

RESOLUTION 2004 -174

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, INITIATING CONFLICT RESOLUTION PROCEDURES PURSUANT TO SECTION 164.1052, FLORIDA STATUTES, WITH THE TOWN OF CALLAHAN, REGARDING MAINTENANCE AND OWNERSHIP OF ROADS; PROVIDING FOR AREAS OF CONFLICT; PROVIDING FOR OTHER AFFECTED LOCAL GOVERNMENTS TO BE NOTIFIED; PROVIDING FOR NOTICE TO THE TOWN OF CALLAHAN; PROVIDING FOR A CONFLICT ASSESSMENT MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Callahan, hereinafter referred to as the "Town" annexed on or about December, 1990, a subdivision known as "Swallowfork Estates"; and

WHEREAS, on or about November 1996, the Town de-annexed the subdivision; and

WHEREAS, pursuant to Florida Statutes, Section 171.061, the Town, at de-annexation, was to reach agreement with the County to determine what portion, if any of the existing indebtedness or property of the Town would be assumed by the County of which the excluded property would become a part, the fair value of which, and the manner of which transfer and financing. The Town did not contact the County, nor did it comply with the requirements set forth in Florida Statutes, Section 171.061; and

WHEREAS, the roads, streets, public areas, and the rights-of-way remained the property and responsibility of the Town based upon the dedication on the plat; and

WHEREAS, the roads in Swallowfork Estates have not been maintained by the Town, and the Town denies any responsibility or ownership; and

WHEREAS, in Case No. 97-534-CA, several property owners in Swallowfork Estates filed a Complaint for Declaratory Judgment regarding the roads; and

WHEREAS, the Town was not a party defendant to that suit, however the Court addressed the Roads in its findings; and

WHEREAS, based upon the dedication on the plat and the Court's findings in Case No. 97-534-CA, the County would be estopped from the expenditure of funds on the road system that is not deemed to be a County road; and

WHEREAS, the Town has indicated that the roads are County roads based upon the de-annexation; and

WHEREAS, The County has initiated a Declaratory Judgment Action, Case No. 2004-310-CA; and

WHEREAS, the Board of County Commissioners of Nassau County is desirous of initiating the conflict resolution procedures pursuant to Section 164.1052, Florida Statutes, prior to initiating other legal procedures.

NOW, THEREFORE, BE IT RESOLVED, this 22nd day of November, 2004, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. The foregoing findings are affirmed and hereby incorporated herein by reference.

2. The conflict resolution procedures, as set forth in Chapter 164, Florida Statutes, are hereby invoked by Nassau County.

3. The Board of County Commissioners of Nassau County has a conflict with the Town of Callahan, which will detrimentally impact both Nassau County and its citizens if not resolved.

4. The issues of conflict include:

a. Whose responsibility is the maintenance of the roads, easements, streets, public areas, and rights-of-way within Swallowfork Estates.

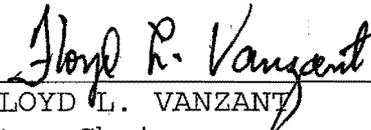
5. The County Administrator shall provide copies of this Resolution to the Cities and Counties, if any, affected by the actions of the Town of Callahan.

6. Within five (5) days of the effective date of this Resolution, the County Administrator is directed to provide a certified copy of this Resolution to the chief administrative officer of the Town of Callahan.

7. Pursuant to Section 164.1053, Florida Statutes, a conflict assessment meeting shall be held between Nassau County and the Town of Callahan at 6:00 PM on January 6, 2005, at the Multi Use Facility, Callahan, Florida.

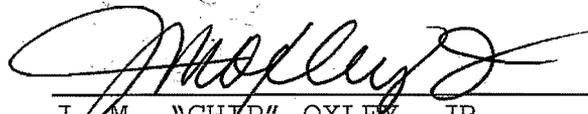
8. This resolution shall take effect immediately upon its adoption.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



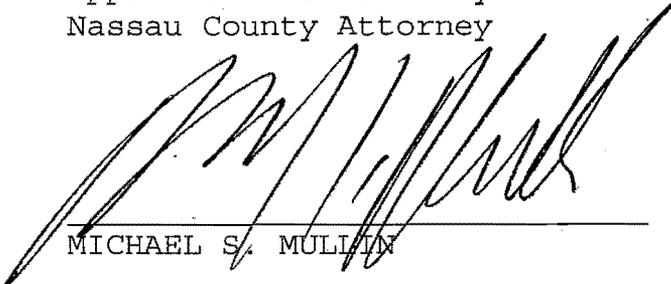
FLOYD L. VANZANT
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

h/anne/res/Callahan-conflict-res