

1 Introduced by Council Member White and amended by the Rules  
2 Committee:

3  
4  
5 **RESOLUTION 2026-73-A**

6 A RESOLUTION CONCERNING THE VACATION OF  
7 PORTIONS OF THE PLAT OF JACKSONVILLE HEIGHTS  
8 SUBDIVISION, PURSUANT TO SECTION 177.101(3),  
9 FLORIDA STATUTES; RETURNING A PORTION OF THE  
10 LANDS SHOWN ON SAID JACKSONVILLE HEIGHTS  
11 SUBDIVISION PLAT TO ACREAGE; MAKING FINDINGS;  
12 ABANDONING CERTAIN UNOPENED ROADS WITHIN THE  
13 BOUNDARIES OF THE JACKSONVILLE HEIGHTS  
14 SUBDIVISION PLAT THAT HAVE NOT BEEN OPENED AND  
15 HAVE NOT BECOME ROADS SUITABLE AND NECESSARY  
16 FOR THE TRAVELING PUBLIC; AND ENSURING LEGAL  
17 ACCESS TO ABUTTING PROPERTIES; REQUESTING ONE  
18 CYCLE EMERGENCY PASSAGE; PROVIDING AN  
19 EFFECTIVE DATE.  
20

21 **WHEREAS,** Section 177.101(3), Florida Statutes, authorizes the  
22 governing bodies of counties and municipalities to adopt  
23 resolutions vacating plats of subdivisions in said counties and  
24 municipalities, in whole or in part, returning the property covered  
25 by such plat, either in whole or in part, to acreage upon a showing  
26 that the person making application for such vacation is the owner  
27 of that portion of the lands covered by the plat sought to be  
28 vacated, and further, that the vacation will not affect the  
29 ownership or right of convenient access of persons owning other  
30 parts of the previously platted subdivision; and

31 **WHEREAS,** the Jacksonville Heights Subdivision plat is

1 recorded in Plat Book 5, Page 93 in the current public records of  
2 Duval County, Florida (the "Plat"), and encompass lands west of I-  
3 295 and North of I-10 on the westside of Jacksonville; and

4       **WHEREAS**, while the rights-of-way located within the lands  
5 described in that certain Sketch and Legal Description (Job No. 25-  
6 14774) prepared by Melrose Surveying and Mapping, Inc., dated on  
7 November 18, 2025 (the "Sketch"), which is attached to the  
8 surveyor's affidavit provided by William J. Melrose, Florida  
9 Professional Surveyor and Mapper No. 5843, dated December 9, 2025  
10 (the "Surveyor's Affidavit"), a copy of which is attached hereto  
11 and incorporated by reference as **Exhibit 1**, are presumed to be  
12 dedicated public rights-of-way, none of the platted rights-of-way  
13 located within the lands described in the Sketch were ever opened,  
14 improved or accepted by the City for maintenance. Additionally,  
15 said rights-of-way have not become highways suitable for the  
16 traveling public; and

17       **WHEREAS**, Theograce Holdings, LLC, a Florida limited liability  
18 company, (the "Applicant"), has applied to vacate those portions of  
19 the plat described in the Sketch; and

20       **WHEREAS**, the remaining lots or portions of lots owned by  
21 others within the Plat will not become landlocked parcels with no  
22 right of convenient access upon vacation of the plat, but will  
23 continue to have legal access; and

24       **WHEREAS**, the Applicant has agreed and understands that  
25 vacation of the plat and reversion of the land to acreage will have  
26 no effect on the recorded easements previously granted to third  
27 parties by the Applicant's predecessors in title, and those  
28 easements are unaffected by this Resolution and the plat vacation;  
29 and

30       **WHEREAS**, the vacation of the platted roadways within the  
31 Applicant's property will not otherwise affect the right of

1 convenient access to persons owning other parts of the platted  
2 lands and will not affect the previously granted recorded  
3 easements; and

4 **WHEREAS,** as required by Section 177.101(3), Florida Statutes,  
5 the Applicant has provided evidence of ownership of lands within  
6 the plat to be vacated; and

7 **WHEREAS,** public notice as required by law and specifically in  
8 compliance with Section 177.101(4), Florida Statutes, has been  
9 given, and all state and county taxes on the lands to be vacated  
10 have been paid in full or provision made for such payment; now  
11 therefore

12 **BE IT RESOLVED** by the Council of the City of Jacksonville:

13 **Section 1. Findings.** The Council finds as fact and  
14 concludes as a matter of law as follows:

15 (a) The Applicant owns fee simple title to the lands within  
16 the plat to be vacated, which lands are more particularly described  
17 in the Sketch.

18 (b) According to the Surveyor's Affidavit upon the vacation  
19 of the rights-of-way located within the lands described in the  
20 Sketch, the right of convenient access for the remaining lands  
21 within the plat not here being vacated continue to have legal  
22 access, and the vacation of the platted roadways located within the  
23 lands described in the Sketch will not otherwise affect the right  
24 of convenient access of persons owning other portions of the lands  
25 within the plat.

26 **Section 2. Vacation Approved.** Vacation of that portion  
27 of the Jacksonville Heights Subdivision plat described in the  
28 Sketch is by this Resolution approved. According to Section  
29 177.101(5), Florida Statutes, this Resolution shall have the effect  
30 of vacating all streets and alleys located within the lands  
31 described in the Sketch that have not become necessary for use by

1 the traveling public. Such vacation shall not become effective  
2 until a certified copy of this Resolution has been filed with the  
3 Office of the Clerk of the Circuit Court and duly recorded in the  
4 public records of Duval County, Florida.

5 **Section 3. Requesting One Cycle Emergency Passage**  
6 **Pursuant to Council Rule 4.901 Emergency.** One cycle emergency  
7 passage of this legislation is requested. The nature of the  
8 emergency is the owner of land covered by the plat sought to be  
9 vacated has requested the vacation be completed prior to a  
10 scheduled closing on the property.

11 **Section 4. Effective Date.** This Resolution shall become  
12 effective upon signature by the Mayor or upon becoming effective  
13 without the Mayor's signature.

14  
15 Form Approved:

16  
17           /s/ Mary E. Staffopoulos          

18 Office of General Counsel

19 Legislation prepared by: Terrence L. Harvey

20 GC-#1735731-v1-2026-73-A.doc