

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-240**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND UNIMPROVED PORTION OF
7 THE BETTES LANE RIGHT-OF-WAY, ESTABLISHED IN THE
8 PLAT OF ORTEGA SUBURB OF JACKSONVILLE FLA, AS
9 RECORDED IN PLAT BOOK 3, PAGE 40 OF THE CURRENT
10 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN
11 COUNCIL DISTRICT 14, AT THE REQUEST OF PATRICK
12 MORTON EMMET AND MARGARET BARNETT EMMET, SUBJECT
13 TO RESERVATION UNTO JEA AND AT&T OF AN ALL
14 UTILITIES, FACILITIES AND ACCESS EASEMENT OVER
15 THE CLOSURE AREA; PROVIDING FOR APPROVAL SUBJECT
16 TO CONDITIONS; 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
20 unimproved portion of the Bettes Lane right-of-way, established in
21 the Plat of Ortega Suburb of Jacksonville Fla, as recorded in Plat
22 Book 3, page 40 of the current public records of Duval County,
23 Florida, located in Council District 14, a depiction and description
24 of which is attached hereto as **Exhibit 1** and incorporated herein by
25 this reference, is hereby closed and abandoned and/or disclaimed as
26 a right-of-way at the request of Patrick Morton Emmet and Margaret
27 Barnett Emmet (collectively, the "Applicant"); provided however,
28 there is reserved unto JEA and AT&T an all utilities, facilities and
29 access easement on, over, under, through and across the closed right-
30 of-way area for ingress and egress and for all utilities and
31 facilities, including, but not limited to, water, sewer, electric,

1 and telecommunications, so as to provide JEA and AT&T continued access
2 to repair and maintain these utilities and facilities.

3 The Applicant paid the right-of-way closure application fee of
4 \$2,091.00 and this sum has been deposited into the City's General
5 Fund account. This closure request was reviewed and approved by the
6 various city, state, and utility agencies that might have an interest
7 in the right-of-way and there were no objections to the Applicant's
8 request.

9 **Section 2. Purpose.** The Applicant owns property adjacent
10 to the closure area at 3764 Ortega Boulevard (R.E. No. 101346-0000).
11 The Applicant has requested the closure in order to expand their
12 residential yard and install a fence.

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

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

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25 Form Approved:

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27 /s/Mary E. Staffopoulos

28 Office of General Counsel

29 Legislation prepared by: Mary E. Staffopoulos

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