

RESOLUTION NO. 2015-146

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 RALPH AND DIANE MASTERS.

WHEREAS, Ralph and Diane Masters own a parcel of property whose address is 2496 Cholerton Road, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

WHEREAS, the Masters' acquired their property in 1994 from Harry and Martha Manges, his wife; and

WHEREAS, in 1999 Harry and Martha Manges filed a plat for River Country Estates and the entry road, designated on the plat, is Cholerton Road; and

WHEREAS, the Board of County Commissioners approved said plat and the plat indicates Cholerton Road is owned by River Country Estates Owners Association and the maintenance responsibility is that of the owners; and

WHEREAS, the property owned by the Masters is not part of the plat nor are the Masters part of the owners association; and

WHEREAS, the road is referred to as Cholerton Road, described as a 60 foot easement for ingress, egress, and utilities; and

WHEREAS, Cholerton Road is a dirt road not dedicated to the public nor owned or maintained by Nassau County; and

WHEREAS, Ralph and Diane Masters applied for a building permit for their property; and

WHEREAS, the Masters have a house on their property and are creating another lot for their son; 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;

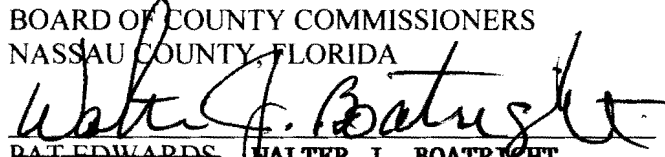
WHEREAS, the Public Works Director denied the request for a variance for the utilization of an unpaved sixty foot (60') dirt road; and

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.

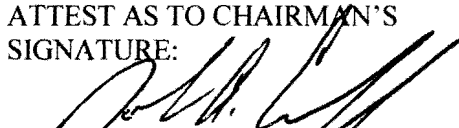
NOW, THEREFORE, BE IT RESOLVED this 9th day of November, 2015 by the Board of County Commissioners of Nassau County, Florida, that:

1. Based on the Masters' 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 Ralph and Diane Masters, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Ralph and Diane Masters only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Ralph and Diane Masters shall be recorded.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

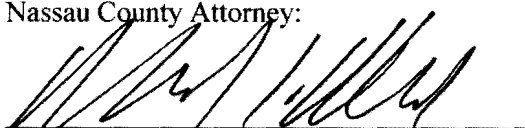

~~PAT EDWARDS~~ **WALTER J. BOATRIGHT**
Its: ~~Chairman~~ **Vice Chairman**

ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN

MES
11-10-15

EXHIBIT "A"

LEGAL DESCRIPTION

BK 0702 PG 0566

ALL THAT CERTAIN TRACT OF LAND BEING A PORTION OF GOVERNMENT LOT 12A SECTION 16, TOWNSHIP 2 NORTH, RANGE 23 EAST, NASSAU COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF REFERENCE is the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of Section 15, said Township and Range, as shown on a survey by Marion L. Page; thence proceed South 89°49'15" West, a distance of 703.98 feet to the POINT OF BEGINNING; thence continue South 89°49'15" West, a distance of 334.47 feet; thence North 09°51'31" East, a distance of 758.41 feet; thence South 87°59'20" East, a distance of 331.06 feet; thence South 09°45'08" West, a distance of 745.22 feet to the POINT OF BEGINNING.

Containing 5.67 Acres, more or less.

Together with a 60-foot Ingress/Egress easement described as follows: From the aforesaid POINT OF BEGINNING; proceed South 89°49'15" West, a distance of 334.47 feet; thence North 09°51'31" East, a distance of 758.41 feet to the POINT OF BEGINNING for EASEMENT; thence continue North 09°51'31" East, a distance of 60.56 feet; thence South 87°59'20" East, a distance of 538.46 feet; thence North 81°57'58" East, a distance of 635.62 feet; thence North 80°41'50" East, a distance of 570.34 feet to a point on the Westerly right-of-way line of Crews Road (a 30-foot prescriptive county right-of-way, being a maintained dirt road); thence South 25°39'03" East along said right-of-way line, a distance of 62.62 feet; thence South 80°41'50" West, a distance of 588.63 feet; thence South 81°57'58" West, a distance of 641.58 feet; thence North 87°59'20" West, a distance of 552.00 feet to the POINT OF BEGINNING.

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FILED IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA
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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 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, known as Cholerton 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 is not dedicated to the public.
5. Nassau County does not maintain the easement nor will it maintain the easement.
6. The responsibility for maintenance of the easement rests with me and the other property owners and/or the developer.
7. Emergency response and/or response times may be adversely affected based upon the maintenance of the easement.
8. 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.
9. 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 11-2-15.

* Witnesses:

Bob Stebbins

Bob Stebbins
Printed Name of Witness

Ralph Masters
Ralph Masters

Jimmy L. Higginbotham

Jimmy L. Higginbotham
Printed Name of Witness

* Witnesses:

Bob Stebbins

Bob Stebbins
Printed Name of Witness

Diane Masters
Diane Masters

Jimmy L. Higginbotham

Jimmy L. Higginbotham
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 3 day of November, 2015 by Ralph Masters and Diane Masters, who are personally known to be 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