

1 Introduced by the Council President at the request of the Mayor:

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4 **ORDINANCE 2022-773**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 THE ACOSTA STREET RIGHT-OF-WAY, ESTABLISHED IN
8 THE HOWELL SUBDIVISION PLAT, AS RECORDED IN PLAT
9 BOOK 1, PAGE 130 OF THE FORMER PUBLIC RECORDS OF
10 DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 9, AT
11 THE REQUEST OF FLORIDA MECHANICAL SYSTEMS, INC.,
12 SUBJECT TO RESERVATION UNTO JEA OF AN ALL
13 UTILITIES AND FACILITIES EASEMENT AND
14 RESERVATION UNTO THE CITY OF JACKSONVILLE OF AN
15 ALL UTILITIES AND FACILITIES EASEMENT; PROVIDING
16 FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
17 EFFECTIVE DATE.

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

20 **Section 1. Closure and Abandonment.** An opened and improved
21 portion of the Acosta Street right-of-way established in the Howell
22 Subdivision Plat, as recorded in Plat Book 1, Page 130 of the former
23 public records of Duval County, Florida, located in Council District
24 9, a description and depiction of which is attached hereto as **Exhibit**
25 **1** and incorporated herein by this reference, is hereby closed and
26 abandoned and/or disclaimed as a right-of-way at the request of
27 Florida Mechanical Systems, Inc. (the "Applicant"); provided however,
28 there is reserved unto JEA an all utilities and facilities easement
29 on, over, under, through and across the closed right-of-way for
30 ingress and egress and for all utilities and facilities, including
31 but not limited to, water, sewer and electric, so as to provide JEA

1 continued access to repair and maintain these utilities and
2 facilities, and there is further reserved unto the City of
3 Jacksonville an all utilities and facilities easement on, over, under,
4 through and across the closed right-of-way area for ingress and egress
5 and for all utilities and facilities so as to provide the City of
6 Jacksonville continued access to repair and maintain any and all City
7 of Jacksonville operated and maintained utilities and facilities
8 located within the closure area. The Applicant paid the right-of-
9 way closure application fee of \$2,091.00 and this amount has been
10 deposited into the General Fund. This closure request was reviewed
11 and approved by the various city, state, and utility agencies that
12 might have an interest in the right-of-way and there were no
13 objections to the Applicant's request.

14 **Section 2. Purpose.** The Applicant owns property adjacent
15 to the closure area (R.E. No. 064913-0005) and is requesting the
16 closure to install a gate in order to secure the Applicant's
17 industrial site and to minimize traffic entering the site, subject
18 to the conditions set forth herein.

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

27 **Section 4. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
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1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

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