

RESOLUTION NO. 2015-168

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 DONNIE R. STARLING AND LYNDA L. STARLING.

WHEREAS, Donnie R. Starling and Lynda L. Starling own a parcel of property whose address is Conley Road, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

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

WHEREAS, Donnie R. Starling and Lynda L. Starling purchased their property and obtained the right to the sixty foot (60') easement from John Barrow, III and Alma M. Barrow; and

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

WHEREAS, Donnie R. Starling and Lynda L. Starling applied for a building permit for their property; and

WHEREAS, Nassau County Roadway and Drainage Standard Ordinance No. 99-17, Section 11.2 states that a 60' easement can serve up to five (5) dwelling units and must be paved;

WHEREAS, the Public Works Director denied the request for a variance for the utilization of an unpaved sixty foot (60') dirt road; 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 28th day of December, 2015 by the Board of County Commissioners of Nassau County, Florida, that:

INSTR # 201536471, Book 2020, Page 1666
Pages 8
Doc Type UNK, Recorded 12/30/2015 at 10:16 AM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$69.50
#1

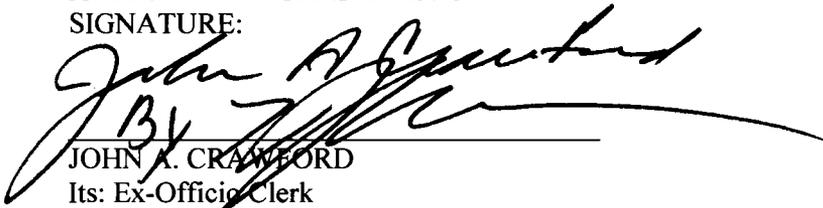
1. Based on the Starling's presentation and the facts presented, the denial of the building permit would create a hardship and, based on the standards and objectives of Ordinance 99-17, the waiver is hereby approved.
2. The condition of the granting of this waiver is the execution, by Donnie R. Starling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

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



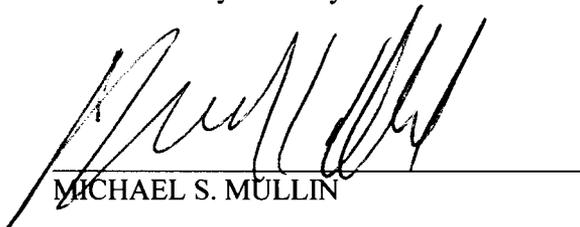
PAT EDWARDS
Its: Chairman

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

EXHIBIT "A"

Book 925 Page 1321

TRACT 3

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PART OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COMMENCE AT A FOUND 3/4" IRON PIPE MARKING A CORNER COMMON TO SECTIONS 16,17,20 AND 21, TOWNSHIP 1 NORTH, RANGE 24 EAST; THENCE NORTH 88°20'27" WEST, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 1,964.21 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CONLEY ROAD, (A 60-FOOT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 472, PAGE 318 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY); THENCE SOUTH 01°32'47" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,665.40 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°32'47" WEST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 291.49 FEET; THENCE NORTH 88°27'30" WEST, A DISTANCE OF 615.87 FEET TO THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 20; THENCE NORTH 01°34'46" EAST, ALONG SAID WEST LINE, A DISTANCE OF 292.03 FEET; THENCE SOUTH 88°24'27" EAST, A DISTANCE OF 615.70 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF CONLEY ROAD AND THE POINT OF BEGINNING. CONTAINING 4.12 ACRES, MORE OR LESS.

TRACT 4

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PART OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

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TRACT 5

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PART OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

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TRACT 1

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PART OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COMMENCE AT A FOUND 3/4" IRON PIPE MARKING A CORNER COMMON TO SECTIONS 16, 17, 20 AND 21, TOWNSHIP 1 NORTH, RANGE 24 EAST; THENCE SOUTH 01°26'50" WEST, ALONG THE EAST LINE OF SAID SECTION 20, A DISTANCE OF 2,341.67 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°26'50" WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 346.28 FEET TO THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 20; THENCE NORTH 88°22'55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1,153.32 FEET; THENCE NORTH 01°30'24" EAST, A DISTANCE OF 389.92 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CONLEY ROAD (A 60-FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE); THENCE SOUTH 88°58'22" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 257.44 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 270.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE RIGHT, AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 23°39'43", AN ARC DISTANCE OF 111.50 FEET TO A POINT OF TANGENCY, (SAID CURVE BEING SUBTENDED BY A CHORD BEARING SOUTH 77°08'31" EAST A DISTANCE OF 110.71 FEET); THENCE SOUTH 65°18'39" EAST, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 112.38 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 230.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 26°45'11", AN ARC DISTANCE OF 107.39 FEET TO A POINT OF TANGENCY, (SAID CURVE BEING SUBTENDED BY A CHORD BEARING SOUTH 78°41'15" EAST A DISTANCE OF 106.42 FEET); THENCE NORTH 87°56'10" EAST, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 579.93 FEET TO THE EAST LINE OF SAID SECTION 20 AND THE POINT OF BEGINNING. CONTAINING 9.21 ACRES, MORE OR LESS.

TRACT 2

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PART OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

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EXHIBIT "B"

AFFIDAVIT

WE, THE UNDERSIGNED AFFILIANTS, 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 Wiregrass 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 developer.
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 12-26-15.

Witnesses:

[Signature]
Jenny Barrett
Printed Name of Witness

[Signature]
Donnie R. Starling

[Signature]
Jimmy L. Higginbotham
Printed Name of Witness

Witnesses:

[Signature]
Benny Barrett
Printed Name of Witness

[Signature]
Lynda L. Starling

[Signature]
Jimmy L. Higginbotham
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 26 day of December, 2015 by Donnie R. Starling and Lynda L. Starling, 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: _____

EXHIBIT "A"

Book 925 Page 1321

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TRACT 2

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