

1 Introduced by Council Member White:  
2  
3

4 **RESOLUTION 2026-73**

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

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

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

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

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

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

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

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

**WHEREAS,** the vacation of the platted roadways within the Applicant's property will not otherwise affect the right of convenient access to persons owning other parts of the platted 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

12 GC-#1730699-v1-Jacksonville\_Heights\_Plat\_Vacation\_Legislation.doc