

RESOLUTION NO. 2018-___

**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 _____ day of _____, 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

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.