

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-213**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING A PORTION OF AN OPENED AND IMPROVED
7 ALLEY, ESTABLISHED IN THE PLAT OF HENDRICKS
8 SUBDIVISION OF HOMESTEAD TRACT SOUTH
9 JACKSONVILLE, AS RECORDED IN PLAT BOOK 2, PAGE
10 8 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
11 FLORIDA, LOCATED IN COUNCIL DISTRICT 5, AT THE
12 REQUEST OF KAREN HIRSHBERG AND G.I.S. HOLDINGS,
13 INC., SUBJECT TO RESERVATION UNTO 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.** A portion of an opened
20 and improved alley, established in the Plat of Hendricks Subdivision
21 of Homestead Tract South Jacksonville, as recorded in Plat Book 2,
22 page 8 of the current public records of Duval County, Florida, located
23 in Council District 5, a depiction and description of which is
24 attached hereto as **Exhibit 1** and incorporated herein by this
25 reference, is hereby closed and abandoned and/or disclaimed as an
26 alley at the request of Karen Hirshberg and G.I.S. Holdings, Inc.
27 (the "Applicants"); provided however, there is reserved unto AT&T an
28 all utilities, facilities and access easement on, over, under, through
29 and across the closure area for ingress and egress and for all
30 utilities and facilities, so as to provide AT&T with continued access
31 to repair and maintain its utilities and facilities in the area.

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

6 **Section 2. Purpose.** The Applicants own properties
7 adjacent to the closure area (R.E. Nos. 080290-0000 and 080297-0000)
8 and have requested this closure to allow for a mixed-use development
9 on the adjacent parcels.

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

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

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22 Form Approved:

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24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation prepared by: Mary E. Staffopoulos

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