

RESOLUTION NO. 2015-144

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 WYATT AND HEATHER DAVIDSON.

WHEREAS, Wyatt and Heather Davidson own a parcel of property whose address is 54457 Wildlife Way, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

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

WHEREAS, Wyatt and Heather Davidson purchased their property and obtained the right to the sixty foot (60') easement from Albert L. Higginbotham and Shari T. Graham; and

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

WHEREAS, Wyatt and Heather Davidson applied for a building permit for their property, and the county records indicate there have been seven (7) building permits issued on Wildlife Way; 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 ninth (9th) dwelling unit; and

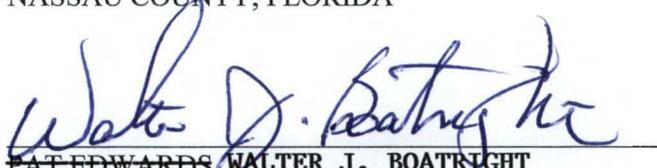
WHEREAS, pursuant to Section 15.2.1 of Ordinance 99-17, after a variance is denied by the Public Works Director, an owner can appeal to the Board of County Commissioners for a waiver and the owners have appealed that decision to the Board of County Commissioners.

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

INSTR # 201532373, Book 2013, Page 1804
Pages 5
Doc Type UNK, Recorded 11/12/2015 at 04:16 PM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec Fee \$44.00
#1

1. Based on the Davidson'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 Wyatt and Heather Davidson, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Wyatt and Heather Davidson only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Wyatt and Heather Davidson shall be recorded.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



~~PAT EDWARDS~~ WALTER J. BOATRIGHT
Its: ~~Chairman~~ Vice Chairman

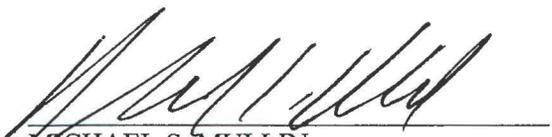
ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:

MES
11-10-15



MICHAEL S. MULLIN

EXHIBIT "A"

A PORTION OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 3 NORTH RANGE 25 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 28; THENCE NORTH 00°56'18"WEST, ALONG THE EAST LINE OF SAID SECTION 28, 2675.30 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 28; THENCE SOUTH 88°17'27"WEST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28, 974.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°49'43"WEST, 1032.85 FEET TO THE CENTER LINE OF A 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES; THENCE NORTH 58°03'05"WEST ALONG SAID CENTER LINE OF SAID 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES, 240.61 FEET TO THE POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 2275.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AND AFORE SAID 60.00 FOOT EASEMENT AN ARC DISTANCE OF 96.76 FEET TO THE POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 59°16'11"WEST, 96.75 FEET; THENCE NORTH 60°29'18"WEST, CONTINUING ALONG SAID 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES, 281.90 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 4350.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AND AFORE SAID 60.00 FOOT EASEMENT, AN ARC DISTANCE OF 129.62 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 59°38'05"WEST, 129.62 FEET; THENCE CONTINUE ALONG SAID CENTERLINE OF SAID 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES, NORTH 58°46'51"WEST, 731.45 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 1690.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AND SAID 60.00 FOOT EASEMENT, AN ARC DISTANCE OF 382.55 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 65°15'57"WEST, 381.73 FEET; THENCE NORTH 71°45'02"WEST, CONTINUING ALONG SAID CENTER LINE OF SAID 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES, 32.98 FEET TO ITS INTERSECTION WITH THE WESTERLY LINE OF THE SOUTHEAST 1/4 OF SECTION 28; THENCE NORTH 01°10'48"WEST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 28, 51.83 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 88°17'27"EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28, 1662.82 FEET TO THE POINT OF BEGINNING. TOGETHER WITH AND SUBJECT TO A 60.00 FOOT EASEMENT FOR INGRESS AND EGRESS OVER THE NORTHERLY 60.00 FEET OF THE ABOVE DESCRIBED PARCEL OF LAND. THIS PARCEL CONTAINS 20.00 ACRES MORE OR LESS.

TOGETHER WITH A 60.00 FOOT EASEMENT FOR INGRESS AND EGRESS FROM THE EAST LINE OF THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27 AND THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 34 OVER AND ACROSS AN EXISTING DIRT ROAD RUNNING SOUTHEASTERLY TO MIDDLE ROAD.

60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES

A PORTION OF SECTIONS 27 AND 28, 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°33'21"EAST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27, 1224.79 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°47'17"EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27, 1483.85 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27; THENCE NORTH 01°41'47"WEST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27, 60.00 FEET; THENCE SOUTH 88°47'17"WEST, 1483.34 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 1170.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 259.07 FEET TO THE POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 84°52'06"WEST, 258.54 FEET; THENCE NORTH 78°31'29"WEST, 140.24 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 270.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 165.86 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 60°55'36"WEST, 163.26 FEET; THENCE NORTH 43°19'43"WEST, 288.59 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 530.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 268.93 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 57°51'54"WEST, 266.05 FEET; THENCE NORTH 72°24'04"WEST, 166.21 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 370.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 122.91 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 62°53'04"WEST, 122.35 FEET; THENCE NORTH 53°22'03"WEST, 427.65 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 995.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 210.22 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 47°18'54"WEST, 209.83 FEET; THENCE NORTH 41°54'55"WEST, 584.56 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 630.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 184.60 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 49°39'25"WEST 183.94 FEET; THENCE NORTH 58°03'05"WEST, 248.93 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 2305.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 98.03 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 59°16'11"WEST, 98.03 FEET; THENCE NORTH 60°29'18"WEST, 281.90 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 4320.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 128.73 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 59°38'05"WEST, 128.72 FEET; THENCE NORTH 58°46'51"WEST, 731.45 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 1720.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 319.62 FEET SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 64°06'16"WEST, 319.16 FEET; THENCE SOUTH 88°17'27"WEST ALONG THE SOUTH LINE OF AN EXISTING 60.00 FOOT EASEMENT FOR INGRESS AND EGRESS, 171.64 FEET; THENCE SOUTH 71°45'02"EAST, 91.63 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 1660.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 375.76 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 65°15'57"EAST, 374.96 FEET; THENCE SOUTH 58°46'51"EAST, 731.45 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 4380.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 130.52 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 59°38'05"EAST, 130.51 FEET; THENCE SOUTH 60°29'18"EAST, 281.90 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 2245.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 95.48 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 59°16'11"EAST, 95.48 FEET; THENCE SOUTH 58°03'05"EAST, 248.93 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 570.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 167.02 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 49°39'25"EAST, 166.42 FEET TO A POINT OF TANGENT; THENCE SOUTH 41°54'55"EAST, 584.56 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 1055.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 222.89 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 47°18'54"EAST, 222.48 FEET; THENCE SOUTH 53°22'03"EAST, 427.65 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 430.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 142.85 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 62°53'04"EAST, 142.19 FEET; THENCE SOUTH 72°24'04"EAST, 166.21 FEET TO A POINT OF CURVE TO THE RIGHT AND HAVING A RADIUS OF 470.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AN ARC DISTANCE OF 238.48 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 57°51'54"EAST, 235.93 FEET; THENCE SOUTH 43°19'43"EAST, 288.59 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 330.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 202.71 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 60°55'36"EAST, 199.54 FEET; THENCE SOUTH 78°31'29"EAST, 140.24 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 1230.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AN ARC DISTANCE OF 272.36 FEET TO THE POINT OF BEGINNING, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 84°52'06"EAST, 271.80 FEET.

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 Wildlife 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:

[Signature]

Kenneth H. Hunter
Printed Name of Witness

[Signature]

Wyatt Davidson

Joyce T. Bradley
Joyce T. Bradley
Printed Name of Witness

Witnesses:

[Signature]

Kenneth H. Hunter
Printed Name of Witness

[Signature]
Heather Davidson

Joyce T. Bradley
Joyce T. Bradley
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 9th day of November, 2015 by Wyatt Davidson and Heather Davidson, who are personally known to be or who have produced _____ as identification and who did take an oath.



JOYCE T. BRADLEY
Notary Public, State of Florida
My Comm. Expires Dec. 23, 2017
Commission No. FF 75458

[Signature]
Notary Public
State of Florida at Large
My Commission expires: 12-23-17