

RESOLUTION NO. 2016- 51

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 GERALD A. MCFALL, JR., AND DEBORAH J. MCFALL.

WHEREAS, Gerald A. McFall, Jr. and Deborah J. McFall own a parcel of property on 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, Gerald A. McFall, Jr. and Deborah J. McFall 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, Gerald A. McFall, Jr. and Deborah J. McFall applied for a building permit for their property, and the county records indicate there have been eleven (11) 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 twelfth (12th) dwelling unit; and

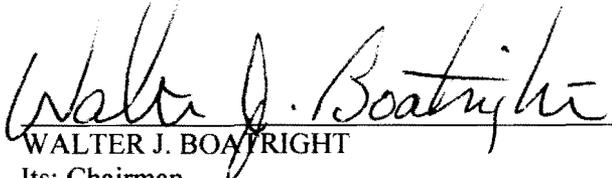
WHEREAS, pursuant to Section 15.2.1 of Ordinance 99-17, after a variance is denied by the Public Works Director, an owner can appeal to the Board of County Commissioners for a waiver and the owners have appealed that decision to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED this 11th day of April, 2016 by the Board of County Commissioners of Nassau County, Florida, that:

INSTR # 201610228, Book 2040, Page 887
Pages 6
Doc Type UNK, Recorded 04/15/2016 at 11:03 AM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$52.50
#1

1. Based on the McFall'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 Gerald A. McFall, Jr. and Deborah J. McFall, of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Gerald A. McFall, Jr. and Deborah J. McFall only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Gerald A. McFall, Jr. and Deborah J. McFall 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. Office Clerk
3/4 [Handwritten initials] CSO rmp 4.12.16
Approved as to form by the
Nassau County Attorney:


MICHAEL S. MULLIN

Exhibit "A"

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 3 NORTH RANGE 25 EAST TOGETHER WITH PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 27 ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 34; THENCE NORTH 63°18'11"EAST, 647.42 FEET TO A POINT IN THE CENTER LINE OF A 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES; THENCE SOUTH 43°19'43"EAST ALONG SAID CENTER LINE, 124.51 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 300.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AND CENTER LINE OF EASEMENT AN ARC DISTANCE OF 184.29 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 60°55'36"EAST, 181.40 FEET; THENCE SOUTH 78°31'29"EAST, CONTINUING ALONG SAID CENTER LINE OF A 60.00 FOOT EASEMENT, 140.24 FEET TO A POINT OF CURVE TO THE LEFT AND HAVING A RADIUS OF 1200.00 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE LEFT AND SAID CENTER LINE OF A 60.00 FOOT EASEMENT, AN ARC DISTANCE OF 265.72 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 84°52'06"EAST, 265.17 FEET; THENCE NORTH 88°47'17"EAST CONTINUING ALONG SAID CENTER LINE OF A 60.00 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES 128.39 FEET; THENCE SOUTH 00°18'13"EAST, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, 1406.35 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 88°44'26"WEST, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, 1352.45 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00°18'41"WEST, ALONG THE WEST LINE OF AFORESAID SECTION 34, 1372.50 FEET TO THE NORTHWEST CORNER OF SAID SECTION 34 AND THE SOUTHWEST CORNER OF SECTION 27 AND THE POINT OF BEGINNING.
THIS PARCEL CONTAINS 46.00 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 SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27, 1483.85 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27; THENCE NORTH 01°41'47"WEST, ALONG THE EAST LINE OF THE SOUTHEAST 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 183.86 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 895.00 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°15'45"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 319.82 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°15'45"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

4/7/16 

Witnesses:

LaVonda Lyons
LaVonda Lyons
Printed Name of Witness

Gerald A. McFall, Jr.
Gerald A. McFall, Jr.

Becky Liddell
Becky Liddell
Printed Name of Witness

Witnesses:

LaVonda Lyons
LaVonda Lyons
Printed Name of Witness

Deborah J. McFall
Deborah J. McFall

Becky Liddell
Becky Liddell
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 7th day of April, 2016 by Gerald McFall and Deborah J. McFall who are personally known to be or who have produced Fla. P. Lic as identification and who did take an oath.

Troy A. Arnold
Notary Public
State of Florida at Large
My Commission expires: 10/01/16

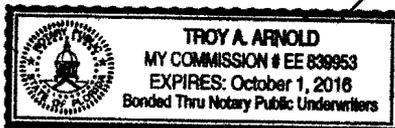


Exhibit "A"

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 3 NORTH RANGE 25 EAST TOGETHER WITH PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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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, 374.98 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, 248.83 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, 168.42 FEET TO A POINT OF TANGENT; THENCE SOUTH 41°15'45"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, 165.21 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.