

RESOLUTION REQUESTING OKEFENOKE RURAL
ELECTRIC MEMBERSHIP CORPORATION TO
REMOVE ELECTRICAL POLES AND WIRES FROM
COUNTY RIGHTS-OF-WAY.

WHEREAS, Nassau County is in the process of paving certain county roads with county funds, and

WHEREAS, Okefenoke Rural Electric Membership Corporation has erected electric poles and wires along the rights-of-way of certain county roads which are in the area of construction, thereby making it necessary for said poles to be moved to the utility strip along the outer limits of said rights-of-way so that the county can properly construct and pave said roads, and

WHEREAS, for the purpose of the construction of said roads, the county has acquired an Eighty (80) foot right-of-way which encompasses the area where some of the said electric poles and wires are now located and it is the purpose of this resolution to request said Okefenoke Rural Electric Membership Corporation to move the said electric poles and wires to the said utility strip along the outer boundaries of said rights-of-way, and

WHEREAS, it is the hope of this Board that Okefenoke Rural Electric Membership Corporation will move said poles without cost to Nassau County since said roads are being constructed out of county funds; however, this Board is cognizant of the requirements of the Constitution of the State of Florida that property cannot be taken without due process of law and that appropriate damages must be paid under Eminent Domain proceedings, and

WHEREAS, the county is likewise prohibited under the Statutes and the Constitution of the State of Florida to pay county funds for an unauthorized purpose and can only pay compensation upon a legal claim, and

WHEREAS, it is the policy of this Board to pay for the moving of electric poles and wires and other utilities only in those instances

where the owner of said electric poles and wires and other utilities are lawfully upon the land required for right-of-way purposes created and established under valid legal instruments creating a legal title or easement in such owner and under the Laws of the State of Florida any payment by the county for a purpose other than under lawful authority is illegal and unlawful, and

WHEREAS, this Board is always willing to negotiate a claim for damages resulting from the request to remove electric poles and wires belonging to Okefenoke Rural Electric Membership Corporation from the right-of-way of county roads upon the presentment to the Board of legal documents showing legal title in Okefenoke Rural Electric Membership Corporation to the land upon which said electric poles and wires are located and which is encompassed within the right-of-way of any county road.

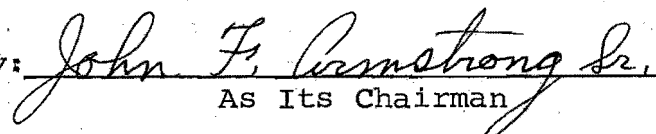
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY in regular meeting duly assembled that Okefenoke Rural Electric Membership Corporation be, and it is hereby, requested to remove its electric poles and wires from the rights-of-way of county roads and any claim for compensation for the damages resulting to Okefenoke Rural Electric Membership Corporation for the removal thereof shall be negotiated and paid under the provision and policies set forth in the preamble hereto.

ADOPTED this 10th day of October, A. D. 1967.

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA.

ATTEST:


As Ex-Officio Clerk

By: 
As Its Chairman