

RESOLUTION NO. 2015- 160

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 CYNTHIA MCNEIL.

WHEREAS, Cynthia McNeil owns a parcel of property whose address is 44560 Lee Road, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

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

WHEREAS, Cynthia McNeil purchased her property and obtained the right to the sixty foot (60') easement from Doretha Wrye; and

WHEREAS, Lee Road is a dirt road, a portion of which is maintained by Nassau County, but the portion of the sixty foot (60') easement to be utilized by Cynthia McNeil is a dirt road that is not maintained by Nassau County; and

WHEREAS, Cynthia McNeil 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;

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 14th day of December, 2015 by the Board of County Commissioners of Nassau County, Florida, that:

INSTR # 201536040, Book 2020, Page 107
Pages 6
Doc Type UNK, Recorded 12/22/2015 at 12:51 PM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$52.50
#1

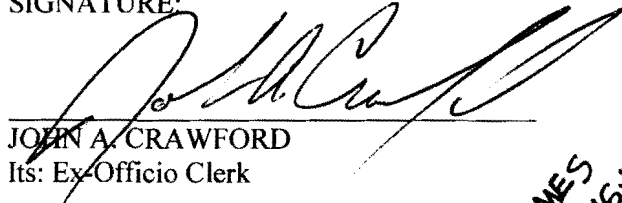
1. Based on Ms. McNeil's presentation and the facts presented, the denial of the building permit would create a hardship and, based on the standards and objectives of Ordinance 99-17, the waiver is hereby approved.
2. The condition of the granting of this waiver is the execution, by Cynthia McNeil, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Cynthia McNeil only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Cynthia McNeil 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:



MICHAEL S. MULLIN

MES
12-16-15

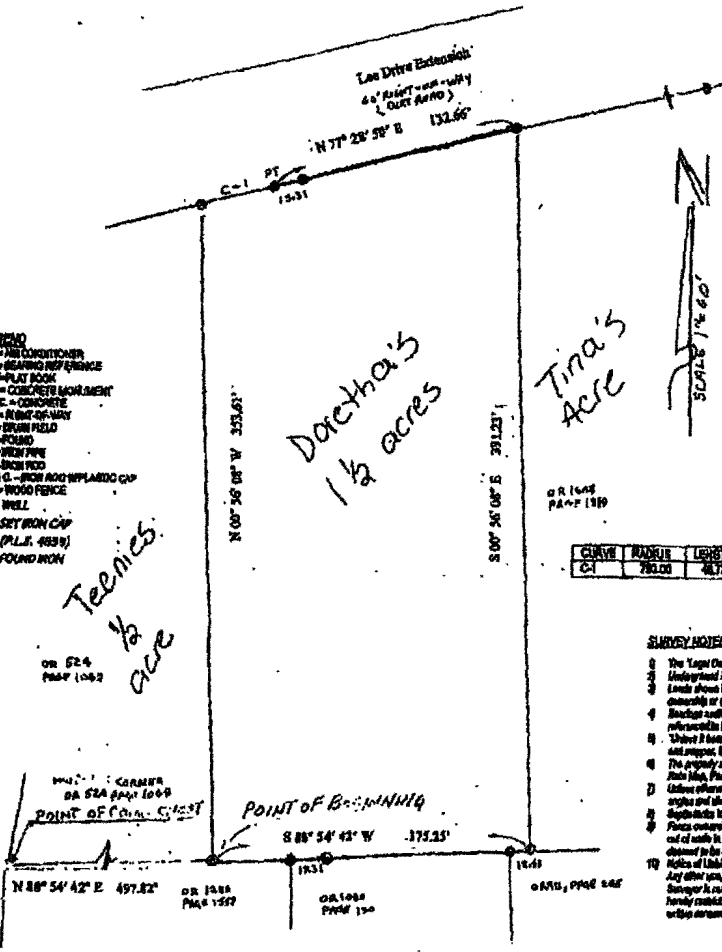
EXHIBIT "A"

A MAP SHOWING A BOUNDARY SURVEY,

a part of Section 3, Township 1 North, Range 25 East, Nassau County, Florida, being or particularly described as follows:

Commence at the Southwest corner of Official Records 524, Page 1068 of the Public Records of said Nassau County, Florida, said Point also being the intersection of the Southeastery line of said Official Records with the Easterly right-of-way line of Lee Drive Extension, dirt road (a 60' right-of-way as now established); thence North 88° 54' 42" East on the south line of said Official Records, a distance of 497.82 feet to the point of beginning; thence North 00° 56' 08" West to the Southerly (60 foot right-of-way) line of Lee Drive Extension, a distance of 353.61 feet; thence along said Southerly right-of-way line chord bearing North 74° 52' 59" East, a chord distance of 46.71 feet; thence North 77° 28' 50" East along said Southerly right-of-way line, a distance of 132.66 feet; thence South 00° 56' 08" East a distance of 391.23 feet; thence South 88° 54' 42" West a distance of 175.25 feet to the point of beginning. Containing 1.50 acres +/-.

- LEGEND
- NC - NAIL CORNER
 - BL - BEARING REFERENCE
 - PA - PLAT BOOK
 - CM - CONCRETE MORTAR
 - CONC - CONCRETE
 - RM - RIGHT-OF-WAY
 - DF - DRAIN FIELD
 - FR - FENCE
 - IA - IRON PIPE
 - IR - IRON ROD
 - IR B.G. - IRON ROD BENCH MARK
 - WF - WOOD FENCE
 - W - WELL
 - OC - OIL CISTERN
 - PLS - PLYS
 - FO - FOUNDATION



BEARING	RANGE	LENGTH	CHORD	BEARING	DELTA
C-1	FIELD	413.2	413.1	N 54° 22' 08\" E	0° 02' 12\"

- SURVEY NOTES:**
1. The 'Legal Description' herein is a record with the description provided by the client.
 2. Underlined measurements were not located or shown.
 3. Limits shown herein were not established by this office for easements, rights-of-way, easements or other facts of record.
 4. Boundaries and other rights shown herein are relative to those shown on the plat or reference to the legal description. The bearing reference line is indicated as 'This B.M.'.
 5. Values of bearings and distances are the original values of a Florida Licensed Surveyor and are subject to the usual conditions of a Florida Licensed Surveyor only and not valid.
 6. The property shown herein is the whole and part of 'P.L.S. 4008', as per P.L.S. 4008, filed in Nassau County, Florida, dated 12-28-00.
 7. Unless otherwise noted, bearings and distances are the same as 'Plat of Deed' and references.
 8. Significant landowner request.
 9. Forces shown, if applicable, have not been determined by this office. Forces are shown out of scale in order to accurately show adjacency in property lines. Forces are not shown to be representative unless otherwise approved.
 10. Notice of Liability: This survey is confined to those boundaries shown on the 'Plat of Deed'. Any other plat, deed or reference by another party is solely prohibited and no liability is assumed by this office in those matters and hereby disclaims any other liability and hereby retains the right of any other plat or deed to use the survey, without regard to the amount of survey.

THIS SURVEY IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

THE SURVEYING BOARD OF FLORIDA HAS REVIEWED THE TECHNICAL REQUIREMENTS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND SURVEYS IN COMPLIANCE WITH THE FLORIDA STATUTES AND RULES, PURSUANT TO SECTION 463.02, FLORIDA STATUTES.

KENNETH N. DRAKE LAND SURVEYING, INC.

P.O. BOX 490, YALEE, FLORIDA 32041-0490
 OFFICE: 904-225-0303 / FAX: 904-225-0375
 E-Mail: ken.drake@rlc.net

BY *Kenneth N. Drake*
 KENNETH N. DRAKE P.L.S. 4008

EXHIBIT "B"

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 Lee 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

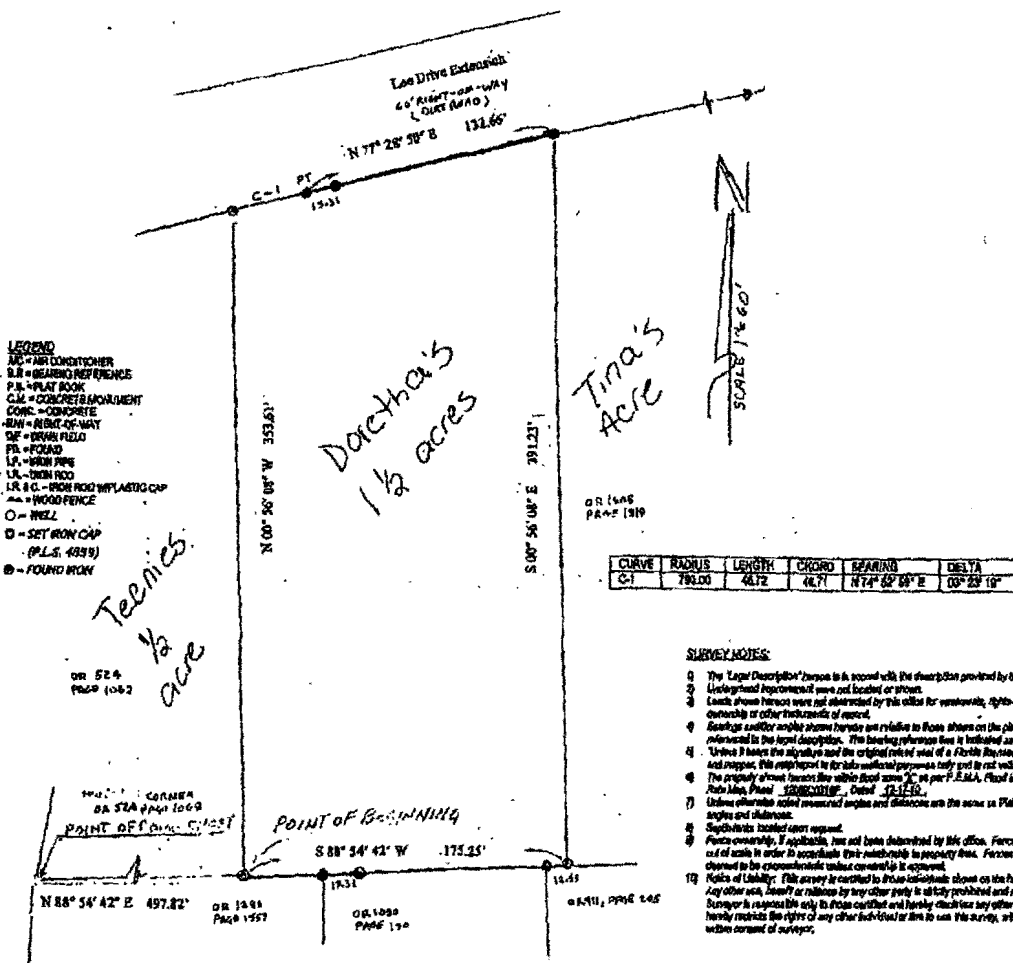
12/14/15

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THIS SURVEY IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

THE SURVEYING BOARD UNDER THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND ENGINEERS IN COMPLIANCE WITH THE FLORIDA SURVEYING BOARD, PARAGRAPH 10, CHAPTER 463, FLORIDA STATUTES.

KENNETH N. DRAKE LAND SURVEYING, INC.

P.O. BOX 490, YULEE, FLORIDA 32041-0490
 OFFICE: 904-225-8383 / FAX: 904-225-8373
 E-Mail: ken.drake@att.net

BY: *Kenneth N. Drake*
 KENNETH N. DRAKE P.L.S. 4889

Witnesses:

Wilson M. Faircloth Jr.

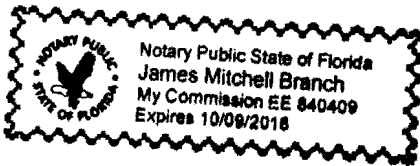
WILSON M. FAIRCLOTH JR.
Printed Name of Witness

Printed Name of Witness

Cynthia McNeil
CYNTHIA MCNEIL

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 14TH day of December, 2015 by CYNTHIA MCNEIL and _____, who are personally known to be or who have produced DL as identification and who did take an oath.



James Branch
Notary Public
State of Florida at Large
My Commission expires: _____