

**ORDINANCE 2018 -15**

**AN ORDINANCE OF NASSAU COUNTY, FLORIDA REZONING APPROXIMATELY 3.50 ACRES OF REAL PROPERTY LOCATED ON THE WEST SIDE OF US HIGHWAY 1 BETWEEN J.W. ELLIOT DRIVE AND HOLIDAY DRIVE EAST, FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG). PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Henry Pat and Viola F Kelly, and Patti Kelly Smith are the owners of two parcels comprising 3.50 acres identified as Tax Parcel #s 37-3N-24-000-0013-0010 and 37-3N-24-0000-0013-0020 by virtue of Deed recorded at O.R. 2118, page 628 and O.R.2172, page 1788, respectively, of the Public Records of Nassau County, Florida; and

**WHEREAS** Henry Pat and Viola F Kelly, and Patti Kelly Smith have filed Application R18-004 to rezone the land described herein; and

**WHEREAS**, the Nassau County Planning and Zoning Board, after due notice conducted a public hearing on April 3, 2018 and voted to recommend approval of R18-004 to the Commission; and

**WHEREAS**, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the 2030 Comprehensive Plan and the orderly development of Nassau County; and

**WHEREAS**, the proposed Commercial General (CG) zoning complies with the underlying Future Land Use Map (FLUM) designation of Commercial (COM); and

**WHEREAS**, the Board of County Commissioners held a public hearing on April 23, 2018; and

**WHEREAS**, public notice of all hearings has been provided in accordance with Chapters 125 Florida Statutes and the Nassau County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. FINDINGS.**

That the proposed rezoning to Commercial General (CG) is generally consistent with the goals, objectives and policies of the 2030 Comprehensive Plan, in particular Policies FL.01.02(C), FL.08.05, and Policy ED.05.01.

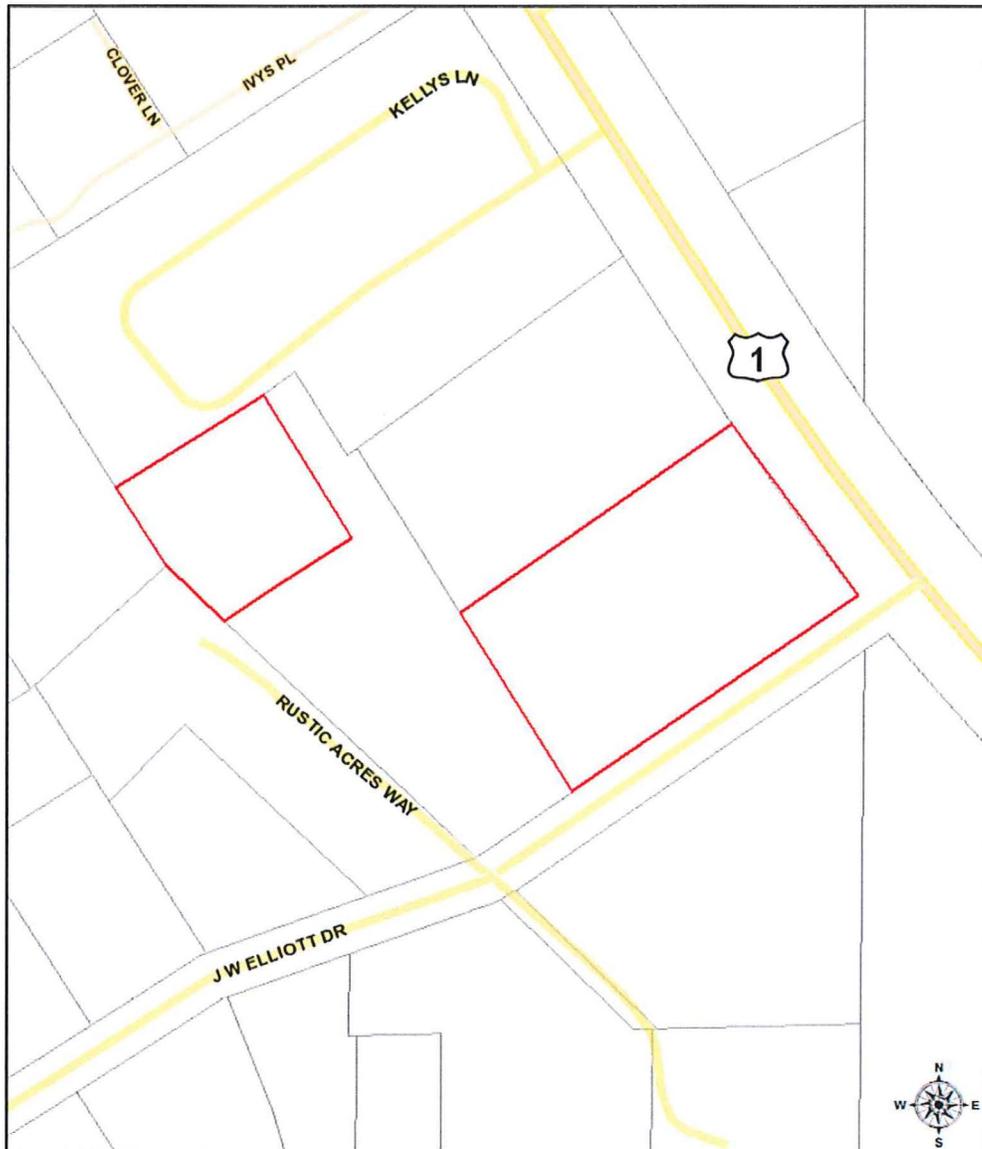
**SECTION 2. PROPERTY REZONED.**

The real property described in Section 3 is rezoned and reclassified to Commercial General (CG) upon the effective date of the ordinance, the Planning and Economic Opportunity Department is authorized to amend the Official Zoning Map to reflect this change.

**SECTION 3. OWNER AND DESCRIPTION.**

The land reclassified by this Ordinance is owned by Henry Pat and Viola F Kelly, and Patti Kelly Smith and is identified by the following tax identification numbers, graphic illustration, and legal descriptions:

Parcel #s 37-3N-24-000-0013-0010 and 37-3N-24-0000-0013-0020



## LEGAL DESCRIPTION

#37-3N-24-000-0013-0010

A part of Section Thirty-seven (37), (W. Sparkman Grant), Township Three (3) North, Range Twenty-Four (24) East, Nassau County, Florida, being more particularly described as follows:

Commence at the northwest corner of said Section Thirty-Seven (37); thence South Eight-nine (89) degrees, Fifty (50) minutes East along the North line of said Section Thirty-seven (37), One Thousand Five Hundred Eleven (1511.0) feet to its intersection with the southwesterly right of way line of U.S. Highway No. 1 (a 150.0 foot right of way); thence South Thirty-two (32) degrees, Fifty (50) minutes East along said right of way line, Two Thousand Five Hundred Sixty-one and Five Tenths (2561.5) feet; thence South Fifty-seven (57) degrees, Ten (10) minutes West, Six Hundred Seventy-eight and Three Tenths (678.3) feet, Deed) to the northeasterly right of way line of an easement to American Telephone & Telegraph Company for underground cables; thence South Thirty-two (32) degrees, Fifty (50) minutes East (actual) (South Thirty-Two (32) degrees, Thirty-three (33) minutes East, Deed), Two Hundred Ninety-two and Two Tenths (292.2) feet to the point of beginning; thence continue South Thirty-two (32) degrees, Fifty (50) minutes East along said easement right of way line, One Hundred Twenty (120.0) feet to an angle point in said right of way line; thence South Forty-seven (47) degrees, Thirty-nine (30) minutes, Thirty (30) seconds East (actual) (South Forty-seven (47) degrees, Fifty (50) minutes East, Deed), Ninety-three and Twenty-two Hundredths (93.22) feet; thence North Fifty-seven (57) degrees, Thirteen (13) minutes, Thirty-three (33) seconds East, One Hundred Eighty-eight and Seventy-two Hundredths (186.72) feet; thence North Thirty-two (32) degrees, Fifty (50) minutes West, Two Hundred Ten (210.0) feet; thence South Fifty-seven (57) degrees, Thirteen (13) minutes, Thirty-three (33) seconds West, Two Hundred Twelve and Fifty-five Hundredths (212.55) feet to the point of beginning.

WITH EASEMENT RIGHTS for ingress and egress over the following described Thirty (30.0) foot Easement.

A part of Section Thirty-seven (37), (W. Sparkman Grant), Township Three (3) North, Range Twenty-four (24) East, Nassau County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section Thirty-seven (37); thence South Eighty-nine (89) degrees, Fifty (50) minutes East along the northerly line of said Section Thirty-seven (37), One Thousand Five Hundred Eleven (1511.0) feet to an intersection with the southwesterly right of way line of U.S. Highway No. 1 (as established for 150.0 foot right of way); thence South Thirty-two (32) degrees, Fifty (50) minutes East along said southwesterly right of way line, Two Thousand Five Hundred Sixty-one and Five Tenths (2561.5) feet to the point of beginning; thence continue South Thirty-two (32) degrees, Fifty (50) minutes East along said southwesterly right of way line, Thirty (30.0) feet; thence South Fifty-seven (57) degrees, Thirteen (13) minutes, Thirty-three (33) seconds West (actual) (South Fifty-seven (57) degrees, Ten (10) minutes West, Deed), Six Hundred Forty-eight and Forty-seven Hundredths (648.47) feet; thence South Thirty-two (32) degrees, Fifty (50) minutes East (actual) (South Thirty-two (32) degrees, Thirty-three (33) minutes East, Deed), Two Hundred Sixty-two and Two Tenths (262.2) feet; thence South Fifty-seven (57) degrees, Thirteen (13) minutes, Thirty-three (33) seconds West (actual) (South Fifty-seven (57) degrees, Ten (10) minutes West, Deed), Thirty (30.0) feet; thence North Thirty-two (32) degrees, Fifty (50) minutes West (actual) (North Thirty-two (32) degrees, Thirty-three (33) minutes West, Deed), Two Hundred Ninety-two and Two Tenths (292.2) feet; thence North Fifty-seven (57) degrees, Thirteen (13) minutes, Thirty-three (33) seconds East (actual) (North Fifty-seven (57) degrees, Ten (10) minutes East, Deed) Six Hundred Seventy-eight and Forty-seven Hundredths (678.47) feet (actual) (Six Hundred Seventy-eight and Thirty Hundredths (678.30) feet, Deed) to the point of beginning.

## LEGAL DESCRIPTION

BEING the same property conveyed to E.L. Isenberg and Charles Garvin by deed dated June 26, 1959, and recorded in Deed Book 272, Page 429, in the Nassau County Recorder's Office. Following the death of Charles Garvin on July 28, 1980, his son, David Garvin, was appointed Executor of his Last Will and Testament with full power and authority to sell and convey real estate pursuant to the terms and conditions of the Last Will and Testament of Charles Garvin. Said will is recorded in Will Book 21, Page 120, in the Warren County, Kentucky, Clerk's Office, and was entered into probate by order of the Warren District Court, Probate Division, Cast #80-P-282.

#37-3N-24-000-0013-0020

A PORTION OF SECTION 37, THE WADE SPARKMAN, TOWNSHIP 3 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 37; THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID SECTION, A DISTANCE OF 1511.00 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF U. S HIGHWAY NO. 1 ( A 150 FOOT RIGHT-OF-WAY ); THENCE SOUTH 32 DEGREES 50 MINUTES 00 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 2947.05 FEET TO A POINT; THENCE SOUTH 32 DEGREES 48 MINUTES 56 SECONDS EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 231.34 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EASTERLY AND HAVING A RADIUS OF 2939.93 FEET; THENCE AROUND AND ALONG SAID CURVE AND RIGHT-OF-WAY LINE AN ARC DISTANCE OF 17.51 FEET ( SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 33 DEGREES 00 MINUTES 47 SECONDS EAST, 17.51 FEET ) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CURVE AND RIGHT-OF-WAY LINE AN ARC DISTANCE OF 267.00 FEET ( SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 35 DEGREES 47 MINUTES 07 SECONDS EAST, 266.91 FEET ) TO ITS INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF J. W. ELLIOTT DRIVE; THENCE SOUTH 55 DEGREES 30 MINUTES 53 SECONDS WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 416.10 FEET TO A POINT; THENCE NORTH 32 DEGREES 48 MINUTES 43 SECONDS WEST, A DISTANCE OF 260.74 FEET TO A POINT; THENCE NORTH 54 DEGREES 37 MINUTES 50 SECONDS EAST, A DISTANCE OF 402.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.47 ACRES, MORE OR LESS, IN AREA.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall be effective upon filing with the Secretary of State.

**PASSED AND ADOPTED THIS 23RD DAY OF APRIL, 2018.**

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

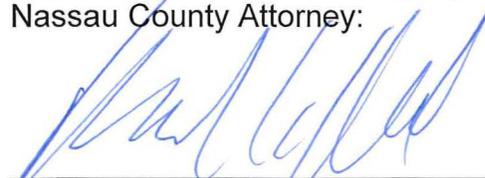


PAT EDWARDS,  
Its: Chairman

ATTEST as to Chairman's Signature:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk  
MES  
04.24.18

Approved as to form and legality by the  
Nassau County Attorney:

  
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MICHAEL S. MULLIN,  
County Attorney