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ORDINANCE 2023-834-E

ORDINANCE CLOSING AND ABANDONING AND/OR AN DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION OF THE EDEN STREET RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF BILTMORE NO. 05 REPLAT, AS RECORDED IN PLAT BOOK 14, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL 10, AΤ THE REQUEST CORPORATION; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Jacksonville:

Closure and Abandonment. Section 1. An unopened unimproved portion of the Eden Street right-of-way established in the Plat of Biltmore No. 05 Replat, as recorded in Plat Book 14, Page 28 of the current public records of Duval County, Florida, located in Council District 10, a description and depiction of which is attached hereto as Exhibit 1 and incorporated herein by this reference, is hereby closed and abandoned and/or disclaimed as a right-of-way at the request of Tober Corporation (the "Applicant"). The Applicant paid the right-of-way closure application fee of \$2,091.00, which has been deposited into the General Fund. This closure request was reviewed and approved by the various city, state, and utility agencies that might have an interest in the right-of-way and there were no objections to the Applicant's request.

Section 2. Purpose. The Applicant owns property adjacent to the closure area at 2848 N. Edgewood Avenue (R.E. No. 083939-0000) and is requesting the closure for the potential development of storage units, apartments or single family homes.

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

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

Form Approved:

/s/ Joelle J. Dillard

Office of General Counsel

Legislation prepared by: Joelle J. Dillard

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