

RESOLUTION NO. 2022 - 147

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA, ABANDONING A RIGHT OF WAY LOCATED
ON MARIAN DRIVE, NASSAU COUNTY, FLORIDA**

WHEREAS, Ryan Stewart and Sarah Stewart are the qualified fee simple land owners of the following described property:

**Lands described in the legal description attached hereto as Exhibit "A"
and by this reference made a part hereof**

and;

WHEREAS, the Board of County Commissioners is authorized to adopt a resolution abandoning and disclaiming any right or interest to that certain right-of-way pursuant to Section 336.09, Florida Statutes; and

WHEREAS, the application of Ryan Stewart and Sarah Stewart, herein referred to as Applicants, was duly presented to the Board of County Commissioners at its regular meeting on June 13, 2022 in order to set a public hearing; and

WHEREAS, a public hearing was held on July 25, 2022 by the Board of County Commissioners of Nassau County, Florida; and

WHEREAS, it appears that the Applicants are the fee simple owners of the above-described property maintained by Nassau County and its successors. The right-of-way does not serve a public purpose and the Board of County Commissioners has no objections to abandonment of the right-of-way; and

WHEREAS, notice was published in accordance with the requirements of Section 336.10, Florida Statutes, and all state and county taxes due and payable assessed against the owners of the lands to be abandoned have been paid in full; and

WHEREAS, a notice of intention to apply to the Board of County Commissioners to abandon the right-of-way was duly published in a newspaper of general circulation in Nassau County, Florida, on July 6, 2022 and July 13, 2022; and

WHEREAS, the Board of County Commissioners, in accordance with Section 336.09, Florida Statutes, has determined that abandoning the right-of-way will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or adjacent properties, and is in the best interest of the public welfare.

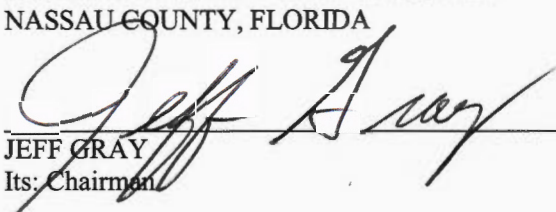
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, that:

1. Recitals. The above recitals are true and are incorporated as legislative findings.

2. Abandonment. Upon request of Applicants, the Board finds that the right-of-way described within Exhibit "A" located within Nassau County, Florida is hereby abandoned insofar as this Board of County Commissioners has the authority to do so and this Board hereby renounces and disclaims any right of the County and the public in and to the described property.
3. The Board, based on the abandonment, shall not be responsible for the maintenance or repair of the right-of-way described within Exhibit "A".
4. This Resolution shall be spread upon the minutes of the Board of County Commissioners of Nassau County, Florida, and said Applicants shall publish a notice of its adoption one (1) time within thirty (30) days hereafter in a newspaper of general circulation in Nassau County, Florida.

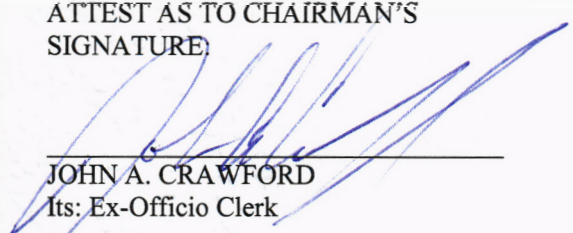
DULY ADOPTED this 25th day of July, 2022.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JEFF GRAY
Its: Chairman

ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



DENISE C. MAY

EXHIBIT A

LEGAL DESCRIPTION

1304 MARIAN DRIVE RIGHT-OF-WAY ABANDONMENT

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION TWELVE (12), TOWNSHIP TWO (2) NORTH, RANGE TWENTY-EIGHT (28) EAST, NASSAU COUNTY, FLORIDA, AND BEING PART OF MARIAN DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY) AS REFERRED TO ON AN UNRECORDED PLAT BY GEORGE W. LOVESEE. FINISHED 30 NOV., '66, FOR PHILLIP'S ENTERPRISES, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF AMELIA ROAD (A 60 FOOT-RIGHT OF WAY), AND A LINE PARALLEL TO AND 282.6 FEET NORTHERLY FROM THE NORTH EDGE OF SAID SECTION 12; THENCE SOUTH 80°24'00" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 956.00 FEET; THENCE AT RIGHT ANGLES SOUTH 09°36'00" EAST, A DISTANCE OF 389.07 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1433, PAGE 411 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1433, PAGE 411, THE FOLLOWING TWO (2) COURSES: (1) SOUTH 09°43'50" EAST, A DISTANCE OF 143.16 FEET; (2) THENCE SOUTH 67°28' 17" WEST A DISTANCE OF 237 .59 FEET TO THE POINT OF BEGINNING; THENCE NORTH 29°04'21" WEST, A DISTANCE OF 79.98 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MARIAN DRIVE (A 60 FOOT RIGHT-OF-WAY AT THIS POINT) AND THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 40.00 FEET; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MARIAN DRIVE (A VARIABLE WIDTH RIGHTOF-WAY AND CUL-DE-SAC) AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 177°46'10", AN ARC DISTANCE OF 124.11 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 29°04'21" EAST, A DISTANCE OF 78.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.06 ACRE MORE OR LESS

SCANNED

NEWS-LEADER
Published Weekly
P.O. Box 16766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32035

STATE OF FLORIDA
COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Foy R. Maloy, Jr.

Who on oath says that (s)he is the Publisher of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of the advertisement, being a LEGAL NOTICE in the matter of

NOH – ABANDONEMENT OF RIGHT-OF -WAY

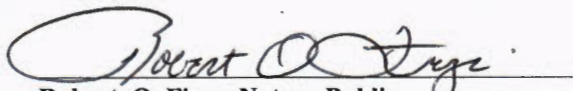
Was published in said newspaper in the issue(s) of

07/06/2022
Ad # 712483

Affiant further says that the said News-Leader is a newspaper published at Fernandina Beach, in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; and Affiant further says that (s)he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed to before me
This 6th day of July, A.D. 2022



Robert O. Fiege, Notary Public
A Personally Known



NOTICE OF HEARING FOR
THE ABANDONMENT OF
RIGHT-OF-WAY

TO WHOM IT MAY CONCERN:

YOU WILL TAKE NOTICE that the Board of County Commissioners of Nassau County, Florida, upon the application of Ryan Stewart and Sarah Stewart, will at 6:00 P.M., or as soon thereafter as the matter may be heard, on the 25th day of July, 2022, at the Commission Chambers, James S. Page Governmental Complex, 96135 Nassau Place, Yulee, Florida, consider and determine whether or not the said Nassau County, Florida, will vacate, abandon, discontinue and close, and will renounce and disclaim any right of Nassau County, Florida, and the public in and to any land or interest therein delineated upon the easement which is more particularly described as follows:

EXHIBIT A

LEGAL DESCRIPTION
1304 MARIAN DRIVE RIGHT-OF-WAY ABANDONMENT
ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION TWELVE (12), TOWNSHIP TWO (2) NORTH, RANGE TWENTY-EIGHT (28) EAST, NASSAU COUNTY, FLORIDA, AND BEING PART OF MARIAN DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY) AS REFERRED TO ON AN UNRECORDED PLAT BY GEORGE W. LOVESEE. FINISHED 30 NOV., '66, FOR PHILLIP'S ENTERPRISES, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF AMELIA ROAD (A 60 FOOT-RIGHT OF WAY), AND A LINE PARALLEL TO AND 282.6 FEET NORTHERLY FROM THE NORTH EDGE OF SAID SECTION 12; THENCE SOUTH 80°24'00" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 956.00 FEET; THENCE AT RIGHT ANGLES SOUTH 09°36'00" EAST, A DISTANCE OF 389.07 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1433, PAGE 411 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE

ALONG THE PERIMETER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1433, PAGE 411, THE FOLLOWING TWO (2) COURSES: (1) SOUTH 09°43'50" EAST, A DISTANCE OF 143.16 FEET; (2) THENCE SOUTH 67°28'17" WEST A DISTANCE OF 237.59 FEET TO THE POINT OF BEGINNING; THENCE NORTH 29°04'21" WEST, A DISTANCE OF 79.98 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MARIAN DRIVE (A 60 FOOT RIGHT-OF-WAY AT THIS POINT) AND THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 40.00 FEET; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MARIAN DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY AND CUL-DE-SAC) AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 177°46'10", AN ARC DISTANCE OF 124.11 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 29°04'21" EAST, A DISTANCE OF 78.98 FEET TO THE POINT OF BEGINNING. CONTAINING 0.06 ACRE MORE OR LESS

The public is invited to be present and be heard. If a person wishes to appeal any decision made by the Board, agency, or commission, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Individuals with disabilities requiring accommodations in order to participate in this proceeding should contact the office of the Ex-Officio Clerk at (904) 548-4660 or Florida Relay Service at 1-800-955-8770 (v) or 1-800-955-8771(TDD) at least seventy-two hours in advance to request such accommodation.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA
BY: /s/ JEFF GRAY
Its: Chairman
ATTEST:
/s/ John A. Crawford
Its: Ex-Officio Clerk
FNL 1T 07-06-2022
#712483

STATE OF FLORIDA
COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Foy R. Maloy, Jr

Who on oath says that (s)he is the Publisher of the
Fernandina Beach News-Leader, a weekly newspaper published at
Fernandina Beach in Nassau County, Florida; that the attached
copy of the advertisement, being a Legal Notice in the matter of

NOTICE OF ADOPTION OF
RESOLUTION OF RIGHT OF WA

Was published in said newspaper in the issue(s) of

08/10/2022
Ad # 718697

Affiant further says that the said News-Leader is
a newspaper published at Fernandina Beach, in said Nassau
County, Florida and that the said newspaper has heretofore been
continuously published in said Nassau County, Florida, each week
and has been entered as second class mail matter at the post office
in Fernandina Beach in said Nassau County, Florida, for a period
of one year preceding the first publication of the attached copy
of advertisement; and Affiant further says that (s)he has neither paid
nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.

Sworn to and subscribed to before me
This 10th day of August, A.D. 2022

Robert O. Fiege, Notary Public

Personally Known



NOTICE OF ADOPTION OF
RESOLUTION ABANDONING
OF RIGHT OF WAY

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Nassau County, Florida, upon the application of Ryan Stewart and Sarah Stewart, did on the 25th day of July, 2022 adopt Resolution No. 2022-147, a Resolution Abandoning a right of way located on Marian Drive, Nassau County, Florida described as follows:

1304 MARIAN DRIVE RIGHT-OF-WAY ABANDONMENT

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION TWELVE (12), TOWNSHIP TWO (2) NORTH, RANGE TWENTY-EIGHT (28) EAST, NASSAU COUNTY, FLORIDA, AND BEING PART OF MARIAN DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY) AS REFERRED TO ON AN UNRECORDED PLAT BY GEORGE W. LOVESEE, FINISHED 30 NOV., '66, FOR PHILLIP'S ENTERPRISES, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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CONTAINING 0.06 ACRE MORE OR LESS and that said Resolution renounces and disclaims any right or interest of said Nassau County, Florida and the public in and to said right of way. BOARD OF COUNTY COMMISSIONERS NASSAU COUNTY, FLORIDA BY: /s/ JEFF GRAY ITS: CHAIRMAN ATTEST: /s/ JOHN A. CRAWFORD EX-OFFICIO CLERK FNL 1T 08-10-2022 #718697