

RESOLUTION NO. 2018- 277

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 VARELLA AVENUE, 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 PAST TWENTY 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, Varella Avenue, as described in attached and incorporated EXHIBIT "A" which is the Survey Map of Varella Avenue, 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, David Raulerson, states in an affidavit (attached and incorporated as EXHIBIT "B") that the County has been responsible for maintaining Varella Avenue for at least the last twenty (20) years; and

WHEREAS, Varella Avenue 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 Varella Avenue, 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 Varella Avenue; and

WHEREAS, it is in the best interest of St. Johns County to memorialize and record the maintenance and ownership limits of Varella Avenue 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 Varella Avenue 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 4 day of September 2018.

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

By: Henry Dean
Henry Dean, Chair

ATTEST: Hunter S. Conrad, Clerk

Pam Hatterman
Deputy Clerk

REVISION DATE 9/6/18

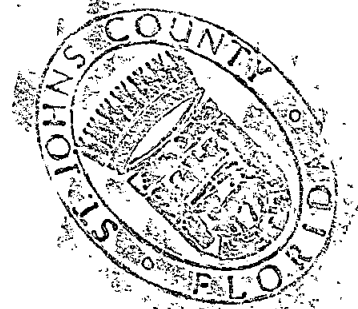


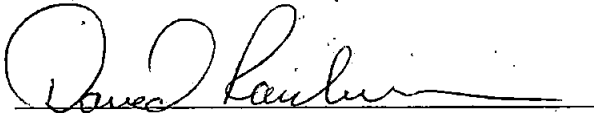
EXHIBIT "B" TO RESOLUTION

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ST. JOHNS

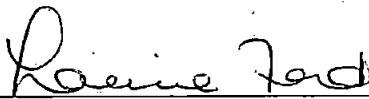
On this day before me, the undersigned authority, personally appeared David Raulerson, Road and Bridge Superintendent, who being first by me duly sworn, deposes and says St. Johns County has been maintaining Varella Avenue as shown on the attached Specific Purpose Survey prepared by St. Johns County dated January 24, 2017, File No. S-891, 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.


David Raulerson

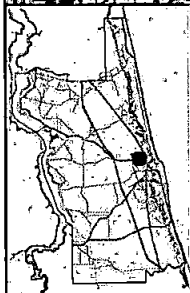
STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 3rd day of March, 2018, by David Raulerson, 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



0 140 280
Feet

2016 Aerial Imagery
July 17, 2018

Varella Avenue Maintenance Map

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 hereon.

