

RESOLUTION NO. 2015-135

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA GRANTING A WAIVER, PURSUANT TO NASSAU COUNTY ORDINANCE 99-17, SECTION 15.2.1, TO DANIEL HENDRICKS.

WHEREAS, Daniel Hendricks owns a parcel of property whose address is 34865 Breadcrumb Trail, Nassau County, Florida; and

WHEREAS, the property, described in Exhibit "A", attached hereto, is located within the 1909 plat of the Town of Crawford and totals ten (10) acres; and

WHEREAS, the roads on the plat have never been accepted or maintained by Nassau County; and

WHEREAS, the road referred to as Breadcrumb Trail is a 60 foot easement for ingress, egress, and utilities; and

WHEREAS, the County has granted building permits on property within the Town of Crawford plat; and

WHEREAS, the plat does not have any paved roads and will not have paved roads unless and until the property owners, within the platted area, form an MSBU (Municipal Service Benefit Unit) and pave said roads; and

WHEREAS, Daniel Hendricks has advised the Board, by affidavit, that he understands the County does not nor will not maintain the roads in the platted area; and

WHEREAS, the Public Works Director did not approve a permit on the dirt road; and

WHEREAS, pursuant to Section 15.2.1 of Ordinance No. 99-17, after a variance is denied by the Public Works Director, an owner can appeal to the Board of County Commissioners for a waiver and the owner has appealed that decision to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED this 26th day of October, 2015 by the Board of County Commissioners of Nassau County, Florida, that:

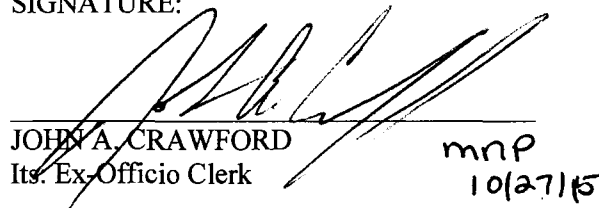
1. The Town of Crawford plat, recorded in 1909, does have residents living within the platted area and the roads are dirt roads.
2. Based on Mr. Hendricks' presentation and the facts presented, the denial of the building permit would create a hardship and, based on the standards and objectives of Ordinance 99-17, the waiver is hereby approved.
3. The condition of the granting of this waiver is the execution, by Daniel Hendricks, of the Affidavit attached as Exhibit "B".
4. The granting of this waiver is specific to the facts and conditions applicable to Daniel Hendricks and the Town of Crawford plat only.
5. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Daniel Hendricks shall be recorded.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



PAT EDWARDS
Its: Chairman

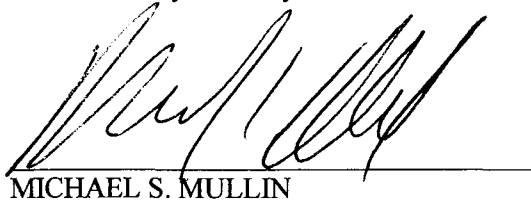
ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

mnp
10/27/15

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN

EXHIBIT "A"

Lot 1169
In OR 1871/1026
Town of Crawford Subdivision
Nassau County, Florida

RL

AFFIDAVIT

WE, THE UNDERSIGNED AFFIANTS, DO HEREBY UNDER OATH ACKNOWLEDGE AND AGREE that:

1. I applied for a waiver, pursuant to Section 15.2 of Nassau County Ordinance 99-17, as amended, in order to pull a building permit on my property. The waiver is necessary as I own property located at 34865 Breadcrumb Trail. The trail is a dirt road.
2. The property is located in the platted subdivision known as The Town of Crawford plat.
3. The property is located at 34865 Breadcrumb Trail. The property totals ten (10) acres and the legal description is attached as Exhibit "A".
4. The Town of Crawford plat is a 1909 plat that depicts roads and the plat was not accepted by Nassau County, Florida.
5. Nassau County did not construct, inspect nor approve the construction of Breadcrumb Trail. The County makes no representation as to the access to my property.
6. Nassau County does not maintain the 60' road known as Breadcrumb Trail nor will it maintain the road.
7. The responsibility for maintenance of the road rests with me and the other property owners on Breadcrumb Trail.
8. Emergency response and/or response times may be adversely affected based upon the maintenance of the road.
9. The County cannot and does not make any assertion as to the adequacy of drainage and there is no approved stormwater management plan.
10. The ten (10) acres cannot be split by sale or transfer into less than ten (10) acres without filing a re-plat.
11. This Affidavit shall be recorded in the public records.

Under penalties of perjury, I declare the above statements to be true to the best of my knowledge and belief.

Dated OCT 26 2015

Witnesses:

Paul Foster
PAUL FOSTER
Printed Name of Witness

Daniel Hendricks
DANIEL HENDRICKS

Jimmy L. Higginbotham
Jimmy L. Higginbotham
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 28 day of October, 2015 by Daniel Hendricks, who are personally known to me or who have produced _____ as identification and who did take an oath.



Jimmy L. Higginbotham
Notary Public
State of Florida at Large
My Commission expires: 9-13-2018