

**RESOLUTION NO. 2015-151**

**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 LINDA SHIVER AND ASHLEY SHIVER.**

**WHEREAS**, Linda Shiver and Ashley Shiver own a parcel of property whose address is 56207 Hickox Lane, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

**WHEREAS**, the road is referred to as Hickox Lane, described as a 60 foot easement for ingress, egress, and utilities; and

**WHEREAS**, Linda Shiver and Ashley Shiver purchased their property and obtained the right to the sixty foot (60') easement from Claudia Hickox; and

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

**WHEREAS**, Linda Shiver and Ashley Shiver applied for a building permit for their 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;

**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 24<sup>th</sup> day of November, 2015 by the Board of County Commissioners of Nassau County, Florida, that:

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

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



PAT EDWARDS  
Its: Chairman

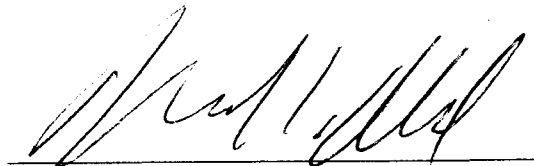
ATTEST AS TO CHAIRMAN'S  
SIGNATURE:



JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

MES  
11-25-15



MICHAEL S. MULLIN

LEGAL DESCRIPTION  
EXHIBIT "A"

A PORTION OF THE CORNELIUS GRIFFIN GRANT, SECTION 48, TOWNSHIP 3 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A RAYONIER CONCRETE MONUMENT FOR THE SOUTHEAST CORNER OF SECTION 48 AFOREMENTIONED, AND RUN NORTH 04° 09' 50" EAST, ALONG THE EASTERLY LINE OF SECTION 48 AFORESAID, A DISTANCE OF 3480.41 FEET; THENCE NORTH 82° 24' 06" WEST, A DISTANCE OF 151.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 04° 42' 07" WEST, A DISTANCE OF 200.72 FEET; THENCE NORTH 79° 14' 34" WEST, A DISTANCE OF 419.96 FEET; THENCE NORTH 36° 08' 03" EAST, A DISTANCE OF 201.84 FEET; THENCE SOUTH 82° 24' 06" EAST, A DISTANCE OF 312.76 FEET TO THE POINT OF BEGINNING, CONTAINING 1.598 ACRES MORE OR LESS.

60' INGRESS AND EGRESS EASEMENT

A PORTION OF THE CORNELIUS GRIFFIN GRANT, SECTION 48, TOWNSHIP 3 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A RAYONIER CONCRETE MONUMENT FOR THE SOUTHEAST CORNER OF SECTION 48 AFOREMENTIONED, AND RUN NORTH 04° 09' 50" EAST, ALONG THE EASTERLY LINE OF SECTION 48 AFORESAID, A DISTANCE OF 3480.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 04° 09' 50" EAST, A DISTANCE OF 60.10 FEET; THENCE NORTH 82° 24' 06" WEST, A DISTANCE OF 495.84 FEET; THENCE SOUTH 36° 08' 03" WEST, A DISTANCE OF 432.44; THENCE SOUTH 02° 15' 08" WEST, A DISTANCE OF 404.10 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GRIFFIN ROAD (60 FOOT RIGHT-OF-WAY); THENCE NORTH 82° 52' 18" EAST ALONG SAID NORTHERLY RIGHT OF WAY, A DISTANCE OF 60.72 FEET; THENCE 02° 15' 08" EAST, A DISTANCE OF 376.47 FEET; THENCE NORTH 36° 08' 03" EAST, A DISTANCE OF 378.49 FEET; THENCE SOUTH 82° 24' 06" EAST, A DISTANCE OF 463.76, TO THE POINT OF BEGINNING.

**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 Hickox Lane.
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 11/9/15.

Witnesses:

Amy Jones

Amy Jones  
Printed Name of Witness

Linda Shiver  
Linda Shiver

N. Leatherwood

Nelita Leatherwood  
Printed Name of Witness

Witnesses:

Amy Jones

Amy Jones  
Printed Name of Witness

Ashley Shiver  
Ashley Shiver

N. Leatherwood

Nelita Leatherwood  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 10 day of November, 2015 by Linda Shiver and Ashley Shiver, who are personally known to be or who have produced \_\_\_\_\_ as identification and who did take an oath.



Donna Miller  
Notary Public  
State of Florida at Large  
My Commission expires: Oct 27, 2017