

RESOLUTION NO. 2015-145

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 GLENDOLYN F. UYTHOVEN

WHEREAS, Gendolyn F. Uythoven owns a parcel of property whose address is 56205 Davis Road, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

WHEREAS, access to the property is the road is a sixty foot (60') easement for ingress, egress, and utilities that "runs" off of Davis Road; and

WHEREAS, Glendolyn F. Uythoven purchased her property and obtained the right to the sixty foot (60') easement from G&H Land and Timber Investments, LLC; and

WHEREAS, Davis Road is a dirt road maintained by Nassau County, but the sixty foot (60') easement contains a dirt road that is not maintained by Nassau County; and

WHEREAS, Glendolyn F. Uythoven applied for a building permit for her property; and

WHEREAS, Nassau County Roadway and Drainage Standard Ordinance No. 99-17, Section 11.2 states that a 60' easement can serve up to five (5) dwelling units and must be paved; and

WHEREAS, the Public Works Director denied the request for a variance for the utilization of an unpaved sixty foot (60') dirt road; and

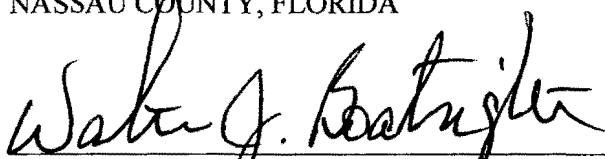
WHEREAS, pursuant to Section 15.2.1 of Ordinance 99-17, after a variance is denied by the Public Works Director, an owner can appeal to the Board of County Commissioners for a waiver and the owners have appealed that decision to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED this 9th day of November, 2015 by the Board of County Commissioners of Nassau County, Florida, that:

1. Based on Ms. Uythoven's 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.

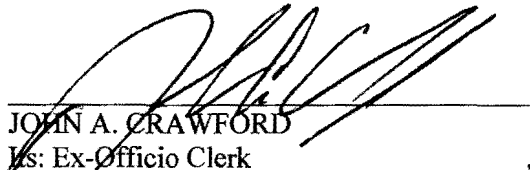
2. The condition of the granting of this waiver is the execution, by Glendolyn F. Uythoven, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Glendolyn F. Uythoven only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Glendolyn F. Uythoven shall be recorded.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



~~PAT EDWARDS~~ WALTER J. BOATRIGHT
Its: ~~Chairman~~ Vice Chairman

ATTEST AS TO CHAIRMAN'S
SIGNATURE:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
11-10-15

Approved as to form by the
Nassau County Attorney:

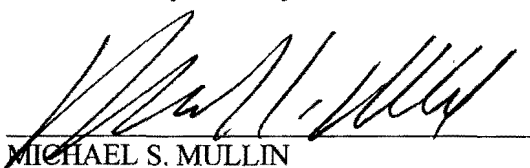

MICHAEL S. MULLIN

EXHIBIT "A"

A PORTION OF THE NORTHEAST ¼ AND THE NORTHWEST ¼ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 2, WILLOW FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE NORTH 73°06'55" WEST, ALONG THE NORTH LINE OF SAID LOT 2, WILLOW FARMS, 211.10 FEET TO THE POINT OF BEGINNING; THENCE NORTH 29°17'54" EAST, 227.39 FEET; THENCE SOUTH 86°13'06" EAST, 822.48 FEET TO A POINT ON THE WESTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1804, PAGE 133, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 04°04'10" EAST, ALONG THE WESTERLY BOUNDARY OF SAID OFFICIAL RECORDS BOOK 1804, PAGE 133, 1238.88 FEET TO NORTH LINE OF SAID SECTION 3; THENCE SOUTH 88°01'28" WEST, ALONG THE NORTH LINE OF SAID SECTION 3, 817.55 FEET TO ITS INTERSECTION WITH THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1252, PAGE 115, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 01°44'33" EAST, ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 252, PAGE 115, 513.98 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 78°03'41" WEST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 1252, PAGE 11, 346.54 FEET TO AN ANGLE POINT; THENCE SOUTH 85°52'39" WEST, CONTINUING ALONG SAID SOUTH LINE OF OFFICIAL RECORDS BOOK 1252, PAGE 115, 184.62 FEET TO AN ANGLE POINT; THENCE NORTH 72°47'21" WEST, CONTINUING ALONG AFORESAID SOUTH LINE, 92.10 FEET TO ITS INTERSECTION WITH THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1759, PAGE 1597, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 29°44'19" WEST, ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 1759, PAGE 1597, 284.14 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1838, PAGE 470, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 43°53'41" EAST, ALONG THE NORTH LINE OF SAID OFFICIAL RECORDS BOOK 1838, PAGE 470, 464.62 FEET TO AN ANGLE POINT; THENCE SOUTH 44°35'48" WEST, 145.32 FEET TO THE NORTHWEST CORNER OF LOT 1, OF AFORESAID WILLOW FARMS; THENCE SOUTH 73°06'55" EAST, ALONG THE NORTH LINE OF SAID WILLOW FARMS, 327.68 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 30.63 ACRES OR MORE OR LESS.

SUBJECT TO A 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES.

60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES.

A PORTION OF THE NORTHWEST ¼ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 1, WILLOW FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 16°53'05" EAST, ALONG THE WEST LINE OF SAID LOT 1, WILLOW FARMS, 793.05 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 73°06'55" EAST, ALONG THE NORTH LINE OF LOTS 1 AND 2, WILLOW FARMS 358.40 FEET; THENCE NORTH 29°17'54" EAST, 235.11 FEET; THENCE NORTH 86°13'06" WEST, 66.49 FEET; THENCE SOUTH 29°17'54" WEST, 158.24 FEET; THENCE NORTH 73°06'55" WEST, 370.17 FEET; THENCE SOUTH 16°53'05" WEST, 853.05 FEET TO THE NORTH LINE OF DAVIS ROAD (A 60.00 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 73°06'55" EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 60.00 FEET TO THE POINT OF THE BEGINNING.

AFFIDAVIT

I, THE UNDERSIGNED AFFIANT, 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 property described in Exhibit "A". The waiver is necessary as the property is located on a 60' non paved easement.
2. My Property fronts on a 60' easement, that "runs" off of Davis Road, a county maintained road.
3. Nassau County did not construct, inspect nor approve the construction of the easement or the utilization of the easement for access.
4. The easement provides access to the thirty (30) acres that I purchased from G&H Land and Timber Investments, LLC. G&H Land and Timber Investments, LLC also provided the easement.
5. The easement is not dedicated to the public.
6. Nassau County does not maintain the easement nor will it maintain the easement.
7. The responsibility for maintenance of the easement rests with me and/or G&H Land and Timber Investments, LLC.
8. Emergency response and/or response times may be adversely affected based upon the maintenance of the easement.
9. My Property is not in a platted subdivision, and the County cannot make any assertions as to the adequacy of drainage and there is no approved stormwater management plan.
10. The term "maintenance" shall include, but not be limited to, repairing the road surface, clearing obstructions, grading or scraping the road as necessary, cleaning or recutting ditches as necessary, trimming brush along the roadside, unplugging or opening culverts or drainpipes, and performing any and all necessary work required to maintain the road in a condition that will allow for reasonable and safe access of standard passenger vehicles.

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

Dated 11-6-15.

Witnesses:

Michelle Crews

Michelle Crews

Printed Name of Witness

Glendolyn F. Uythoven

Glendolyn F. Uythoven

Dawn Krass

Dawn Krass

Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 6 day of November, 2015 by Glendolyn Uythoven and _____, who are personally known to be or who have produced FDL# 791-0 exp. 8/21 as identification and who did take an oath.

MELANIE LIDDELL
Notary Public, State of Florida
My Comm. Expires August 31, 2019
Commission No. FF 240149

Melanie Liddell
Notary Public

State of Florida at Large

My Commission expires: Aug. 31, 2019