

**RESOLUTION NO. 2015- 143**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA GRANTING A WAIVER, PURSUANT TO NASSAU COUNTY ORDINANCE 99-17, SECTION 15.2.1, TO KENNETH AND JAMIE HUNTER.**

**WHEREAS**, Kenneth and Jamie Hunter own a parcel of property whose address is 55025 Countree Life Way, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

**WHEREAS**, the road is referred to as Countree Life Way, described as a 60 foot easement for ingress, egress, and utilities; and

**WHEREAS**, Kenneth and Jamie Hunter purchased their property and obtained the right to the sixty foot (60') easement from Albert L. Higginbotham and Shari T. Graham; and

**WHEREAS**, Countree Life Way is a dirt road not dedicated to the public nor owned or maintained by Nassau County; and

**WHEREAS**, Kenneth and Jamie Hunter applied for a building permit for their property, and the county records indicate there have been seven (7) building permits issued on Countree Life Way; and

**WHEREAS**, Kenneth and Jamie Hunter have indicated that the road has been improved and is maintained by all of the property owners; and

**WHEREAS**, Nassau County Roadway and Drainage Standard Ordinance No. 99-17, Section 11.2.2 states that a 60' easement can serve up to five (5) dwelling units and additional units will require the approval of the Public Works Director; and

**WHEREAS**, the Public Works Director did not approve the eighth (8<sup>th</sup>) dwelling unit; and

**WHEREAS**, pursuant to Section 15.2.1 of Ordinance 99-17, after a variance is denied by the Public Works Director, an owner can appeal to the Board of County Commissioners for a waiver and the owners have appealed that decision to the Board of County Commissioners.

**NOW, THEREFORE, BE IT RESOLVED** this 9th day of November, 2015 by the Board of County Commissioners of Nassau County, Florida, that:

1. Based on the Hunter's presentation and the facts presented, the denial of the building permit would create a hardship and, based on the standards and objectives of Ordinance 99-17, the waiver is hereby approved.
2. The condition of the granting of this waiver is the execution, by Kenneth and Jamie Hunter, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Kenneth and Jamie Hunter only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Kenneth and Jamie Hunter shall be recorded.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
~~PAT EDWARDS~~ **WALTER J. Boatright**  
Its: ~~Chairman~~ **Vice Chairman**

ATTEST AS TO CHAIRMAN'S  
SIGNATURE:

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

Approved as to form by the  
Nassau County Attorney:

  
\_\_\_\_\_  
MICHAEL S. MULLIN

MES  
11-10-15

**EXHIBIT "A"**

The land referred to herein below is situated in the County of Nassau, State of Florida, and is described as follows:

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE NORTH 88 DEGREES 33'21" EAST, ALONG THE SOUTH LINE OF SAID SECTION 27, 1224.79 FEET TO AN ANGLE POINT; THENCE NORTH 88 DEGREES 47'17" EAST, CONTINUING ALONG THE SOUTH LINE OF SECTION 27, 1479.40 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 27, SAID POINT BEING IN THE CENTER LINE OF A 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES; THENCE NORTH 47 DEGREES 01'47" WEST, ALONG THE CENTER LINE OF SAID 60.00 FOOT EASEMENT, 1017.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 47 DEGREES 01'47" WEST, ALONG SAID CENTER LINE, 599.92 FEET; THENCE NORTH 31 DEGREES, 08'14" EAST, 1112.79 FEET; THENCE SOUTH 47 DEGREES 01'47" EAST, 599.92 FEET; THENCE SOUTH 31 DEGREES 08'14" WEST, 1112.79 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO EASEMENTS FOR INGRESS, EGRESS AND UTILITIES AS DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1976, PAGE 227 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

AFFIDAVIT

WE, THE UNDERSIGNED AFFIANTS, DO HEREBY UNDER OATH ACKNOWLEDGE AND AGREE that:

1. I applied for a waiver, pursuant to Section 15.2 of Nassau County Ordinance 99-17, as amended, in order to pull a building permit on property described in Exhibit "A". The waiver is necessary as the property is located on a 60' non paved easement.
2. My Property fronts on a 60' easement, known as Countree Life Way.
3. Nassau County did not construct, inspect nor approve the construction of the easement or the utilization of the easement for access.
4. The easement is not dedicated to the public.
5. Nassau County does not maintain the easement nor will it maintain the easement.
6. The responsibility for maintenance of the easement rests with me and the other property owners and/or the developers, Albert L. Higginbotham and Shari T. Graham.
7. Emergency response and/or response times may be adversely affected based upon the maintenance of the easement.
8. My Property is not in a platted subdivision, and the County cannot make any assertions as to the adequacy of drainage and there is no approved stormwater management plan.
9. The term "maintenance" shall include, but not be limited to, repairing the road surface, clearing obstructions, grading or scraping the road as necessary, cleaning or recutting ditches as necessary, trimming brush along the roadside, unplugging or opening culverts or drainpipes, and performing any and all necessary work required to maintain the road in a condition that will allow for reasonable and safe access of standard passenger vehicles.

Under penalties of perjury, I declare the above statements to be true to the best of my knowledge and belief.

Dated 11-9-15.

Witnesses:

Joyce Bradley  
Joyce T. Bradley  
Printed Name of Witness

[Signature]  
Kenneth Hunter

[Signature]  
Jimmy L. Higginbotham  
Printed Name of Witness

Witnesses:

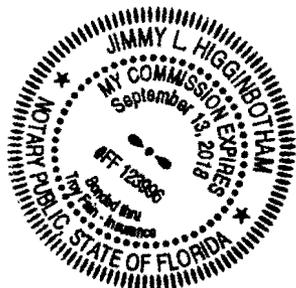
Joyce Bradley  
Joyce T. Bradley  
Printed Name of Witness

[Signature]  
Jamie Hunter

[Signature]  
Jimmy L. Higginbotham  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 9 day of November, 2015 by ~~2015 Kenneth Hunter~~ and Jamie Hunter, who are personally known to be or who have produced \_\_\_\_\_ as identification and who did take an oath.



[Signature]  
Notary Public  
State of Florida at Large  
My Commission expires: \_\_\_\_\_