

1 Introduced by the Council President at the request of the Mayor:
2
3

4 **ORDINANCE 2022-682-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 THE OAKLAWN PLACE RIGHT-OF-WAY, ESTABLISHED IN
8 THE PLAT OF SAN BONITA, AS RECORDED IN PLAT BOOK
9 12, PAGE 67 OF THE CURRENT PUBLIC RECORDS OF
10 DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 5, AT
11 THE REQUEST OF JODY BRANDENBURG, PRESIDENT OF
12 OAKLAWN CEMETERY, SUBJECT TO RESERVATION UNTO
13 JEA OF AN ALL UTILITIES, FACILITIES AND ACCESS
14 EASEMENT AND RESERVATION UNTO THE CITY OF
15 JACKSONVILLE OF A DRAINAGE EASEMENT; PROVIDING
16 FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
17 EFFECTIVE DATE.
18

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 Oaklawn Place right-of-way, established in the Plat
22 of San Bonita, as recorded in Plat Book 12, Page 67 of the current
23 public records of Duval County, Florida, located in Council District
24 5, a depiction and description 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 Jody
27 Brandenburg, as President and on behalf of, Oaklawn Cemetery (the
28 "Applicant"); provided however, there is reserved unto JEA an all
29 utilities, facilities and access easement on, over, under, through
30 and across the closed right-of-way for ingress and egress and for all
31 utilities and facilities, including but not limited to, water, sewer

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

10 **Section 2. Purpose.** Oaklawn Cemetery, whose interests the
11 Applicant represents as President of that entity, owns property
12 adjacent to the closure area at 4801 San Jose Boulevard (R.E. No.
13 099288-0000) and is requesting the closure in order to construct a
14 grand entrance to the Legacy Lodge owned by Oaklawn Cemetery, subject
15 to the conditions set forth herein.

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

24 **Section 4. Effective Date.** This Ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

6 GC-#1522459-v3-Oaklawn_Place_ROW_Closure_(Oaklawn_Cemetery).docx