

RESOLUTION NO. 2016- 31

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 TIMOTHY R. PICKETT AND SUZANNE B. PICKETT.

WHEREAS, Timothy R. Pickett and Suzanne B. Pickett own a parcel of property located at 17320 Cross Branch Road, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

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

WHEREAS, Timothy R. Pickett and Suzanne B. Pickett purchased their property and obtained the right to the sixty foot (60') easement from Ronald N. Jones and Nancy A. Jones; and

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

WHEREAS, Timothy R. Pickett and Suzanne B. Pickett applied for a building permit for their property, and the county records indicate there have been eight (8) building permits issued on Cross Branch Road; 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, the Picketts have a house on their property and are creating another lot for their daughter; 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.

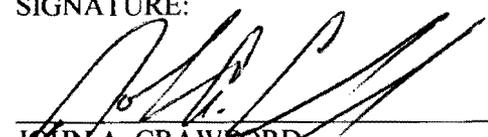
NOW, THEREFORE, BE IT RESOLVED this 16th day of March, 2016 by the Board of County Commissioners of Nassau County, Florida, that:

1. Based on the Pickett'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 Timothy R. Pickett and Suzanne B. Pickett, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Timothy R. Pickett and Suzanne B. Pickett only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Timothy R. Pickett and Suzanne B. Pickett 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
 03-18-16

Approved as to form by the
 Nassau County Attorney:


 MICHAEL S. MULLIN

Exhibit A

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATE IN THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 23 EAST, NASSAU COUNTY, FLORIDA.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A NAIL AND DISK FOUND IN THE CENTERLINE OF COUNTY ROAD NO. C-115 (A 100 FOOT RIGHT OF WAY), SAID NAIL AND DISK BEING THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 23 EAST AFORESAID; AND RUN SOUTH 88° 43' 07" EAST ALONG THE CENTERLINE OF COUNTY ROAD NO. C-115 AFORESAID BEING ALSO THE SOUTHERLY LINE OF SECTION 10 AFORESAID, A DISTANCE OF 2641.19 FEET TO A NAIL AND DISK FOUND FOR THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 10, AFORESAID; THENCE NORTH 00° 59' 14" EAST ALONG THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 10, AFORESAID AND ALONG THE CENTERLINE OF CROSS BRANCH ROAD (A 60 FOOT RIGHT OF WAY), A DISTANCE OF 1337.65 FEET TO A 1/2" IRON ROD AND CAP "PLS 1558" FOUND FOR THE SOUTHEAST CORNER OF THE NORTH ONE -HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 10 AFORESAID; RUN THENCE SOUTH 88° 50' 03" WEST ALONG THE SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER AFORESAID, A DISTANCE OF 30.02 FEET TO A 1/2" IRON PIPE "ELLIS, CURTIS & KOOKER" FOUND WHERE SAID LINE INTERSECTS THE WESTERLY RIGHT OF WAY LINE OF CROSS BRANCH ROAD AFORESAID FOR THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE SOUTH 88° 50' 03" WEST ALONG THE SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 10 AFORESAID, A DISTANCE OF 730.25 FEET TO A 1/2" IRON ROD AND CAP "PLS 1558" FOUND; THENCE NORTH 00° 41' 05" WEST, A DISTANCE OF 879.35 FEET TO A SET 5/8" IRON ROD AND CAP "MANZIE 7039"; THENCE NORTH 88° 50' 03" EAST, DISTANCE OF 755.92 FEET TO A SET 5/8" IRON ROD AND CAP "MANZIE 7039" SET ON THE WESTERLY RIGHT OF WAY LINE OF CROSS BRANCH ROAD AFORESAID; THENCE SOUTH 00° 59' 14" WEST ALONG SAID RIGHT OF WAY, A DISTANCE 879.94 FEET TO THE POINT OF BEGINNING.

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 Cross Branch Road.
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.

2016 MAR -9 AM 9:54
COUNTY ATTORNEY

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

Dated 2-26-16.

Exhibit "B"

Witnesses:

Monica Allen
Monica Allen
Printed Name of Witness

Timothy R. Pickett
TIMOTHY R. PICKETT

Nora M. Ineff
Nora M. Ineff
Printed Name of Witness

Witnesses:

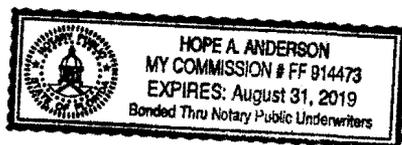
Monica Allen
Monica Allen
Printed Name of Witness

Suzanne B. Pickett
SUZANNE B. PICKETT

Nora M. Ineff
Nora M. Ineff
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 26 day of February, 2016 by Timothy R. Pickett and Suzanne B. Pickett, who are personally known to be or who have produced personal ID as identification and who did take an oath.



Hope A. Anderson
Notary Public
State of Florida at Large
My Commission expires: 8/31/2019

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