

RESOLUTION NO. 2009- 163

A RESOLUTION AUTHORIZING THE CLOSING, VACATING, AND ABANDONING OF THOSE CERTAIN RIGHTS OF WAY OR THE RENOUNCING AND DISCLAIMING OF ANY RIGHT OR INTEREST OF SAID NASSAU COUNTY, FLORIDA, AND THE PUBLIC IN SAID RIGHTS OF WAY ASSOCIATED WITH THE CLOSURE OF THE PUBLIC HIGHWAY-RAIL GRADE CROSSING AT HARTS ROAD.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, conducted a public hearing at 7:00 PM on the 24th day of August 2009, in the Commission Chambers at the James S. Page Governmental Complex, located at 96135 Nassau Place, Yulee, Florida, pursuant to a notice duly published as provided by law for consideration by the Board of County Commissioners to close, vacate, and abandon and to renounce and disclaim the right of the public and the county in and to that portion of Harts Road lying within the CSX Right of Way, which area is more particularly described in Exhibit "A" attached hereto; and

WHEREAS, said abandonment is necessary for the Stipulation of Parties by and between the County, CSX Transportation and the Florida Department of Transportation regarding the closure of the highway rail grade crossing at Harts Road and the opening of the offsetting crossing which will be opened on William Burgess Boulevard; and

WHEREAS, this Board finds that the subject roadway lies wholly without the corporate limits of any municipality and that this Board is authorized to close said roadway by the authority stated in Section 336.09, Florida Statutes; and

WHEREAS, this Board has determined that due to the opening of William Burgess Boulevard with a highway rail grade crossing which will offset the Harts Road crossing, it is in the best interest of Nassau County and the public, that the Harts Road crossing and the

roadway lying within the CSX right of way at Harts Road be closed, vacated and abandoned and that the interest of Nassau County and the public be renounced and disclaimed therein.

NOW, THEREFORE, BE IT RESOLVED this 24th day of August, 2009, by the Board of County Commissioners of Nassau County, Florida, in a meeting duly assembled that due to the opening of William Burgess Boulevard with a highway rail grade crossing which will offset the Harts Road crossing, the Harts Road highway rail grade crossing and the public roadway lying within the CSX right of way at Harts Road shall be closed, vacated and abandoned and that the interest of Nassau County and the public be renounced and disclaimed as if said roadways or alleyways had never been opened and used by the public.

BE IT FURTHER RESOLVED that the right and interest of Nassau County and the public in said roadway, which is fully described in Exhibit "A" attached hereto, shall be renounced and disclaimed, and any easement heretofore owned, held, claimed or used by or on behalf of the public therein shall be abrogated.

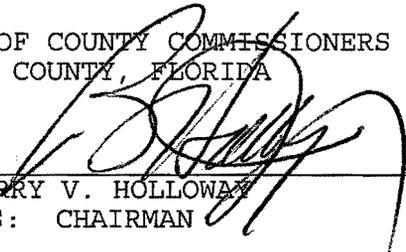
BE IT FURTHER RESOLVED that the Clerk of this Board shall cause to be published, within thirty (30) days after the adoption of this Resolution, in one issue of the Fernandina Beach News Leader, a notice of the adoption of this Resolution closing, vacating, and abandoning all of that portion of Harts Road, a public roadway, lying and being within the CSX right of way and renouncing and disclaiming of any right or interest of the county and the public in the subject right of way.

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Nassau County, Florida on the 24th day of August, 2009 adopted a Resolution closing, vacating, and abandoning the segment of Harts Road at the Harts Road highway rail grade crossing and all the portion of

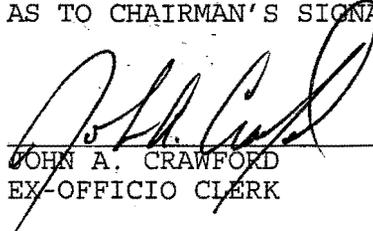
Harts Rd lying and being within the CSX right of way, as more fully shown in Exhibit "A" attached hereto.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

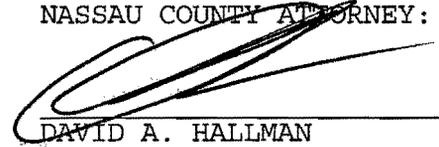
BY:


BARRY V. HOLLOWAY
ITS: CHAIRMAN

ATTESTATION: ONLY TO AUTHENTICITY
AS TO CHAIRMAN'S SIGNATURE:


JOHN A. CRAWFORD
EX-OFFICIO CLERK

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:


DAVID A. HALLMAN
EX-OFFICIO CLERK

MANZIE & DRAKE LAND SURVEYING



LEGAL DESCRIPTION
PREPARED FOR NASSAU COUNTY
AUGUST 20, 2009

THAT PORTION OF HARTS ROAD RIGHT-OF-WAY (WIDTH NOT DETERMINED) NASSAU COUNTY, FLORIDA, BEING BOUNDED AS FOLLOWS:

ON THE EAST:

BY THE EASTERLY RIGHT-OF-WAY LINE OF THE C.S.X. RAILROAD (A 200 FOOT RIGHT-OF-WAY, AS NOW LAID OUT AND IN USE.

ON THE WEST:

BY THE WESTERLY RIGHT-OF-WAY LINE OF THE C.S.X. RAILROAD (A 200 FOOT RIGHT-OF-WAY, AS NOW LAID OUT AND IN USE.

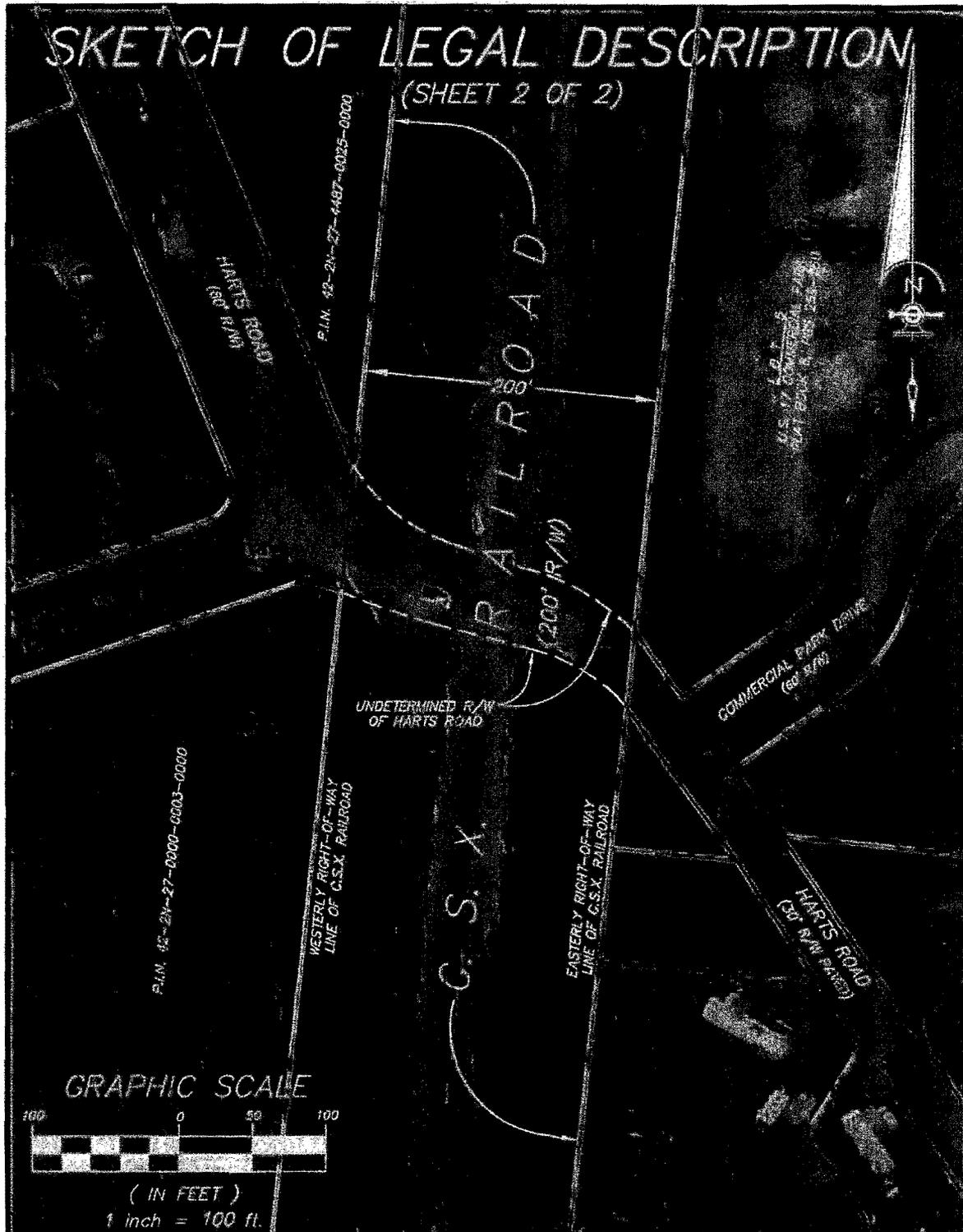
A handwritten signature in cursive script, appearing to read "Michael A. Manzie".

MICHAEL A. MANZIE, P.L.S.
FLORIDA REGISTRATION NO. 4069

SHEET 1 OF 2

117 SOUTH 9TH STREET, FERNANDINA BEACH, FL 32034
OFFICE (904) 491-5700 • FAX (904) 491-5777 • TOLL FREE (888) 832-7730
www.manzieanddrake.com

MANZIE & DRAKE LAND SURVEYING



NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Michael B. Hankins** who on oath says that he is the Advertising Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF HEARING FOR THE CLOSING OF RIGHTS OF WAY, ROADWAYS OR ALLEYWAYS Board of County Commissioners of Nassau County, Florida

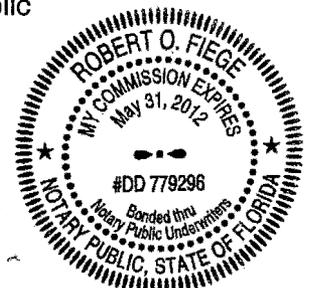
was published in said newspaper in the issues of **08-05-2009**

ref. No. 7740

Affiant further says that the said Fernandina Beach *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 next preceding the first publication of the attached copy of advertisement; and affiant further says that 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 before me
this **5th** day of **August, A.D. 2009.**


Robert O. Fiege, Notary Public Personally Known

NOTICE OF HEARING FOR THE CLOSING OF RIGHTS OF WAY, ROADWAYS, OR ALLEYWAYS TO WHOM IT MAY CONCERN:
YOU WILL TAKE NOTICE that the Board of County Commissioners of Nassau County, Florida, will at 7:00 P.M. on the 24th day of August, 2009, at the Commission Chambers, James S. Page Governmental Center 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 roads and alleys which are more particularly described as follows:

EXHIBIT "A"

LEGAL DESCRIPTION PREPARED FOR NASSAU COUNTY

JULY 20, 2009

THAT PORTION OF HARTS ROAD (RIGHT-OF-WAY (WIDTH NOT DETERMINED)) BEING BOUNDED AS FOLLOWS:

ON THE EAST:

BY THE SOUTH-WESTERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF COMMERCIAL PARK DRIVE (A 60-FOOT RIGHT-OF-WAY) AS SHOWN ON THE PLAT OF U.S.

COMMERCIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK OF PAGES 259-260 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

ON THE WEST:

BY THE WESTERLY RIGHT-OF-WAY LINE OF THE CSX RAILROAD (A 200-FOOT RIGHT-OF-WAY AS NOW Laid OUT AND IN USE).

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. The person 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) 548-2660 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/ Barry V. Holloway,
its Chairman

ATTEST:
/s/ John A. Crawford,
its Ex-Officio Clerk

11-08-05-2009
7740

INSTR # 200924490, Book 1639, Page 166
Pages 1
Doc Type NOT, Recorded 09/14/2009 at 09:24 AM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$10.00
#1

NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

INSTR # 200924492, Book 1639, Page 172
Pages 1
Doc Type NOT, Recorded 09/14/2009 at 09:24 AM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$10.00
#3

**NOTICE OF ADOPTION OF
RESOLUTION CLOSING,
VACATING, AND
ABANDONING OF RIGHTS
OF WAY**

TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN
that the Board of County
Commissioners of Nassau
County, Florida, did on the 24th
day of August, 2009, adopt
Resolution No. 2009-163, a
Resolution Authorizing the Clo-
sing, Vacating and Abandon-
ing for those Certain Rights of
Way or the Renouncing and
Disclaiming of any Right or
Interest of said Nassau County,
Florida, and the Public in said
Rights of Way Associated with
the Closure of the Public
Highway (Rail Grade) Crossing
at Harts Road, That portion of
Harts Road at the Harts Road
Highway (Rail Grade) Crossing all
the portion of Harts Road lying
and being within the CSX right
of way as more fully described
as follows:

EXHIBIT A

**LEGAL DESCRIPTION
PREPARED FOR NASSAU
COUNTY
AUGUST 20, 2009**

THAT PORTION OF HARTS
ROAD (RIGHT OF WAY) (WIDTH
NOT DETERMINED) NASSAU
COUNTY, FLORIDA, BEING
BOUNDED AS FOLLOWS:

ON THE EAST
BY THE EASTERLY RIGHT OF
WAY LINE OF THE CSX RAIL-
ROAD (A 200 FOOT RIGHT OF
WAY AS NOW LAID OUT AND IN
USE.

ON THE WEST
BY THE WESTERLY RIGHT OF
WAY LINE OF THE CSX RAIL-
ROAD (A 200 FOOT RIGHT OF
WAY AS NOW LAID OUT AND IN
USE.

and that said Resolution
renounces and disclaims any
right or interest of said Nassau
County, Florida, and the pub-
lic in and to said portion of
roadways.

BOARD OF COUNTY
COMMISSIONERS
NASSAU COUNTY, FLORIDA
BY: /s/ BARRY V. HOLLOWAY,
Its Chairman

ATTEST:
/s/ JOHN A. CRAWFORD
Its Ex-Officio Clerk
11-09-02-2009
7861

**STATE OF FLORIDA
COUNTY OF NASSAU:**

Before the undersigned authority personally appeared
Michael B. Hankins
who on oath says that he is the Advertising Director
of The Fernandina Beach *News-Leader*, a weekly
newspaper published at Fernandina Beach in Nassau
County, Florida; that the attached copy of
advertisement, being a Legal Notice
in the matter of

**NOTICE OF ADOPTION OF RESOLUTION
CLOSING, VACATING, AND ABANDONING
OF RIGHTS OF WAY
Board of County Commissioners
of Nassau County, Florida
Resolution NO. 2009-163**

was published in said newspaper in the issues of
09-02-2009
ref. No. 7861

Affiant further says that the said Fernandina Beach
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 next
preceding the first publication of the attached copy
of advertisement; and affiant further says that 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.

Michael B. Hankins

Sworn to and subscribed before me
this 2nd day of **September**, A.D. 2009.

Robert O. Fiege
Robert O. Fiege, Notary Public

[Signature] Personally Known

