

Introduced by Council Member White:

RESOLUTION 2026-73

A RESOLUTION CONCERNING THE VACATION OF PORTIONS OF THE PLAT OF JACKSONVILLE HEIGHTS SUBDIVISION, PURSUANT TO SECTION 177.101(3), FLORIDA STATUTES; RETURNING A PORTION OF THE LANDS SHOWN ON SAID JACKSONVILLE HEIGHTS SUBDIVISION PLAT TO ACREAGE; MAKING FINDINGS; ABANDONING CERTAIN UNOPENED ROADS WITHIN THE BOUNDARIES OF THE JACKSONVILLE HEIGHTS SUBDIVISION PLAT THAT HAVE NOT BEEN OPENED AND HAVE NOT BECOME ROADS SUITABLE AND NECESSARY FOR THE TRAVELING PUBLIC; AND ENSURING LEGAL ACCESS TO ABUTTING PROPERTIES; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Jacksonville Heights Subdivision plat is recorded in Plat Book 5, Page 93 in the current public records of Duval County, Florida (the "Plat"), and encompass lands west of I-

1 295 and North of I-10 on the westside of Jacksonville; and

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

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

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

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

28 **WHEREAS**, the vacation of the platted roadways within the
29 Applicant's property will not otherwise affect the right of
30 convenient access to persons owning other parts of the platted
31 lands and will not affect the previously granted recorded

1 easements; and

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

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

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

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

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

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

24 **Section 2. Vacation Approved.** Vacation of that portion
25 of the Jacksonville Heights Subdivision plat described in the
26 Sketch is by this Resolution approved. According to Section
27 177.101(5), Florida Statutes, this Resolution shall have the effect
28 of vacating all streets and alleys located within the lands
29 described in the Sketch that have not become necessary for use by
30 the traveling public. Such vacation shall not become effective
31 until a certified copy of this Resolution has been filed with the

1 Office of the Clerk of the Circuit Court and duly recorded in the
2 public records of Duval County, Florida.

3 **Section 3. Effective Date.** This Resolution shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6

7 Form Approved:

8

9 /s/ Terrence Harvey

10 Office of General Counsel

11 Legislation prepared by: Terrence L. Harvey

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