

RESOLUTION NO. 2013 - 117

A RESOLUTION 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 OR ALLEYS.

WHEREAS, upon the petition of Gillette and Associates, Inc., as agent for Kathy Elizabeth Rowe Phillips, as Successor Trustee of The Nora H. Rowe Living Trust and The Homer Rowe Living Trust, owner, a public hearing was held at 7:00 PM on the 14th day of October, 2013, 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 the roadways or alleyways hereinafter described and to renounce and disclaim the right of the public and the county in and to said roadways and alleyways described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

WHEREAS, members of the public who were present at the public hearing regarding the petition were heard; and

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

WHEREAS, this Board has determined that it is in the best interest of Nassau County and the public that said roadways or alleyways 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 14th day of October, 2013, by the Board of County Commissioners of Nassau County, Florida, in a meeting duly assembled that said roadways or

alleyways as hereinbefore described in the preamble hereto be, and the same is, hereby closed, vacated, and abandoned to the extent as if said roadways or alleyways had never been delineated on said plat.


BE IT FURTHER RESOLVED that the right and interest of Nassau County and the public in said roadways above described be, and the same are hereby renounced and disclaimed, and any easement heretofore owned, held, claimed or used by or on behalf of the public therein is hereby 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 those certain roadways or alleyways as hereinbefore described in the preamble hereto, and the renouncing and disclaiming of any right or interest of the county and the public in said roadways or alleyways.

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Nassau County, Florida did on the 14th day of October, 2013 adopt a Resolution Closing, vacating, and abandoning those certain roadways or alleyways, described as follows:

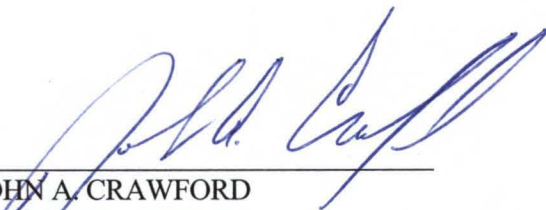
SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

BY: 
DANIEL B. LEEPER
ITS: CHAIRMAN

ATTEST
AS TO CHAIRMAN'S SIGNATURE:

APPROVED AS TO FORM AND LEGALITY
BY THE NASSAU COUNTY ATTORNEY:


JOHN A. CRAWFORD
EX-OFFICIO CLERK


DAVID A. HALLMAN

MES
10-17-13

Exhibit A

LEGAL DESCRIPTION
PORTION OF HIRTH ROAD TO BE ABANDONED
PREPARED FOR GILLETTE & ASSOCIATES
AUGUST 08, 2013

THAT PORTION OF HIRTH ROAD, A 30-FOOT RIGHT-OF-WAY, THAT LIES BETWEEN LOT 79 AND LOT 58, "OCEAN BREEZE FARMS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, LESS THEREFROM ANY PORTION LYING WITHIN BAILEY ROAD RIGHT-OF-WAY, A 66 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 79, "OCEAN BREEZE FARMS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIRTH ROAD, A 30-FOOT RIGHT-OF-WAY; THENCE N89°34'54"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 638.39 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF BAILEY ROAD, A 66 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE; THENCE S00°23'25"E, ALONG THE WESTERLY RIGHT-OF-WAY OF BAILEY ROAD, AFOREMENTIONED, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIRTH ROAD, AFOREMENTIONED; THENCE S89°34'54"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 638.34 FEET TO THE NORTHWEST CORNER OF LOT 58, "OCEAN BREEZE FARMS", PLAT BOOK AND PAGE AFOREMENTIONED; THENCE N00°29'23"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

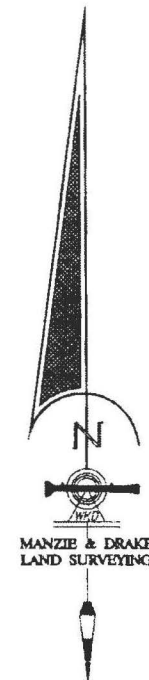
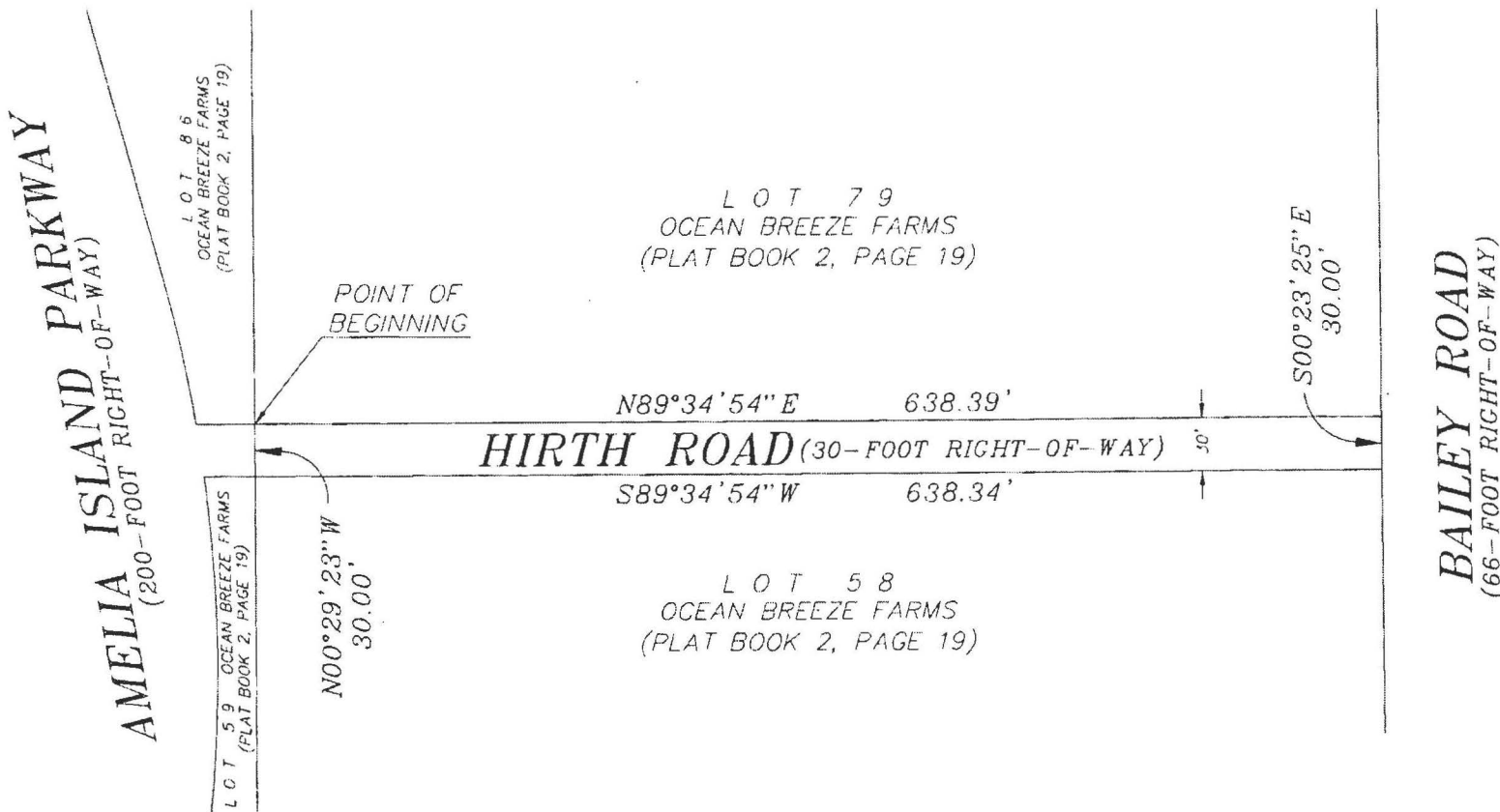
MICHAEL A. MANZIE, P.L.S.
FLORIDA REGISTRATION NO. 4069
JOB NO. 18722

MANZIE & DRAKE LAND SURVEYING

SKETCH OF LEGAL DESCRIPTION

(LEGAL DESCRIPTION ATTACHED)

(THIS IS NOT A BOUNDARY SURVEY)



BY: _____
 MICHAEL A. MANZIE, PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA REGISTRATION NO. 4069
 JOB NO. 18722 (SHEET 2 OF 2)

GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.

117 SOUTH 9TH STREET, FERNANDINA BEACH, FL 32034
 OFFICE (904)491-5700 * FAX (904)491-5777
 WWW.MANZIEANDDRAKE.COM

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 16766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Michael B. Hankins

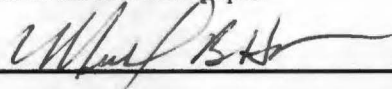
Who on oath says that he is the Advertising Director of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF HEARING FOR THE CLOSING OF RIGHTS OF WAY, ROADWAYS, OR ALLEYWAYS 10/14/2013

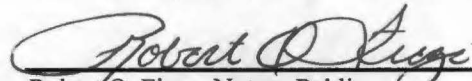
Was published in said newspaper in the issues of

09/25/2013
Ref# 1790

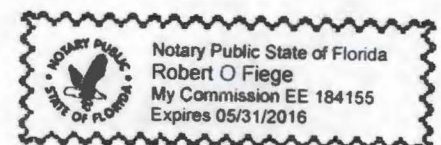
Affiant further says that the said Fernandina Beach News-Leader is a newspaper published at Fernandina Beach, in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter 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 the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me
This 25th day of September A.D. 2013.


Robert O. Fiege, Notary Public

 Personally Known



NOTICE OF HEARING FOR THE CLOSING OF RIGHTS OF WAY, ROADWAYS, OR ALLEYS

TO WHOM IT MAY CONCERN:

YOU WILL TAKE NOTICE that the Board of County Commissioners of Nassau County, Florida, upon the petition of Kathy Elizabeth Rowe Phillips, as Successor Trustee of The Nora H. Rowe Living Trust and The Homer Rowe Living Trust, Owner, will at 7:00 PM. on the 14th day of October, 2013, 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 roads and alleys which are more particularly described as follows:

EXHIBIT "A"

THAT PORTION OF HIRTH ROAD, A 30-FOOT RIGHT-OF-WAY, THAT LIES BETWEEN LOT 79 AND LOT 58, "OCEAN BREEZE FARMS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, LESS THEREFROM ANY PORTION LYING WITHIN BAILEY ROAD RIGHT-OF-WAY, A 66 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 79, "OCEAN BREEZE FARMS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF HIRTH ROAD, A 30-FOOT RIGHT-OF-WAY; THENCE N89 DEGREES 34'54"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 638.39 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF BAILEY ROAD, A 66 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE; THENCE S00 DEGREES 23'25"E, ALONG THE WESTERLY RIGHT-OF-WAY OF BAILEY ROAD, AFOREMENTIONED, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIRTH ROAD, AFOREMENTIONED; THENCE S89 DEGREES 34'54"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 638.34 FEET TO THE NORTHWEST CORNER OF LOT 58, "OCEAN BREEZE FARMS", PLAT BOOK AND PAGE AFOREMENTIONED; THENCE N00 DEGREES 29'23"W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

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) 548-4600 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/ Daniel B. Leeper
Its Chairman
ATTEST:
/s/ John A. Crawford
Its Ex-Officio Clerk
11-09-25-2013
1790

COUNTY ATTORNEY

2013 OCT -4 PM 3:57

RECEIVED

INSTR # 201332676, Book 1890, Page 1565
Pages 1

Doc Type NOT, Recorded 11/26/2013 at 10:08 AM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$10.00

#1

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 16766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Michael B. Hankins

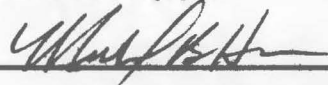
Who on oath says that he is the Advertising Director of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

**NOTICE OF ADOPTION OF RESOLUTION CLOSING,
VACATING, AND ABANDONING OF RIGHTS
Gillette and Associates, Inc.
Resolution No.: 2013-117**

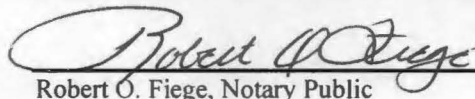
Was published in said newspaper in the issues of

11/13/2013
Ref# 1923

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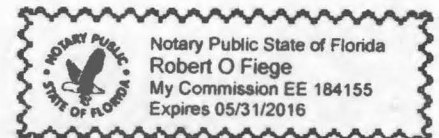


Sworn to and subscribed before me
This 13th day of November A.D. 2013.



Robert O. Fiege, Notary Public

 Personally Known



**NOTICE OF ADOPTION OF
RESOLUTION CLOSING,
VACATING, AND
ABANDONING OF
RIGHTS OF WAY, ROADWAYS,
OR ALLEYWAYS
TO WHOM IT MAY CON-
CERN:**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Nassau County, Florida, upon the petition of Gillette and Associates, Inc., as agent for Kathy Elizabeth Rowe Phillips, as Successor Trustee of The Nora H. Rowe Living Trust and The Homer Rowe Living Trust, owner, did on the 14th day of October 2013, adopt Resolution No. 2013-117, a Resolution closing, vacating and abandoning those certain rights of way or alleyways. Those certain rights of way or alleyways, as being closed, vacated and abandoned are described as follows:

EXHIBIT "A"

THAT PORTION OF HIRTH ROAD, A 30-FOOT RIGHT-OF-WAY, THAT LIES BETWEEN LOT 79 AND LOT 58, "OCEAN BREEZE FARMS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, LESS THEREFROM ANY PORTION LYING WITHIN BAILEY ROAD RIGHT-OF-WAY, A 66 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA
BY: /S/ DANIEL B. LEEPER
Its: Chairman
ATTEST:
/S/ JOHN A. CRAWFORD
Its: Ex-Officio Clerk
11-13-2013
1923

INSTR # 201332678, Book 1890, Page 1570
Pages 1
Doc Type NOT, Recorded 11/26/2013 at 10:08 AM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$10.00
#3

PREPARED BY AND RETURN TO:

David A. Hallman, Esq.
Nassau County Attorney
96135 Nassau Place, Suite 6
Yulee, FL 32097

DRAINAGE EASEMENT

THIS EASEMENT, granted this 14th day of November, 2013, by and between The Homer Rowe Living Trust and The Nora H. Rowe Living Trust, whose address is 337 Memorial Drive, Jesup, Georgia 31545, hereinafter "Grantor" and **BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA** a political subdivision of the State of Florida, hereinafter "Grantee".

WHEREAS, Grantor is the fee simple owner of certain property located in Nassau County, Florida which is described in Exhibit "A" attached hereto and incorporated herein by reference, referred to as the "Easement Parcel"; and

WHEREAS, Grantor desires to grant to Nassau County, Florida a non-exclusive easement in and along the Easement Parcel for drainage purposes; and

WHEREAS, Grantee desires to have and hold, and hereby accepts the drainage easement over the Easement Parcel.

NOW, THEREFORE, the parties agree as follows:

WITNESSETH

THAT, FOR AND IN CONSIDERATION of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, the receipt of which is hereby acknowledged, said Grantor hereby grants, bargains, sells, conveys and warrants to Grantee, and its successors and assigns, and Grantee hereby accepts a non-exclusive Drainage Easement in perpetuity on, in and under the Easement Parcel, which is described in Exhibit "A" attached hereto and incorporated herein by reference, for the purpose of stormwater collection and conveyance. This grant of easement applies to any interest of Grantor in the Easement Parcel currently owned or acquired by Grantor in the future.

The Grantor hereby grants and conveys to the Grantee a perpetual drainage easement (which can be over, under and across the easement premises), including the right to construct, reconstruct, remove, maintain, operate, improve, add to, and repair such facilities and appurtenances in or on said real property which may be required for the full enjoyment of the rights herein granted; the right of ingress and egress to said real property at all times; the right to keep the land cleared of obstructions within the easement area; and further providing that the Grantor shall not erect or place any building or tree on the easement area.

Grantor may, for its own purposes, utilize the easement area and shall retain a right of free ingress and egress under, over and upon the easement area; provided that, in no event, shall

any of the rights of ingress and egress reserved to Grantor impede the easement herein granted or restrict the exercise of the rights of use thereunder.

Grantor represents and warrants that it is the true owner of record of the Easement Property and that it has full power and authority to grant to Grantee the rights granted hereunder.

This Drainage Easement may be modified or amended only upon the mutual written consent of Grantee and Grantor.

This Drainage Easement shall be recorded in the public records of Nassau County, Florida, the Grantor to bear the cost.

IN WITNESS WHEREOF, the Grantor has subscribed its name and has caused the Easement to be executed as of the day and year first written above.

GRANTOR:

The Homer Rowe Living Trust and
The Nora H. Rowe Living Trust

Singed, sealed and delivered

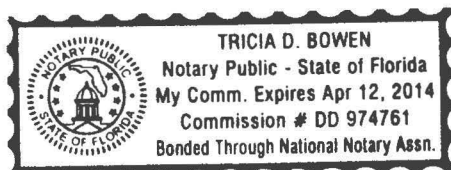
Signature: [Signature]
Printed Name: Tamara Kueger

Signature: Kathy R. Phillips
Printed Name: Kathy R. Phillips, Trustee

Signature: [Signature]
Printed Name: Andre Desilet

STATE OF FLORIDA
COUNTY OF: Nassau

The foregoing instrument was acknowledged before me this 14th day of November, 2013, by Kathy R. Phillips who is personally known to me or has produced as identification and who did/did not take an oath.



Tricia D Bowen
Notary Signature
Printed Name: Tricia D Bowen
Notary Public, State of Florida
My Commission Expires: 04/12/2014

MANZIE & DRAKE LAND SURVEYING



LEGAL DESCRIPTION

PORTION OF HIRTH ROAD TO BE ABANDONED
PREPARED FOR GILLETTE & ASSOCIATES
AUGUST 08, 2013

THAT PORTION OF HIRTH ROAD, A 30-FOOT RIGHT-OF-WAY, THAT LIES BETWEEN LOT 79 AND LOT 58, "OCEAN BREEZE FARMS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 19, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, LESS THEREFROM ANY PORTION LYING WITHIN BAILEY ROAD RIGHT-OF-WAY, A 66 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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A handwritten signature in black ink, appearing to read "Michael A. Manzie".

MICHAEL A. MANZIE, P.L.S.

FLORIDA REGISTRATION NO. 4069
JOB NO. 18722