWN ON A PROVISIONAL DISTANCE REPORT ROAD CONTROL REPORT, 30' WIDE ROADWAY ALL CORNER WITH THE FLORIDA STATE PLAT CORNER SYSTEM.

**INDEX**

SHEET NO.	DESCRIPTION
1	SECTION 23, 26, 29 EAST, TOWNSHIP 7 SOUTH, RANGE 29 EAST
2	SECTION 23, 26, 29 EAST, TOWNSHIP 7 SOUTH, RANGE 29 EAST
3	SECTION 23, 26, 29 EAST, TOWNSHIP 7 SOUTH, RANGE 29 EAST

**WARRANT OF CERTIFICATION**

I, the undersigned, being a duly qualified and licensed Surveyor of the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original plat as shown to me by the County Clerk of the County of St. Johns, Florida, and that the same is a true and correct copy of the original plat as shown to me by the County Clerk of the County of St. Johns, Florida.

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

ST. JOHNS COUNTY CLERK OF THE COURT

---

**COVER SHEET**

PROJECT NO. \_\_\_\_\_

DATE: 03-02-2008

BY: MARCH 5, 2008

SCALE: N/A

PLAT NO. \_\_\_\_\_

SHEET 1 OF 5

**DRMP**

DESIGNED BY: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

DATE: \_\_\_\_\_



**SPECIFIC PURPOSE SURVEY MAINTENANCE MAP SOUTH HOLMES BOULEVARD**

SECTIONS 23, 26, 43, 47, AND 49 TOWNSHIP 7 SOUTH, RANGE 29 EAST ST. JOHNS COUNTY, FLORIDA

SECTIONS 23, 26, 43, 47, AND 48  
TOWNSHIP 7 SOUTH, RANGE 29 EAST

BEGIN BASELINE SURVEY  
STA. 10+00.00  
(S. HOLMES BLVD)  
N 2010485.710  
E 547099.696

BEGIN MAINT. R/W  
11+17.66  
24.77 LT.

F.N. HOLMES SUB.  
M.B. 2, P.C. 36

SOUTH HOLMES BOULEVARD  
(VARIABLE WIDTH MAINTAINED R/W)

THE LAKES  
M.B. 1A, P.C. 83

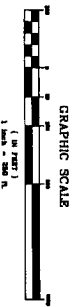
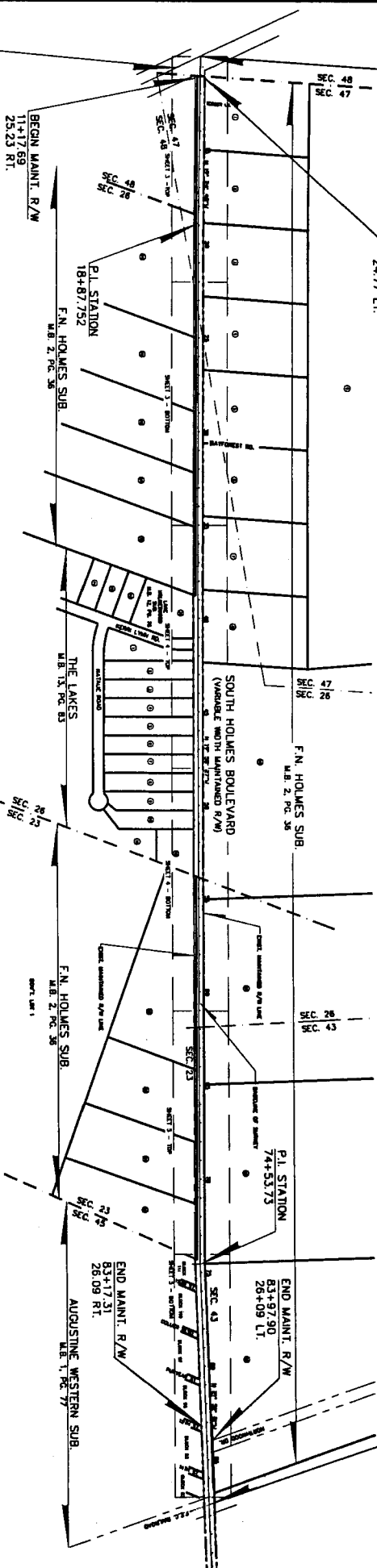
F.N. HOLMES SUB.  
M.B. 2, P.C. 36

END MAINT. R/W  
83+17.31  
28.09 RT.

END. BASELINE SURVEY  
PL STA. 87+41.67  
(S. HOLMES BLVD)  
N 2017749.426  
E 544423.607

AUGUSTINE WESTERN SUB.  
M.B. 1, P.C. 77

SURVEY  
S.F. NO. 207  
PER FOOT SECTION  
78050-2516



DATE	RECORDS	RECORD	RECORD	RECORD	RECORD	RECORD	RECORD	RECORD	RECORD

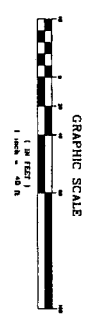
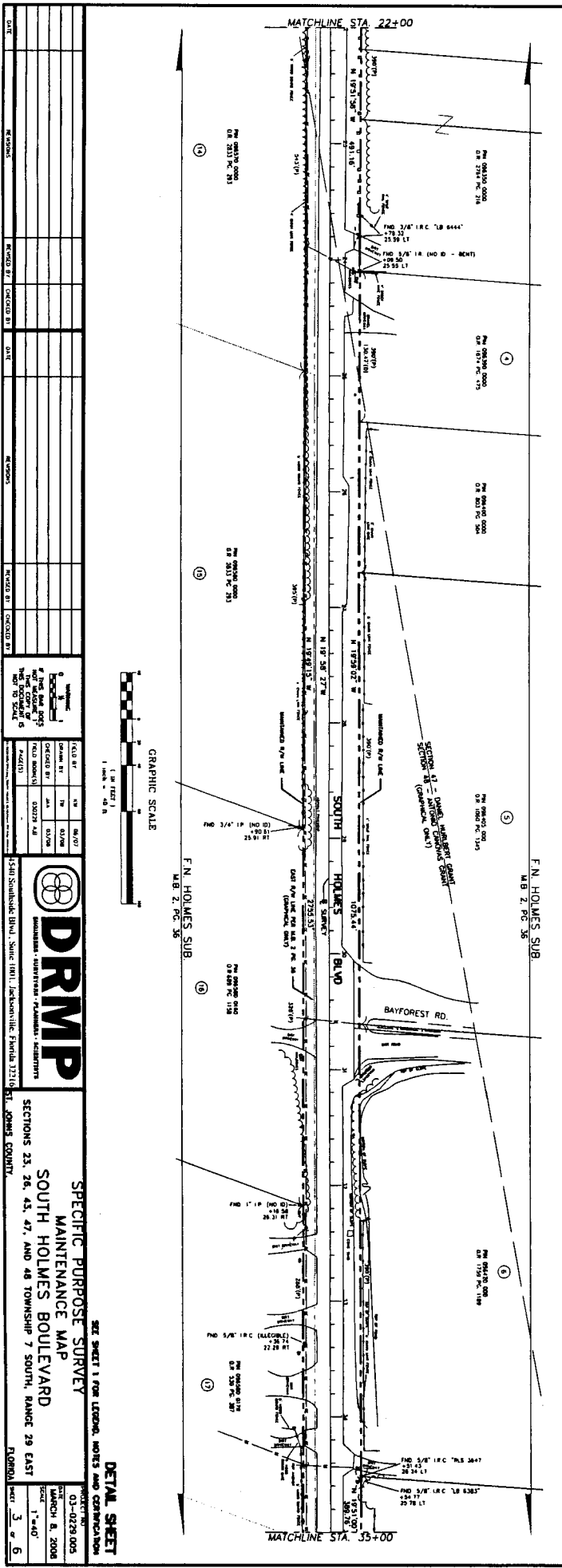
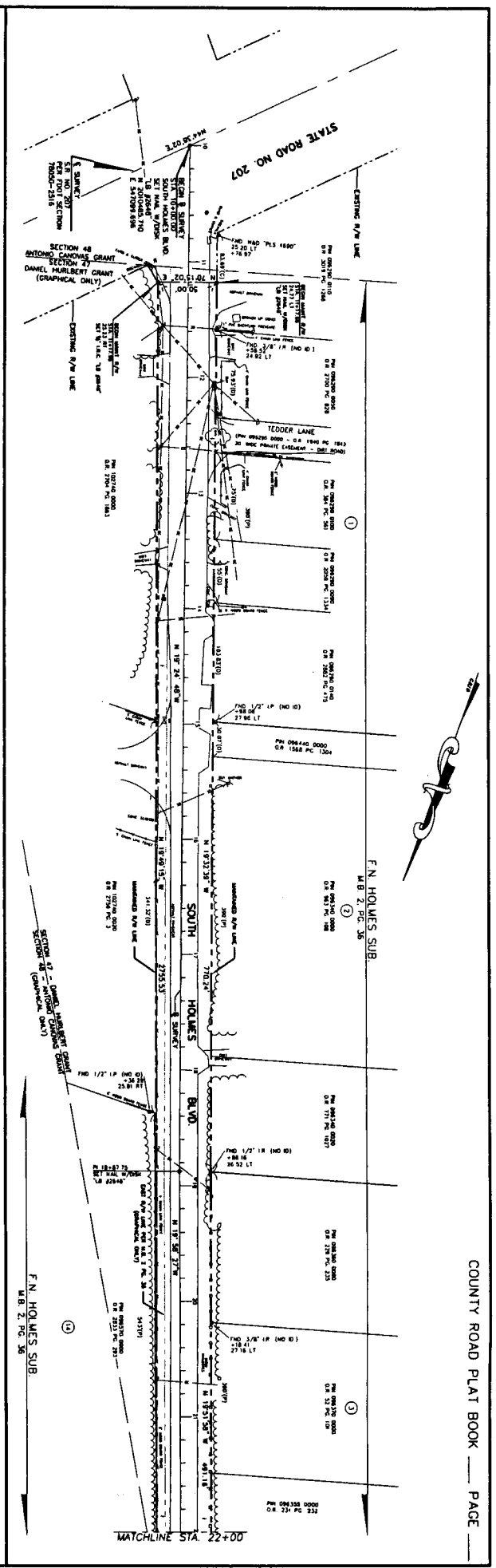
FIELD BY	DATE	TIME	REMARKS

1540 Southside Blvd., Suite 1001, Jacksonville, Florida 32216	DRMP
REGISTERED PROFESSIONAL SURVEYOR - FLORIDA	

**KEY SHEET**  
SEE SHEET 1 FOR LEGEND, NOTES AND CONTINUATION  
SPECIFIC PURPOSE SURVEY  
MAINTENANCE MAP  
SOUTH HOLMES BOULEVARD  
SECTIONS 23, 26, 43, 47, AND 48  
TOWNSHIP 7 SOUTH, RANGE 29 EAST  
FLORIDA  
SHEET 2 OF 6



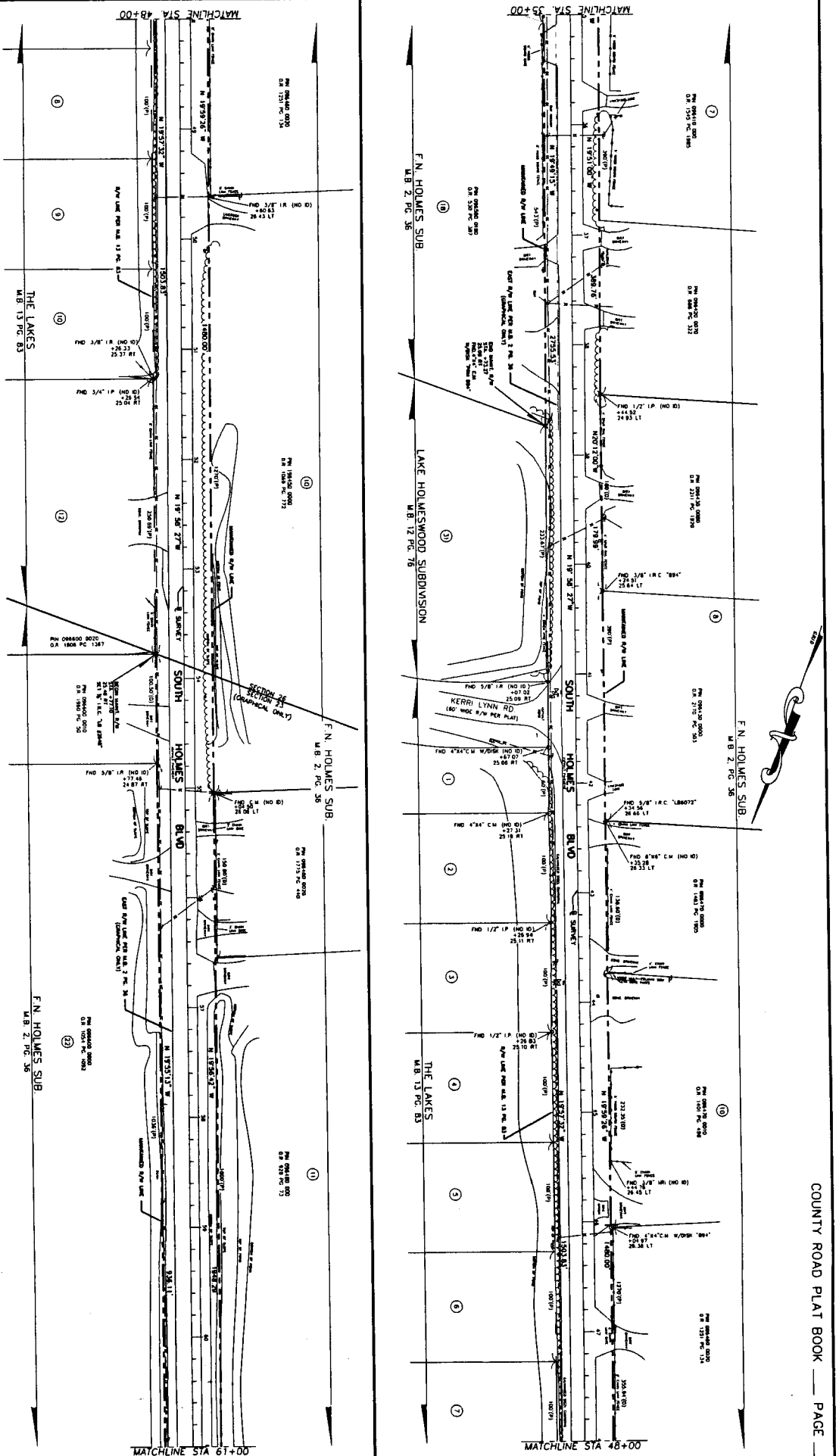
DATE	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	REVISION	

NO.	DATE	BY	REVISION
1	03-02-2005	J. W. WILSON	INITIAL DESIGN
2	03-02-2005	J. W. WILSON	FINAL DESIGN
3	03-02-2005	J. W. WILSON	FINAL DESIGN
4	03-02-2005	J. W. WILSON	FINAL DESIGN
5	03-02-2005	J. W. WILSON	FINAL DESIGN

PROJECT	DRMP
DESCRIPTION	SOUTH HOLMES BOULEVARD MAINTENANCE MAP
SECTION	SECTIONS 23, 26, 43, 47, AND 48 TOWNSHIP 7 SOUTH, RANGE 29 EAST
SCALE	1" = 40'
DATE	MARCH 8, 2006
PROJECT NO.	03-02-29-005
PROJECT	DRMP
DESCRIPTION	SOUTH HOLMES BOULEVARD MAINTENANCE MAP
SECTION	SECTIONS 23, 26, 43, 47, AND 48 TOWNSHIP 7 SOUTH, RANGE 29 EAST
SCALE	1" = 40'
DATE	MARCH 8, 2006
PROJECT NO.	03-02-29-005



GRAPHIC SCALE  
1" = 40' HORIZONTAL  
1" = 4' VERTICAL

**DRMP**  
DESIGNERS - SUPERVISORS - PLANNERS - ESTIMATORS

SECTIONS 23, 26, 43, 47, AND 48 TOWNSHIP 7 SOUTH, RANGE 28 EAST  
FLORIDA

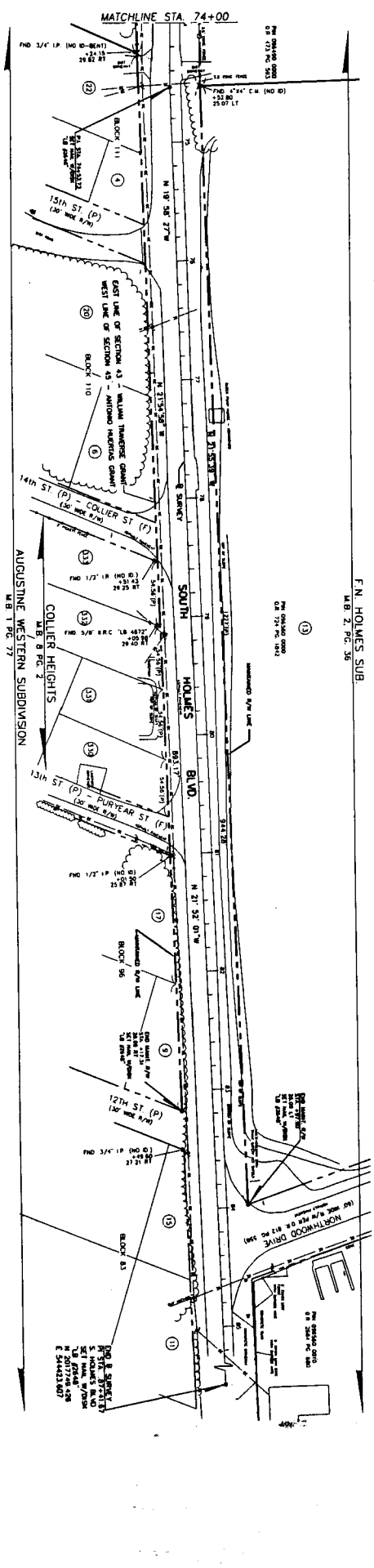
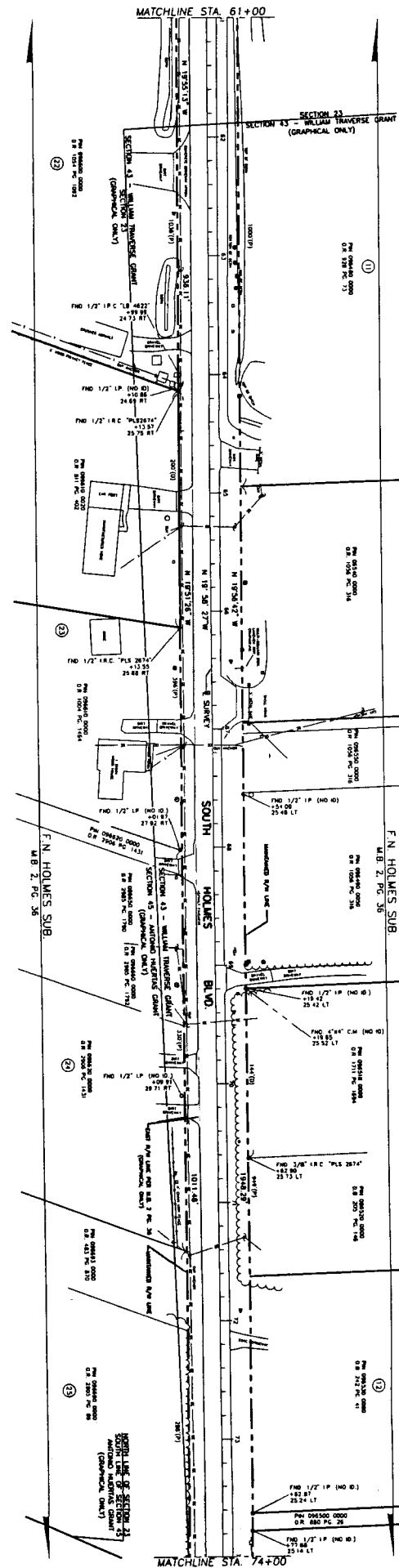
**DRMP**  
1540 Southlake Blvd., Suite 1001, Jacksonville, Florida 32216

DATE	REVISIONS	BY	DATE	REVISIONS	BY

FIELD NO.	DATE	DESCRIPTION	BY

PROJECT NO.	DATE	SCALE	SHEET NO.
01-0728-005	MARCH 8, 2008	1"=40'	4 OF 5

**DETAIL SHEET**  
SEE SHEET 1 FOR LEGEND, NOTES AND CONTINUOUS  
SPECIFIC PURPOSE SURVEY  
MAINTENANCE MAP  
SOUTH HOLMES BOULEVARD



**DRMP**  
DESIGN-REGISTERED PROFESSIONAL MEASURERS - SURVEYORS

35181 Southside Blvd, Suite 1001, Jacksonville, Florida 32210  
ST. JOHNS COUNTY, FLORIDA

**SPECIFIC PURPOSE SURVEY**  
MAINTENANCE MAP  
SOUTH HOLMES BOULEVARD  
SECTIONS 23, 26, 43, 47, AND 48 TOWNSHIP 7 SOUTH, RANGE 29 EAST

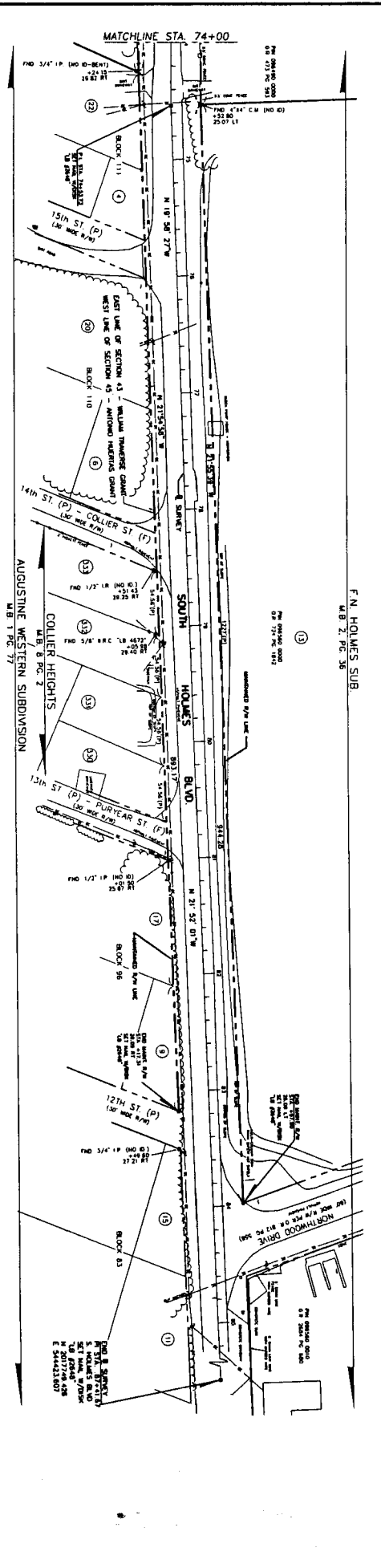
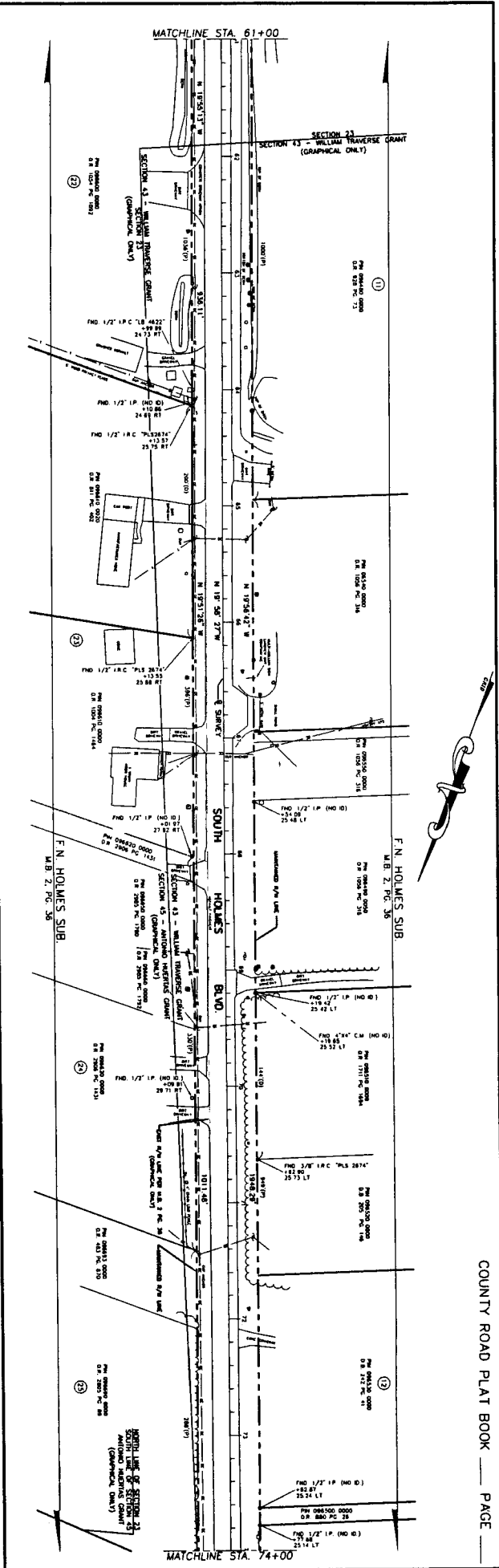
**DETAIL SHEET**  
PROJECT NO. 03-0728-005  
DATE: MARCH 9, 2008  
SCALE: 1"=40'

DATE	REVISIONS	RECORD BY	CHECKED BY	DATE	REVISIONS	RECORD BY	CHECKED BY	DATE

FIELD BY: [ ]  
CHECKED BY: [ ]  
DATE: [ ]

1 of 6





DATE		REVISION		CHECKED BY	
NO. 0000		NO. 0001		NO. 0002	

DATE		REVISION		CHECKED BY	
NO. 0003		NO. 0004		NO. 0005	

**DRMP**  
DESIGNERS - SURVEYORS - PLANNERS - SCIENTISTS

3401 Southside Blvd., Suite 1001, Jacksonville, Florida 32217  
ST. JOHNS COUNTY

**DRMP**

SECTION 23, 26, 43, 47, AND 48 TOWNSHIP 7 SOUTH, RANGE 29 EAST

**SPECIFIC PURPOSE SURVEY**  
MAINTENANCE MAP  
SOUTH HOLMES BOULEVARD

**DETAIL SHEET**  
SHEET 1 FOR LEGEND, NOTES AND CERTIFICATION

PROJECT NO. 03-0229-003  
DATE: MARCH 8, 2006  
SCALE: 1"=40'

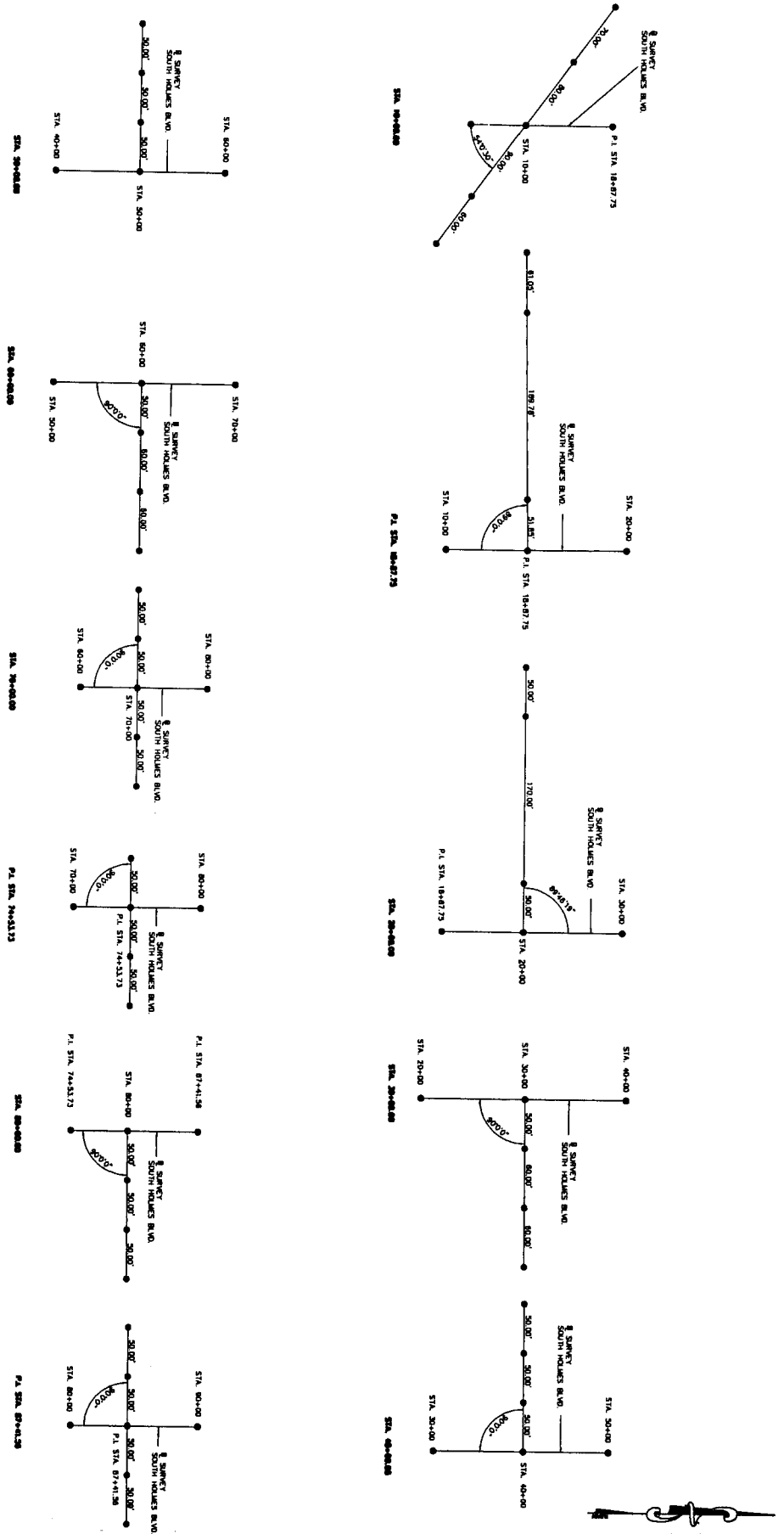
DATE: 5 OF 6

1" = 40 FEET  
GRAPHIC SCALE

1" = 40 FEET

REFERENCE POINTS  
(N.T.S.)



• SEE PLAN & BOOK TABBING

• SEE PLAN BY JOB

DATE	REVISIONS	DESIGNED BY	CHECKED BY	DATE	REVISIONS	DESIGNED BY	CHECKED BY	DATE	REVISIONS	DESIGNED BY	CHECKED BY	DATE	REVISIONS	DESIGNED BY	CHECKED BY	DATE	REVISIONS	DESIGNED BY	CHECKED BY	

FIELD BY	DATE	TIME	NO.	DATE	TIME	NO.
CHECKED BY	DATE	TIME	NO.	DATE	TIME	NO.
DESIGNED BY	DATE	TIME	NO.	DATE	TIME	NO.
FIELD NO.	DATE	TIME	NO.	DATE	TIME	NO.
FIELD NO.	DATE	TIME	NO.	DATE	TIME	NO.
FIELD NO.	DATE	TIME	NO.	DATE	TIME	NO.

Dyer, Riddle, Mills & Prescott, Inc.	DRMP
4080 SOUTH HOLMES BLVD. SUITE 1001	DRMP
HOUSTON, TEXAS 77057-1001	DRMP
PH: 281-486-1001	DRMP
FAX: 281-486-1002	DRMP
ST. JOHNS COUNTY	DRMP
FLORIDA	DRMP

SEE SHEET 1 OF 6 FOR NOTES AND LEGEND

REFERENCE POINT SHEET

SPECIFIC PURPOSE SURVEY

MAINTENANCE MAP

SOUTH HOLMES BOULEVARD

SECTIONS 23, 26, 43, 47, AND 48

TOWNSHIP 7 SOUTH, RANGE 29 EAST

PROJECT NO. 03-4228-005

DATE: MARCH, 2008

SCALE: N.T.S.

SHEET 6 OF 6

Exhibit "B" to the  
Resolution

**AFFIDAVIT**

**STATE OF FLORIDA  
COUNTY OF ST JOHNS**

On this day before me, the undersigned authority, personally appeared **Rick Saffelder**, Road and Bridge Supervisor, who being first by me duly sworn, deposes and says that the County has been maintaining **South Holmes Boulevard** as shown on the attached map as prepared by Dyer, Riddle, Mills & Precourt, Inc. (DRMP) for the last 20 years and the public has continuously used the road during this time. This maintenance includes shoulder repair, mowing, pothole repair, and pavement overlays.

**FURTHER AFFIANT SAYETH NAUGHT.**

*Rick Saffelder*

**STATE OF FLORIDA  
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of March, 2008 by Rick Saffelder Road and Bridge Supervisor, who is personally known to me.

*Jennifer M Kinlaw*  
Notary Public

