

**RESOLUTION NO. 2016-26**

**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 GREGORY HEER AND CHRISTINA HEER.**

**WHEREAS**, Gregory Heer and Christina Heer own a parcel of property which is located on Vineyard Drive, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

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

**WHEREAS**, Gregory Heer and Christina Heer purchased their property and obtained the right to the sixty foot (60') easement from Vineyard Partners, LLC, a Florida limited liability company; and

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

**WHEREAS**, Gregory Heer and Christina Heer 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

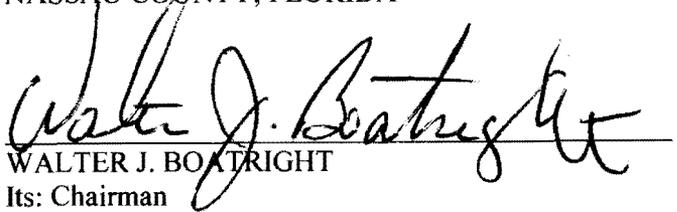
**WHEREAS**, pursuant to Section 15.2.1 of Ordinance 99-17, after a variance is denied by the Public Works Director, an owner can appeal to the Board of County Commissioners for a waiver and the owners have appealed that decision to the Board of County Commissioners.

**NOW, THEREFORE, BE IT RESOLVED** this 22nd day of February, 2016 by the Board of County Commissioners of Nassau County, Florida, that:

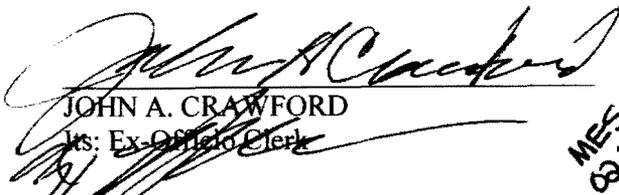
1. Based on the Heer's presentation and the facts presented, the denial of the building permit would create a hardship and, based on the standards and objectives of Ordinance 99-17, the waiver is hereby approved.

2. The condition of the granting of this waiver is the execution, by Gregory Heer and Christina Heer, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Gregory Heer and Christina Heer only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Gregory Heer and Christina Heer shall be recorded.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
WALTER J. BOATRIGHT  
Its: Chairman

ATTEST AS TO CHAIRMAN'S  
SIGNATURE:

  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MES  
03-24-16

Approved as to form by the  
Nassau County Attorney:

  
MICHAEL S. MULLIN

EXHIBIT "A"  
TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN A PORTION OF LOT 1, OF A SUBDIVISION OF SECTION 37 (WADE SILCOX GRANT), TOWNSHIP 1 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA, AS RECORDED IN DEED BOOK 39, PAGE 310, OF SAID PUBLIC RECORDS; SAID PARCEL ALSO BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1374, PAGE 1935 OF SAID PUBLIC RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 1 ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 37 AND RUN NORTH 89 DEG 27 MIN 07 SEC E, ALONG THE SOUTH LINE OF SAID SECTION 37 AND SAID OFFICIAL RECORDS BOOK 1374, PAGE 1935, A DISTANCE OF 1596.60 FEET TO AN IRON ROD AND THE POINT OF BEGINNING; THENCE LEAVE SAID SOUTH LINE AND RUN N 00 DEG 32 MIN 53 SEC W, 237.13 FEET TO AN IRON ROD ON THE SOUTHERLY LINE OF AN EXISTING ACCESS ROAD; THENCE RUN EASTERLY ALONG SAID SOUTHERLY LINE WITH THE FOLLOWING COURSES AND DISTANCES: S 77 DEG 16 MIN 17 SEC E, 92.09 FEET TO AN IRON ROD; N 76 DEG 45 MIN 51 SEC E, 158.95 FEET TO AN IRON ROD; N 85 DEG 00 MIN 18 SEC E, 263.22 FEET TO AN IRON ROD; S 88 DEG 18 MIN 27 SEC E, 196.26 FEET TO AN IRON ROD; N 81 DEG 10 MIN 49 SEC E, 143.84 FEET TO AN IRON ROD; S 76 DEG 47 MIN 34 SEC E, 237.45 FEET TO AN IRON ROD; S 41 DEG 37 MIN 23 SEC E, 93.13 FEET TO AN IRON ROD ON THE WESTERLY LINE OF VINEYARD ROAD; THENCE RUN S 33 DEG 59 MIN 00 SEC W, ALONG SAID WESTERLY LINE, 191.38 FEET TO AN IRON ROD ON THE SOUTH LINE OF SAID SECTION 37 AND SAID OFFICIAL RECORDS BOOK 1374, PAGE 1935; THENCE RUN S 89 DEG 27 MIN 07 SEC W, ALONG SAID SOUTH LINE, 1028.92 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING SUBJECT TO ANY EASEMENTS, IF RECORDED OR NOT IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

EXHIBIT "B"

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 Vineyard Drive.
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 2-3-16.

Witnesses:

Dawn Krass

Dawn Krass  
Printed Name of Witness

  
Gregory Heer  
GREGORY A. HEER

Joy Ruma

Joy Ruma  
Printed Name of Witness

Witnesses:

Dawn Krass

Dawn Krass  
Printed Name of Witness

  
Christina Heer  
Christina michelle Heer

Joy Ruma

Joy Ruma  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of Feb, 2016  
by Gregory A Heer and Christina m Heer, who are personally known to be or  
who have produced FLDL as identification and who did take an oath.

His 323-0 Her 546-0 2/21  
9/21

**MICHELLE R. CREWS**  
Notary Public, State of Florida  
My Comm. Expires July 24, 2019  
Commission No. FF 238758

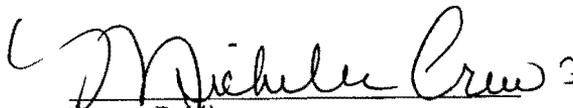
  
Notary Public  
State of Florida at Large  
My Commission expires: 7/24/19

EXHIBIT "B"

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