

ORDINANCE NO. 2009- 31

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA REZONING APPROXIMATELY 1.11 ACRES OF REAL PROPERTY LOCATED AT 545689 US HIGHWAY 1, CALLAHAN AREA, FROM COMMERCIAL GENERAL (CG) TO OPEN RURAL (OR); PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Henry & Viola Kelly, owners of the real property described in this Ordinance, filed Application R09-007 for a rezoning and reclassification of the property from Commercial General (CG) to Open Rural (OR); and

WHEREAS, the property is the subject of a companion Future Land Use amendment to the Nassau County Comprehensive Plan CPA09-007; and

WHEREAS, the Planning and Zoning Board, after due notice conducted a public hearing on October 6, 2009 and voted to recommend approval of the rezoning request (R09-007) from CG to OR to the Commission; and

WHEREAS, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the overall Comprehensive Land Use Plan as proposed and the orderly development of the County of Nassau, Florida, and the specific area; and

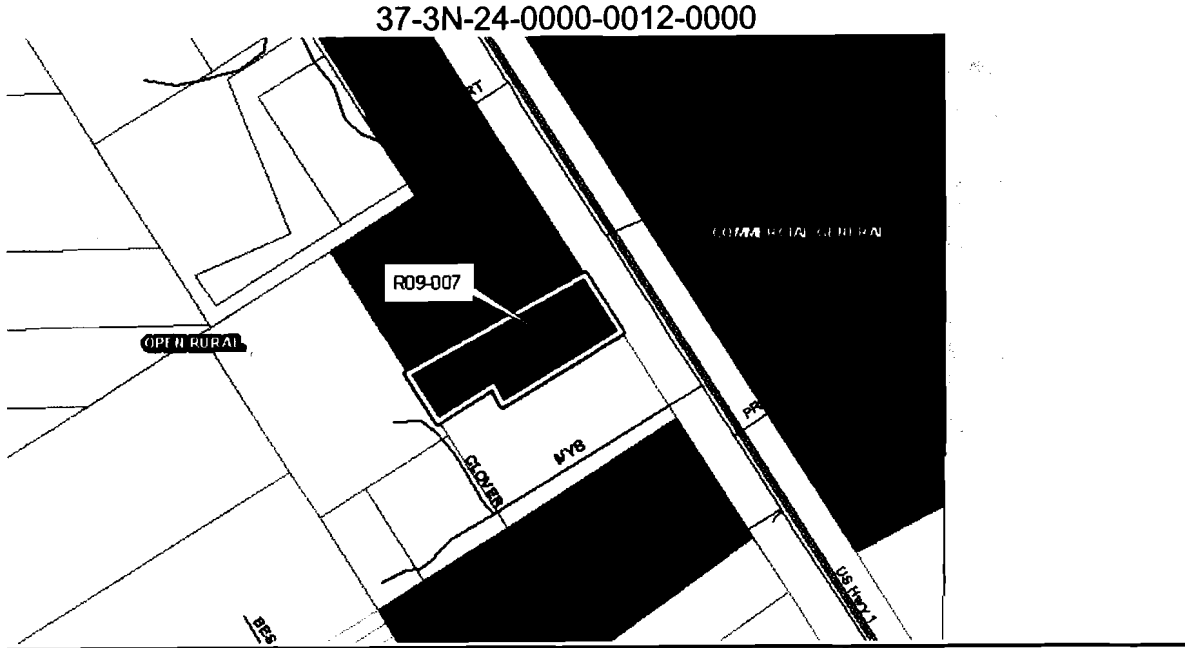
WHEREAS, public notice of this rezoning has been provided in accordance with Chapter 125, Florida Statutes and the Nassau County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS: That the proposed rezoning to Open Rural ("OR") is generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan and, in particular Policies 1.01.04, 1.01.06 and 1.02.05(b).

SECTION 2. PROPERTY REZONED: The real property described in Section 3 is rezoned and reclassified from Commercial General (CG) to Open Rural (OR).

SECTION 3. OWNER AND DESCRIPTION: The land rezoned by this Ordinance is owned by Henry & Viola Kelly of Callahan, Florida and is identified by the following tax identification number, graphic illustration and legal description:



A PORTION OF SECTION 37, TOWNSHIP 3 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A POINT WHERE THE NORTHERLY LINE OF SAID SECTION 37 IS INTERSECTED BY THE WESTERLY RIGHT-OF-WAY LINE OF U. S. HIGHWAY NO. 1 (A 150 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 32 DEGREES 50 MINUTES 00 SECONDS EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2234.99 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 32 DEGREES 50 MINUTES 00 SECONDS EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 127.74 FEET TO A POINT; THENCE SOUTH 58 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 263.72 FEET TO A POINT; THENCE NORTH 30 DEGREES 11 MINUTES 51 SECONDS WEST DISTANCE OF 40.00 FEET TO A POINT; THENCE SOUTH 57 DEGREES 00 MINUTES 29 SECONDS WEST, A DISTANCE OF 123.45 FEET TO A POINT; THENCE NORTH 33 DEGREES 01 MINUTES 35 SECONDS WEST (NORTH 33 DEGREES 00 MINUTES 00 SECONDS WEST PER DEED), A DISTANCE OF 109.10 FEET TO A POINT; THENCE NORTH 60 DEGREES 51 MINUTES 35 SECONDS EAST, A DISTANCE OF 386.47 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AFOREMENTIONED, AND THE POINT OF BEGINNING.

THE WESTERLY 30.00 FEET OF SAID PROPERTY BEING SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS.

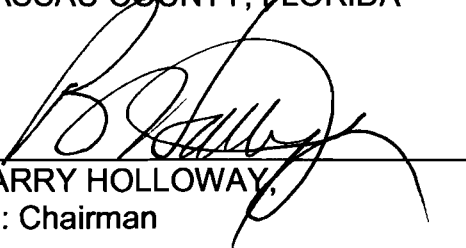
CONTAINING 1.11 ACRES, MORE OR LESS, IN AREA.

SECTION 4. EFFECTIVE DATE: This Ordinance shall become effective after filing with the Secretary of State and contemporaneously with CPA09-007, the amendment to the Future Land Use Map for a portion of this same property.

PASSED AND ADOPTED THIS 26th DAY OF OCTOBER, 2009.

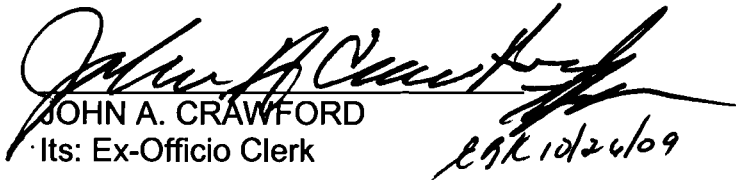
BOARD OF COUNTY COMMISSIONERS

NASSAU COUNTY, FLORIDA



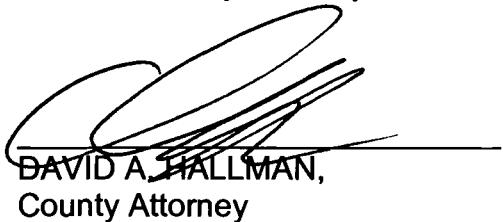
BARRY HOLLOWAY,
Its: Chairman

Attestation: Only to Authenticity
as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk *ERK 10/26/09*

Approved as to form and legality by the
Nassau County Attorney:



DAVID A. HALLMAN,
County Attorney