

RESOLUTION NO. 2018- 145

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE CLERK OF THE COURTS, UNDER SECTION 95.361(2), FLORIDA STATUTES, TO FILE THE SURVEY MAP FOR COLEE COVE BRANCH ROAD, AND SERVING AS PRIMA FACIE EVIDENCE OF OWNERSHIP OF THE ROAD TO THE COUNTY FOR LAND ALREADY DEDICATED TO THE COUNTY AND CONTINUOUSLY MAINTAINED BY THE COUNTY FOR AT LEAST THE IMMEDIATE PST FIFTEEN YEARS**

**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 presumed to be dedicated to St. Johns County, by operation of law and to determine the maintenance and ownership limits of certain roads; and

**WHEREAS**, Colee Cove Branch Road, as described in attached and incorporated EXHIBIT "A" which is the Survey Map of Colee Cove Branch Road, and which is a road that County staff has documented as warranting continued County maintenance; and

**WHEREAS**, Section 95.361, Florida Statutes provides standards for when roads are presumed to be dedicated to the public through maintenance of the road for a prescribed time period; and

**WHEREAS**, Section 95.361(2), Florida Statutes, provides that in those instances where a road has been constructed by a nongovernmental entity or where the road was not constructed by the entity currently maintaining or repairing it, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway;

**WHEREAS**, dedication pursuant to Section 95.361(2), Florida Statutes, shall vest all rights, title, easement, and appurtenances in and to the road in the County, if it is a county road, whether or not there is a record of conveyance, dedication, or appropriation to the public use;

**WHEREAS**, County Road and Bridge Superintendent, Jeff Pearson, states in an affidavit (attached and incorporated as EXHIBIT "B") that the County has been responsible for maintaining Colee Cove Branch Road for at least the last fifteen (15) years; and

**WHEREAS**, Colee Cove Branch Road has been on the County inventory as a maintained road for in excess of twenty (20) years; and

**WHEREAS**, the filing of the Survey Map with the Clerk of the Courts of St. Johns County, pursuant to Section 95.361(3), Florida Statutes, by St. Johns County serves as prima facie evidence of ownership of Colee Cove Branch Road, as shown in the survey; and

**WHEREAS**, St. Johns County can demonstrate that St. Johns County's actions meet the criteria set forth in Section 95.361(2), Florida Statutes, with respect to establishing either statutory dedication, for the above-noted, and described Colee Cove Branch Road; and

**WHEREAS**, it is in the best interest of St. Johns County to memorialize and record the maintenance and ownership limits of Colee Cove Branch Road 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, 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 record the attached Survey Map of Colee Cove Branch 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.

Section 4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

**PASSED AND ADOPTED**, this 5<sup>th</sup> day of June, 2018.

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

By: Henry Dean  
Henry Dean, Chair

**ATTEST:** Hunter S. Conrad, Clerk

Sam Halterman  
Deputy Clerk

**RENDITION DATE** 6/7/18



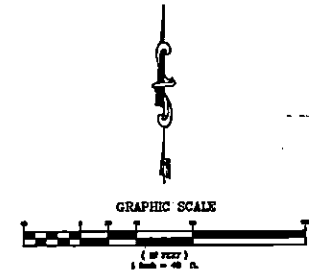
MAP SHOWING A SPECIFIC PURPOSE AND  
 TOPOGRAPHIC SURVEY OF COLEE COVE BRANCH ROAD,  
 LYING IN SECTION 40, TOWNSHIP 6 SOUTH, RANGE 27 EAST,  
 ST. JOHNS COUNTY, FLORIDA.  
 FOR: THE ST. JOHNS COUNTY REAL ESTATE DEPARTMENT



ST. JOHNS COUNTY LAND MANAGEMENT SYSTEMS  
 SURVEYING AND MAPPING DIVISION  
 600 SAN SEBASTIAN VSW  
 ST AUGUSTINE, FLORIDA 32084  
 Phone (904) 209-0764 Email: golliver@sjclm.com

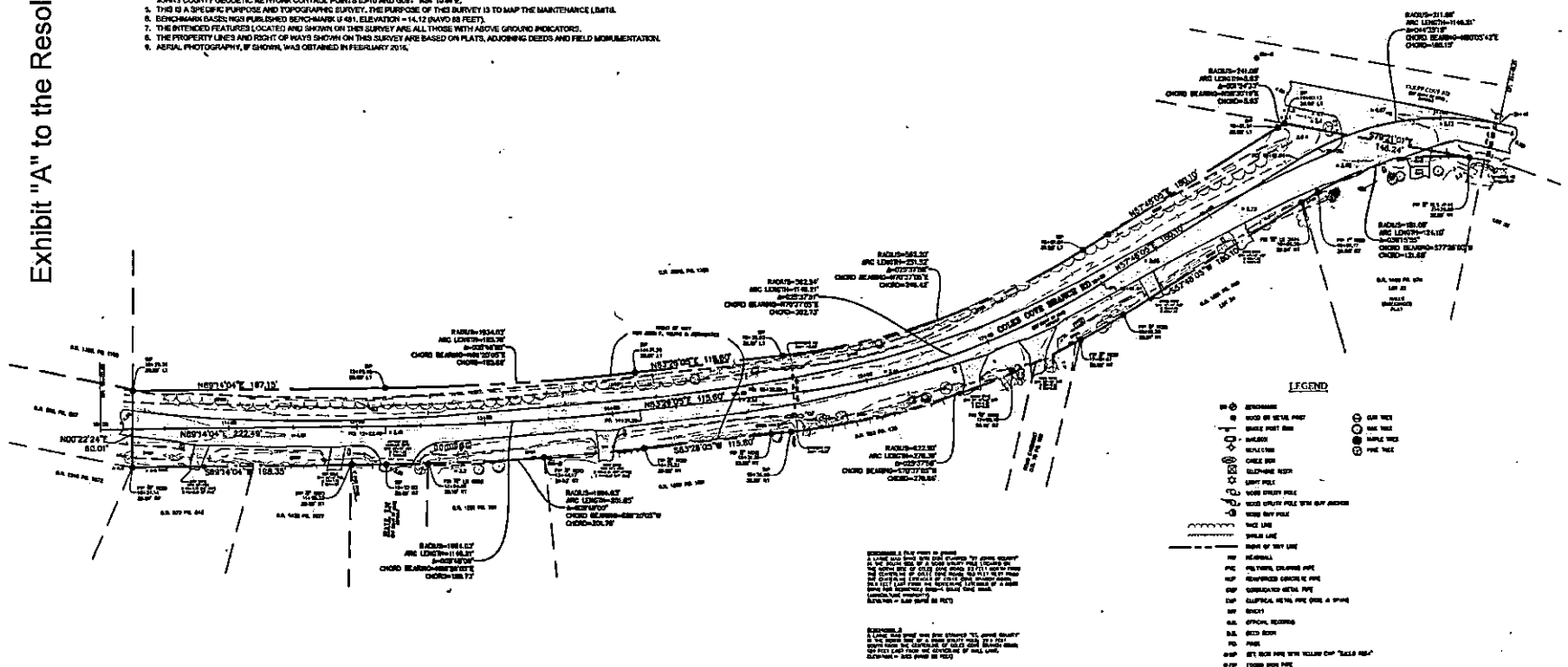
IT IS HEREBY CERTIFIED THAT:  
 THE RIGHT OF WAY SHOWN HEREON IS VESTED IN ST. JOHNS COUNTY,  
 A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, IN ACCORDANCE WITH  
 SECTION 83.381(2), FLORIDA STATUTES.  
 ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

CHAIR \_\_\_\_\_  
 ST. JOHNS COUNTY CLERK OF THE COURT \_\_\_\_\_  
 CLEAR \_\_\_\_\_



- SURVEYOR'S NOTES:
1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
  2. NO UNDERGROUND UTILITIES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN.
  3. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OTHER CLAIMS WERE FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.
  4. BEARING DATUM BASED ON STATE PLANE COORDINATES, FLORIDA EAST ZONE, IN UNITS OF US SURVEY FEET, REFERENCE TO THE NAD 83/01, ST. JOHNS COUNTY GEODETIC NETWORK CONTROL POINTS 2310 AND 0301, BM 1049E.
  5. THIS IS A SPECIFIC PURPOSE AND TOPOGRAPHIC SURVEY. THE PURPOSE OF THIS SURVEY IS TO MAP THE MAINTENANCE LIMITS.
  6. BENCHMARK DATA: NGPS PUBLISHED BENCHMARK IS 491, ELEVATION = 14.12 (NAVD 83 FEET).
  7. THE EXTENDED FEATURES LOCATED AND SHOWN ON THIS SURVEY ARE ALL THOSE WITH ABOVE GROUND INDICATORS.
  8. THE PROPERTY LINES AND RIGHT OF WAY SHOWN ON THIS SURVEY ARE BASED ON PLATS, ADJOINING DEEDS AND FIELD MONUMENTATION.
  9. AERIAL PHOTOGRAPHY, IF SHOWN, WAS OBTAINED IN FEBRUARY 2014.

Exhibit "A" to the Resolution



ADJUDICANTS
COLEE COVE BRANCH ROAD SPECIFIC PURPOSE AND TOPOGRAPHIC SURVEY
DRAWN BY: C. RILEY FILE NUMBER: 2-087 SHEET NO. 1 OF 1

T:\Surveying\Projects\COLEE COVE BRANCH ROAD\COLEE COVE BRANCH ROAD.dwg, 01/10/14 12:04:01 PM, crriley


EXHIBIT "B" TO RESOLUTION

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

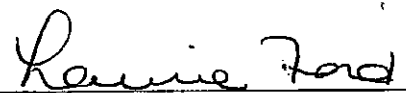
On this day before me, the undersigned authority, personally appeared Jeff Pearson, Road and Bridge Superintendent, who being first by me duly sworn, deposes and says St. Johns County has been maintaining Colee Cove Branch Road, as shown on the attached Specific Purpose Survey prepared by St. Johns County dated March 15, 2017, File No. S-887, for the last 15 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.

  
\_\_\_\_\_  
Jeff Pearson

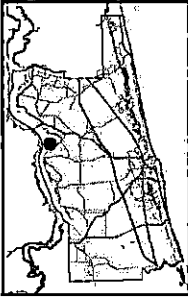
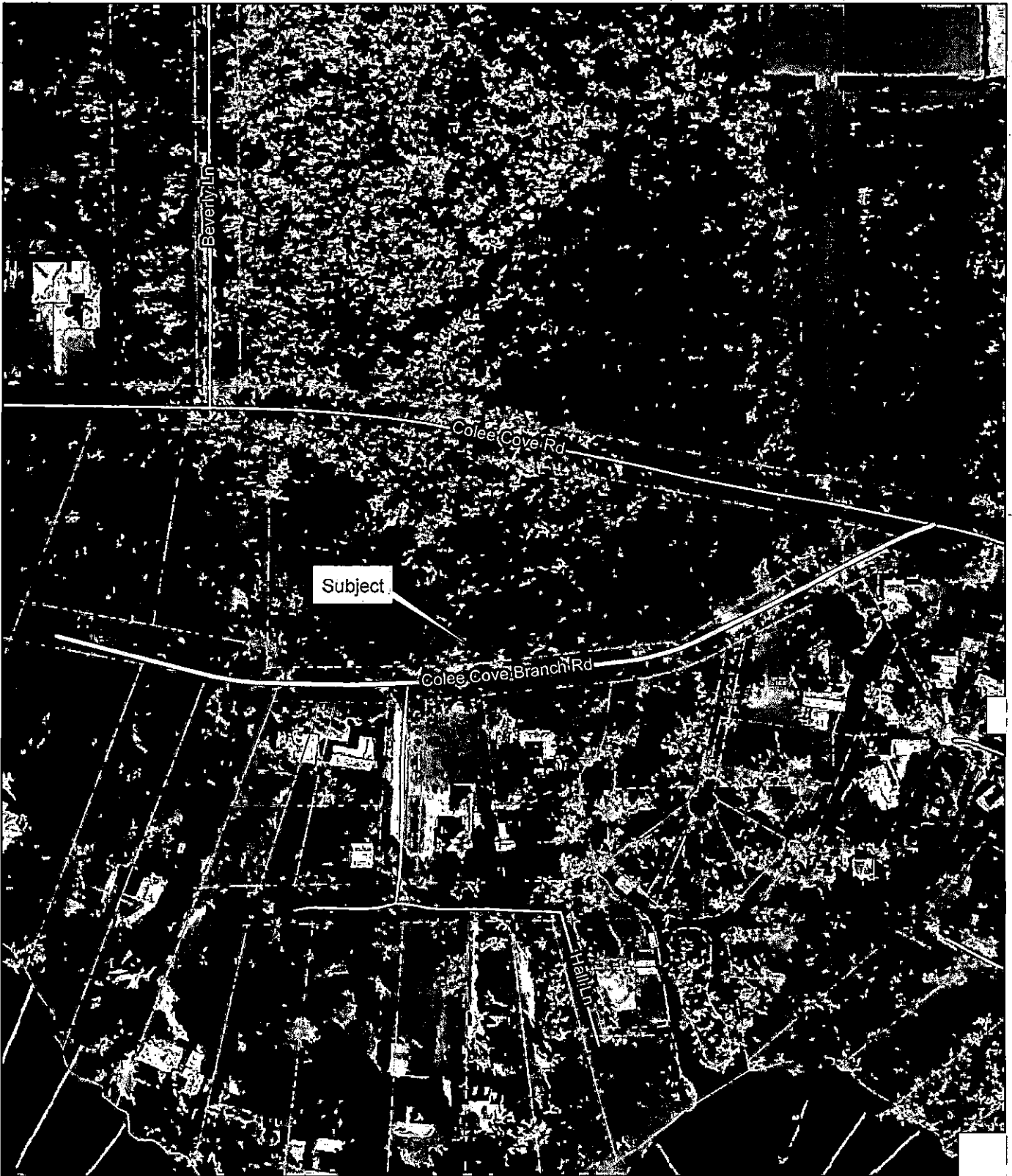
STATE OF FLORIDA  
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of March, 2018, by Jeff Pearson, Road and Bridge Superintendent, who is personally known to me.


  
\_\_\_\_\_  
Notary Public  
My commission expires: 4-17-2020



Laurie Ford  
MY COMMISSION # FF 944828  
EXPIRES: April 17, 2020  
Bonded Thru Budget Notary Services



0 75 150  
Feet



2016 Aerial Imagery  
May 7, 2018

**Colee Cove Branch Road**

Land Management  
Systems  
Real Estate  
Division  
(904) 209-0790

**Disclaimer:**  
This map is for reference use only.  
Data provided are derived from multiple  
sources with varying levels of accuracy.  
The St. Johns County Real Estate  
Division disclaims all responsibility  
for the accuracy or completeness  
of the data shown herein.

