

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2021-713-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF  
7 THE MANOR DRIVE RIGHT-OF-WAY, ESTABLISHED IN THE  
8 JONES MANOR PLAT, AS RECORDED IN PLAT BOOK 21,  
9 PAGE 73 OF THE CURRENT PUBLIC RECORDS OF DUVAL  
10 COUNTY, FLORIDA, IN COUNCIL DISTRICT 9, AT THE  
11 REQUEST OF 5 ELEPHANTS, LLC, SUBJECT TO  
12 RESERVATION UNTO JEA OF AN ALL UTILITIES AND  
13 FACILITIES EASEMENT AND RESERVATION UNTO THE  
14 CITY OF JACKSONVILLE OF A DRAINAGE EASEMENT;  
15 PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS;  
16 PROVIDING AN EFFECTIVE DATE.  
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18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Closure and Abandonment.** An opened and improved  
20 portion of the Manor Drive right-of-way established in the Jones  
21 Manor Plat, as recorded in Plat Book 21, Page 73 of the current public  
22 records of Duval County, Florida, located in Council District 9, a  
23 description of which is attached hereto as **Exhibit 1** and incorporated  
24 herein by this reference, is hereby closed and abandoned and/or  
25 disclaimed as a right-of-way at the request of 5 Elephants, LLC (the  
26 "Applicant"); provided however, there is reserved unto JEA an all  
27 utilities and facilities easement on, over, under, through and across  
28 the closed right-of-way for ingress and egress and for all utilities  
29 and facilities, including but not limited to, water, sewer and  
30 electric, so as to provide JEA continued access to repair and maintain  
31 these utilities and facilities, and there is further reserved unto

1 the City of Jacksonville a drainage easement on, over, under, through  
2 and across the southerly 20 feet of the easterly 180 feet of the  
3 right-of-way closure area. The Applicant paid the right-of-way  
4 closure application fee of \$2,091.00 and this amount has been  
5 deposited into the General Fund. This closure request was reviewed  
6 and approved by the various city, state, and utility agencies that  
7 might have an interest in the right-of-way and there were no  
8 objections to the Applicant's request.

9 **Section 2. Purpose.** The Applicant owns property adjacent  
10 to the closure area (R.E. No. 097936-0000) and is requesting the  
11 closure in order to use the closure area for events and to continue  
12 maintaining the closure area for aesthetic appeal, subject to the  
13 conditions set forth herein.

14 **Section 3. Hold Harmless Covenant.** The closure and  
15 abandonment by the City of its interests in the right-of-way is  
16 subject to Applicant's execution and delivery to the City of a Hold  
17 Harmless Covenant, in substantially the same form attached hereto as  
18 **Exhibit 2** and incorporated herein by this reference. Accordingly,  
19 the closure and abandonment of the right-of-way shall not be recorded  
20 in the public records until execution and delivery to the City by the  
21 Applicant of the required Hold Harmless Covenant.

22 **Section 4. Effective Date.** This Ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

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26 Form Approved:

27  
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation prepared by: Mary E. Staffopoulos

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