

RESOLUTION NO. 2016-137

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 RICHARD F. GODBOLT AND CATHY HOWELL GODBOLT.

WHEREAS, Richard F. Godbolt and Cathy Howell Godbolt own a parcel of property whose address is 75335 Randy Road, Yulee, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

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

WHEREAS, Richard F. Godbolt and Cathy Howell Godbolt purchased their property and obtained the right to the sixty foot (60') easement from Randy Road, LLC, a Florida limited liability company; and

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

WHEREAS, Richard F. Godbolt and Cathy Howell Godbolt 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;

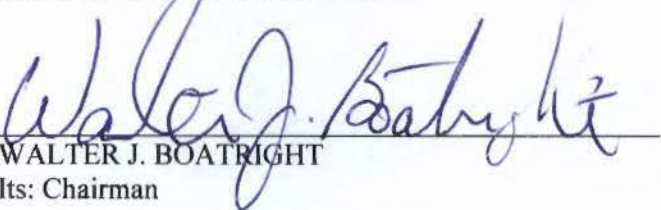
WHEREAS, the Public Works Director denied the request for a variance for the utilization of an unpaved sixty foot (60') dirt road; and

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.

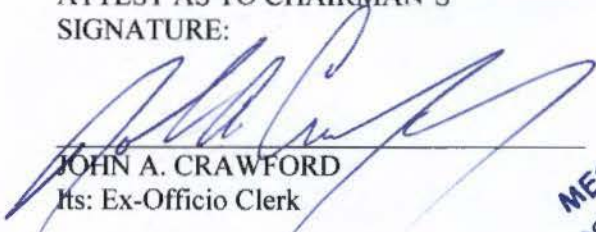
NOW, THEREFORE, BE IT RESOLVED this 12th day of September, 2016 by the Board of County Commissioners of Nassau County, Florida, that:

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

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


WALTER J. BOATRIGHT
Its: Chairman

ATTEST AS TO CHAIRMAN'S
SIGNATURE:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
09-28-16

Approved as to form by the
Nassau County Attorney:

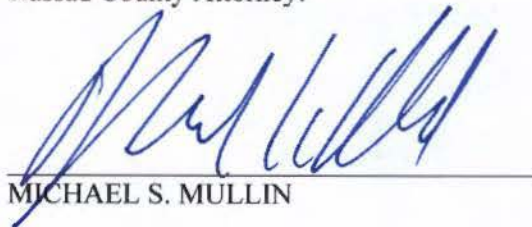

MICHAEL S. MULLIN

EXHIBIT "A"

A PORTION OF GOVERNMENT LOT NINE (9), SECTION FOURTEEN (14), TOWNSHIP TWO (2) NORTH, RANGE TWENTY-SIX (26) EAST, NASSAU COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 9; THENCE SOUTH $01^{\circ} 30' 00''$ EAST ALONG THE EASTERLY LINE OF SAID LOT 9, 998.56 FEET; THENCE NORTH $87^{\circ} 34' 00''$ WEST, 262.39 FEET; THENCE NORTH $01^{\circ} 30' 00''$ WEST, 981.55 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 9; THENCE NORTH $88^{\circ} 43' 00''$ EAST ALONG SAID NORTHERLY LINE OF GOVERNMENT LOT 9, 261.77 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 5.95 ACRES MORE OR LESS.

TOGETHER WITH AND SUBJECT TO A 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THE SOUTHERLY 60.00 FEET OF SAID ABOVE DESCRIBED PARCEL

60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES.

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COMMENCE AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 9; THENCE SOUTH $01^{\circ} 30' 00''$ EAST ALONG THE EASTERLY LINE OF SAID LOT 9, 938.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $01^{\circ} 30' 00''$ EAST, 60.14 FEET; THENCE NORTH $87^{\circ} 34' 00''$ WEST, 297.71 FEET TO AN ANGLE POINT; THENCE SOUTH $86^{\circ} 12' 00''$ WEST, 226.75 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1684 PAGE 1817, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH $01^{\circ} 30' 00''$ WEST, ALONG THE EAST LINE OF SAID OFFICIAL RECORDS BOOK 1684, PAGE 1817, 60.05 FEET; THENCE NORTH $86^{\circ} 12' 00''$ EAST, 227.61 FEET TO AN ANGLE POINT; THENCE SOUTH $87^{\circ} 34' 00''$ EAST, 296.85 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

CS-15-241

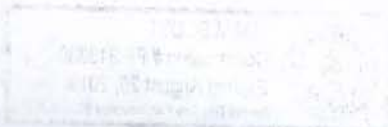
AFFIDAVIT

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 Randy Road.
3. Nassau County did not construct, inspect nor approve the construction of the easement.
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.
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 B-27-16.



Witnesses:

[Signature]

April Godbolt
Printed Name of Witness

Richard Godbolt
(Richard F. Godbolt)

Jared Godbolt
Printed Name of Witness

Witnesses:

Jared Godbolt

Jared Godbolt
Printed Name of Witness

Cathy Howell Godbolt
(Cathy Howell Godbolt)

[Signature]
April Godbolt
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 27 day of August, 2016 by April Godbolt, Cathy and Jared Godbolt, who are personally known to be or who have produced FL ID as identification and who did take an oath.

Adam Scott

Notary Public
State of Florida at Large
My Commission Expires



EXHIBIT "A"

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

Dated 8-27-16.

Witnesses:

[Signature]

April Godbolt
Printed Name of Witness

Richard Godbolt
(Richard F. Godbolt)

Jared Godbolt
Printed Name of Witness

Witnesses:

Jared Godbolt

Jared Godbolt
Printed Name of Witness

Cathy Howell Godbolt
(Cathy Howell Godbolt)

[Signature]
April Godbolt
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 27 day of August, 2016 by April Godbolt, Cathy and Jared Godbolt, Richard who are personally known to be or who have produced FL ID as identification and who did take an oath.

Adam Scott

Notary Public
State of Florida
My Commission

