

**RESOLUTION NO. 2022-\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
NASSAU COUNTY, FLORIDA, ABANDONING A RIGHT OF WAY LOCATED  
ON MARIAN DRIVE, NASSAU COUNTY, FLORIDA**

**WHEREAS**, Ryan Stewart and Sarah Stewart 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**

and;

**WHEREAS**, the Board of County Commissioners is authorized to adopt a resolution abandoning and disclaiming any right or interest to that certain right-of-way pursuant to Section 336.09, Florida Statutes; and

**WHEREAS**, the application of Ryan Stewart and Sarah Stewart, herein referred to as Applicants, was duly presented to the Board of County Commissioners at its regular meeting on June 13, 2022 in order to set a public hearing; and

**WHEREAS**, a public hearing was held on July 25, 2022 by the Board of County Commissioners of Nassau County, Florida; and

**WHEREAS**, it appears that the Applicants are the fee simple owners of the above-described property maintained by Nassau County and its successors. The right-of-way does not serve a public purpose and the Board of County Commissioners has no objections to abandonment of the right-of-way; and

**WHEREAS**, notice was published in accordance with the requirements of Section 336.10, Florida Statutes, and all state and county taxes due and payable assessed against the owners of the lands to be abandoned have been paid in full; and

**WHEREAS**, a notice of intention to apply to the Board of County Commissioners to abandon the right-of-way was duly published in a newspaper of general circulation in Nassau County, Florida, on July 6, 2022 and July 13, 2022; and

**WHEREAS**, the Board of County Commissioners, in accordance with Section 336.09, Florida Statutes, has determined that abandoning the right-of-way 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. Abandonment. Upon request of Applicants, the Board finds that the right-of-way described within Exhibit "A" located within Nassau County, Florida is hereby 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 described property.
3. The Board, based on the abandonment, shall not be responsible for the maintenance or repair of the right-of-way described within Exhibit "A".
4. This Resolution shall be spread upon the minutes of the Board of County Commissioners of Nassau County, Florida, and said Applicants 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

\_\_\_\_\_  
JEFF GRAY  
Its: Chairman

ATTEST AS TO CHAIRMAN'S  
SIGNATURE:

\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE  
NASSAU COUNTY ATTORNEY:

\_\_\_\_\_  
DENISE C. MAY

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **1304 MARIAN DRIVE RIGHT-OF-WAY ABANDONMENT**

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION TWELVE (12), TOWNSHIP TWO (2) NORTH, RANGE TWENTY-EIGHT (28) EAST, NASSAU COUNTY, FLORIDA, AND BEING PART OF MARIAN DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY) AS REFERRED TO ON AN UNRECORDED PLAT BY GEORGE W. LOVESEE. FINISHED 30 NOV., '66, FOR PHILLIP'S ENTERPRISES, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF AMELIA ROAD (A 60 FOOT-RIGHT OF WAY), AND A LINE PARALLEL TO AND 282.6 FEET NORTHERLY FROM THE NORTH EDGE OF SAID SECTION 12; THENCE SOUTH 80°24'00" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 956.00 FEET; THENCE AT RIGHT ANGLES SOUTH 09°36'00" EAST, A DISTANCE OF 389.07 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1433, PAGE 411 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1433, PAGE 411, THE FOLLOWING TWO (2) COURSES: (1) SOUTH 09°43'50" EAST, A DISTANCE OF 143.16 FEET; (2) THENCE SOUTH 67°28' 17" WEST A DISTANCE OF 237 .59 FEET TO THE POINT OF BEGINNING; THENCE NORTH 29°04'21" WEST, A DISTANCE OF 79.98 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF MARIAN DRIVE (A 60 FOOT RIGHT-OF-WAY AT THIS POINT) AND THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 40.00 FEET; THENCE SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF MARIAN DRIVE (A VARIABLE WIDTH RIGHTOF-WAY AND CUL-DE-SAC) AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 177°46'10", AN ARC DISTANCE OF 124.11 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 29°04'21" EAST, A DISTANCE OF 78.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.06 ACRE MORE OR LESS