

**RESOLUTION NO. 2001-59**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE FILING OF A MAP OF CHURCH ROAD WITH THE CLERK OF COURTS IN ACCORDANCE WITH FLORIDA STATUTE NO. 95.361 ROADS PRESUMED TO BE DEDICATED WHEN CONSTRUCTED BY THE COUNTY AND MAINTAINED BY THE COUNTY FOR 4 YEARS THE ROAD SHALL BE VESTED IN ST. JOHNS COUNTY, FLORIDA.**

**WHEREAS**, Florida Statute 95.361 Roads presumed to be dedicated, copy attached hereto and made a part hereof as Exhibit "A", clearly states the process whereby a road constructed by a County has been maintained or repaired continuously and uninterruptedly for 4 years by the County, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formerly established as a public highway. The dedication shall vest all right, title, easement and appurtenances in and to the road in St. Johns County by filing a map in the office of the Clerk of the Court; and

**WHEREAS**, the Board of County Commissioners in Resolution No. 88-73 and Resolution No. 88-89 established a list of roads long considered by the County to be County Roads with little or no documentation of record County ownership; and

**WHEREAS**, the Board of County Commissioners in Resolution No. 88-73 and Resolution No. 88-89 instructed staff to obtain documentation in order to document justification for continued County maintenance of said roads; and

**WHEREAS**, Church Road as described and shown on the map, Exhibit "B", attached hereto and made a part hereof is one of the roads considered to be a County road; and

**WHEREAS**, Leona McQuaig who formerly resided on Church Road has signed an Affidavit attached hereto and made a part hereof as Exhibit "C" stating that Church Road was constructed by St. Johns County Road and Bridge Department around 1937 or 1938 and the County still maintains the road; and

**WHEREAS**, it is in the best interest of St. Johns County to acquire ownership of Church Road that 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. All the above recitals are finds of fact.

Section 2. Per Florida Statute 95.361 Section (1) the Chair of the Board of County Commissioners and the Clerk of the Board are hereby authorized to execute the attached map of Church Road to be filed in the Public Records of St. Johns County and hereby vesting ownership of Church Road in St. Johns County in accordance with Florida Statute 95.361 Roads presumed to be dedicated. Said Map recorded in Map Book \_\_\_\_\_, page\_\_\_\_\_.

PASSED AND ADOPTED, this 27<sup>th</sup> day of March, 2001.

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

By: Mary F. Kohnke  
Mary F. Kohnke, Chair

ATTEST: Cheryl Strickland, Clerk

Patricia DeGrande  
Deputy Clerk



EXHIBIT "A" TO RESOLUTION

# The 1999 Florida Statutes

[View Statutes](#)

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**Title VIII**

**Chapter 95**

[View Entire Chapter](#)

LIMITATIONS Limitations of Actions; Adverse Possession

**95.361 Roads presumed to be dedicated.--**

(1) When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or by any other means of acquisition, duly certified by:

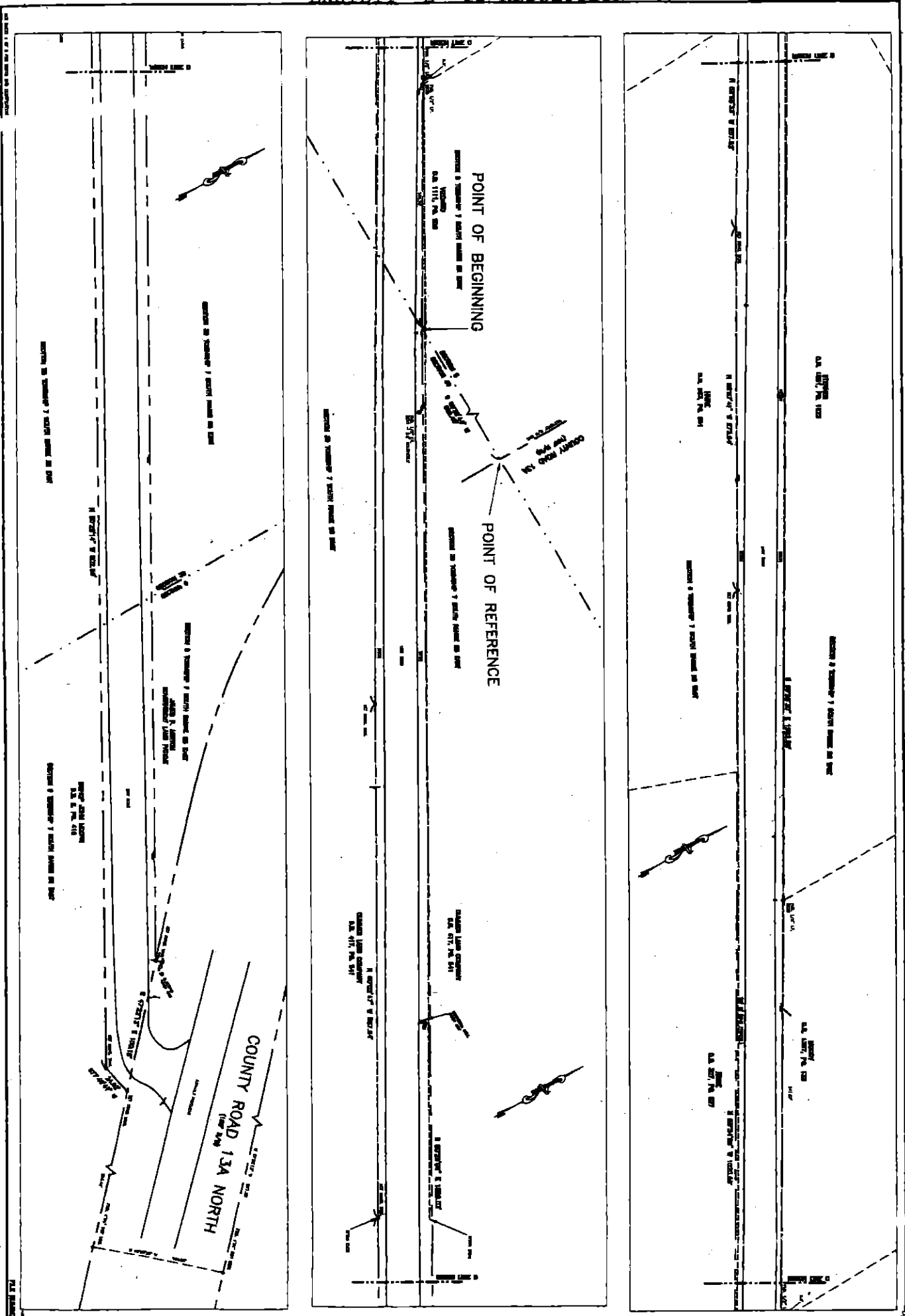
- (a) The secretary of the Department of Transportation, or the secretary's designee, if the road is a road in the State Highway System or State Park Road System;
- (b) The chair and clerk of the board of county commissioners of the county, if the road is a county road; or
- (c) The mayor and clerk of the municipality, if the road is a municipal road or street,

shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

**History.**--s. 110, ch. 29965, 1955; ss. 23, 35, ch. 69-106; s. 23, ch. 74-382; s. 1, ch. 77-174; s. 3, ch. 88-168; s. 529, ch. 95-147.

**Note.**--Former s. 337.31.

*Exhibit "A"*





## CHURCH ROAD ROAD RIGHT OF WAY

A PART OF SECTIONS 5, 9 AND 39, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 13 A NORTH AS NOW ESTABLISHED AS A 100 FOOT RIGHT OF WAY, WITH THE SOUTHERLY LINE OF AFOREMENTIONED SECTION 5; THENCE SOUTH 89°38' 44" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 920.45 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 60°20'09" EAST A DISTANCE OF 1396.03 FEET TO A CONCRETE MONUMENT AND THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 13A NORTH; THENCE SOUTH 47°22'13" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.18 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 77°40'41" WEST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 24.02 FEET TO A CONCRETE MONUMENT; THENCE NORTH 60°28'14" WEST A DISTANCE OF 802.95 FEET TO A CONCRETE MONUMENT; THENCE NORTH 60°02'47" WEST A DISTANCE OF 387.84 FEET TO A CONCRETE MONUMENT; THENCE NORTH 59°34'28" WEST A DISTANCE OF 1020.65 FEET TO A CONCRETE MONUMENT; THENCE NORTH 59°57'41" WEST A DISTANCE OF 273.94 FEET TO A CONCRETE MONUMENT; THENCE NORTH 58°55'33" WEST A DISTANCE OF 257.52 FEET TO A CONCRETE MONUMENT; THENCE NORTH 63°00'52" WEST A DISTANCE OF 502.92 FEET TO A CONCRETE MONUMENT; THENCE NORTH 60°59'19" WEST A DISTANCE OF 250.39 FEET TO A CONCRETE MONUMENT; THENCE NORTH 39°52'16" WEST A DISTANCE OF 526.82 FEET; THENCE NORTH 89°36'10" EAST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF A 60 FOOT WIDE ROADWAY OWNED BY THE CHAROLETTE BENETT IRREVOCABLE SETTLEMENT, A DISTANCE OF 45.35 FEET; THENCE SOUTH 39°26'54" EAST A DISTANCE OF 489.83 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 58°49'47" EAST A DISTANCE OF 142.12 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 63°36'39" EAST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 645, PAGE 852, OFFICIAL RECORDS BOOK 904, PAGE 619, AND OFFICIAL RECORDS BOOK 1148, PAGE 662 ALL BEING RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 593.02 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 59°28'30" EAST, ALONG THE SOUTHERLY OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1148, PAGE 662, OFFICIAL RECORDS BOOK 1351, PAGE 1973, OFFICIAL RECORDS BOOK 1357, PAGE 133, AND OFFICIAL RECORDS BOOK 1111, PAGE 806, A DISTANCE OF 1282.38 FEET TO THE POINT OF BEGINNING.

EXHIBIT "C" TO RESOLUTION

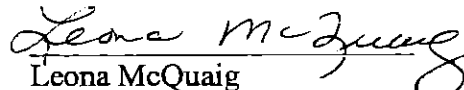
AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

I, **Leona McQuaig** being first duly sworn, deposes and says:

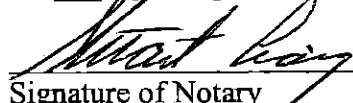
I formerly resided on Pacetti Road now known as Church Road. The road was constructed by St. Johns County Road and Bridge Department around 1937 or 1938 and the County also maintained the road.

I do hereby certify that the above statement is true and correct.

  
\_\_\_\_\_  
Leona McQuaig  
98 Spring Street  
St. Augustine, Florida

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

Sworn to and subscribed before me,  
this 2 day of April, 1999

  
\_\_\_\_\_  
Signature of Notary  
Stuart Craig  
\_\_\_\_\_  
Signature of notary, typed or printed

