

RESOLUTION NO. 2018-132

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, VACATING A TEN (10) FOOT EASEMENT LOCATED WITHIN LOT 16 OF THE PLAT OF THE PINES UNIT 2, AS RECORDED IN PLAT BOOK 5, PAGES 128 AND 129, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA

WHEREAS, Jimmy L. Higginbotham and Carol T. Higginbotham are the qualified fee simple land owners of the following described property:

**Lands described in the legal description attached hereto as Exhibit "A"
and by this reference made a part hereof**

WHEREAS, the Board of County Commissioners is authorized to adopt a resolution vacating plats, either in whole or in part, in subdivisions located in Nassau County, pursuant to Section 177.101, Florida Statutes; and

WHEREAS, the petition of Jimmy L. Higginbotham and Carol T. Higginbotham, owners, and herein referred to as Petitioners, was duly presented to the Board of County Commissioners at its regular meeting on October 22, 2018 in order to set a public hearing; and

WHEREAS, a public hearing was held on November 26, 2018 by the Board of County Commissioners of Nassau County, Florida; and

WHEREAS, it appears that the Petitioners are the fee simple owners of the above-described property, which contains, on the plat, the described ten (10) foot easement dedicated to Nassau County and its successors the ten (10) foot easement depicted on the said plat (See Exhibit "B") does not serve a public purpose and the Board of County Commissioners has no objections to vacation of the easement; and

WHEREAS, notice was published in accordance with the requirements of Section 177.101(4), Florida Statutes, and all state and county taxes assessed against the Petitioners on the lands to be vacated that are due and payable have been paid in full; and

WHEREAS, a notice of intention to apply to the Board of County Commissioners to vacate the plat was duly published in a newspaper of general circulation in Nassau County, Florida, on November 7, 2018 and November 14, 2018; and

WHEREAS, the Board of County Commissioners, in accordance with Section 177.101(3), Florida Statutes, has determined that vacating a portion of the plat owned by Petitioners will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or adjacent properties, and is in the best interest of the public welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, that:

1. Recitals. The above recitals are true and are incorporated as legislative findings.
2. Vacation and Abandonment. Upon request of Petitioners, the Board finds that the following described portion of the plat (the Easement) of The Pines Unit 2 as recorded in Plat Book 5, Pages 128-129, of the public records of Nassau County, Florida (Exhibit "B") is hereby vacated and abandoned insofar as this Board of County Commissioners has the authority to do so and this Board hereby renounces and disclaims any right of the County and the public in and to the above-described property (Easement described in Exhibit "B").
3. This Resolution shall be spread upon the minutes of the Board of County Commissioners of Nassau County, Florida, and said Petitioners shall publish a notice of its adoption one (1) time within thirty (30) days hereafter in a newspaper of general circulation in Nassau County, Florida.

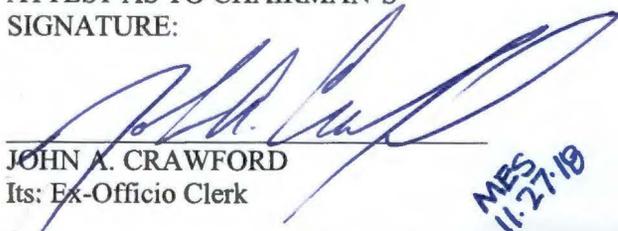
DULY ADOPTED this 26th day of November, 2018.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



PAT EDWARDS
Its: Chairman

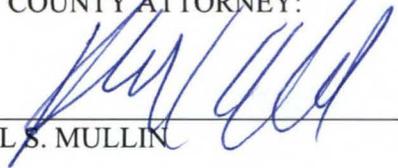
ATTEST AS TO CHAIRMAN'S
SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
11-27-18

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN

EXHIBIT "A"

All of that certain piece, parcel or tract of land lying and being in the County of Nassau and the State of Florida known and described as follows:

LOT 16, THE PINES UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 128 AND 129 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

EXHIBIT "B"

THE SOUTHERLY TEN (10) FEET OF SAID LOT 16, THE PINES UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 128 AND 129 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, INTENDING TO DESCRIBE THE TEN (10) FOOT UTILITY EASEMENT ALONG THE SOUTHERLY LOT LINE.

Nassau County Record
Published Weekly
617317 Brandies Avenue, PO Box 609
Callahan, Nassau County FL 32011
904-879-2727

STATE OF FLORIDA
COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Amanda Ream

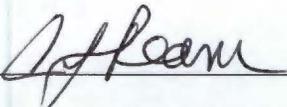
Who on oath says that (s)he is the Publisher of the
Nassau County Record, a weekly newspaper published at
Callahan in Nassau County, Florida; that the attached copy of
the advertisement, being a Legal Notice in the matter of

**NOH-VACATING EASEMENT
J. HIGGINBOTHAM**

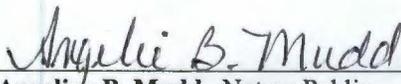
Was published in said newspaper in the issue(s) of

11/07/2018 11/14/2018
Ad # 469280

Affiant further says that the said Nassau County Record is a
newspaper published at Callahan in Nassau County, Florida,
and that the said newspaper has heretofore been continuously
published in said Nassau County, Florida, each week and has
been entered as second class matter at the post office in
Callahan, Nassau County, Florida for a period of one year
preceding the first publication of the attached copy of
advertisement; and Affiant further says that (s)he has neither paid
nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing this
advertisement in said newspaper.

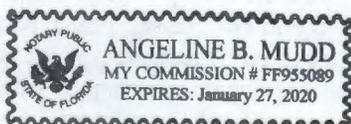


Sworn to and subscribed to before me
This 14th day of November, A.D. 2018



Angelina B. Mudd, Notary Public

 Personally Known



**NOTICE OF HEARING FOR THE
VACATING OF EASEMENT
TO WHOM IT MAY CONCERN:**
YOU WILL TAKE NOTICE
that the Board of County
Commissioners of Nassau
County, Florida, upon the pe-
tition of Jimmy L. Higginboth-
am and Carol T. Higginboth-
am, owners, will at 6:00 P.M.,
or as soon thereafter as the
matter may be heard, on the
26th day of November, 2018,
at the Commission Cham-
bers, James S. Page Govern-
mental Complex, 96135 Nas-
sau Place, Yulee, Florida, con-
sider and determine whether
or not the said Nassau Coun-
ty, Florida, will vacate, aban-
don, discontinue and close,
and will renounce and dis-
claim any right of Nassau
County, Florida, and the pub-
lic in and to any land or inter-
est therein delineated upon
the easement which is more
particularly described as fol-
lows:

**EXHIBIT A
LEGAL DESCRIPTION**
All of that certain piece, par-
cel or tract of land lying and
being in the County of Nas-
sau and the State of Florida
known and described as fol-
lows:
LOT 16, THE PINES UNIT 2, AC-
CORDING TO THE PLAT THERE-
OF AS RECORDED IN PLAT
BOOK 5, PAGES 128 AND 129
OF THE PUBLIC RECORDS OF
NASSAU COUNTY, FLORIDA.
THE SOUTHERLY TEN (10) FEET
OF SAID LOT 16, THE PINES
UNIT 2, ACCORDING TO THE
PLAT THEREOF AS RECORDED
IN PLAT BOOK 5, PAGES 128
AND 129 OF THE PUBLIC
RECORDS OF NASSAU COUN-
TY, FLORIDA, INTENDING TO
DESCRIBE THE TEN (10) FOOT
UTILITY EASEMENT ALONG THE
SOUTHERLY LOT LINE.

The public is invited to be
present and be heard, if a
person wishes to appeal any
decision made by the Board,
agency, or commission, with
respect to any matter consid-
ered at such meeting or
hearing, he or she will need a
record of the proceedings,
and that, for such purpose,
may need to ensure that a
verbatim record of the pro-
ceedings is made, which
record includes the testimony
and evidence upon which the
appeal is to be based.

Individuals with disabilities
requiring accommodations in
order to participate in this
proceeding should contact
the office of the Ex-Officio
Clerk at (904) 548-4660 or
Florida Relay Service at 1-800-
955-8770(v) or 1-800-955-8771
(TDD) at least seventy-two
hours in advance to request
such accommodation.
BOARD OF COUNTY COMMIS-
SIONERS
NASSAU COUNTY, FLORIDA
BY: /s/ Pat Edwards
Its: Chairman
ATTEST:
/s/ John A. Crawford
Its: Ex-Officio Clerk
NCR 2T 11-07-14-2018
#469280

Inst: 201845036602 Date: 11/28/2018 Time: 2:46PM
Page 1 of 1 B: 2239 P: 1151, Doc Type: UNK
John A. Crawford, Clerk of Court, Nassau County
By: RG, Deputy Clerk