

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2023-82**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION  
7 OF THE KONA AVENUE RIGHT-OF-WAY, ESTABLISHED IN  
8 THE PLAT OF OAKWOOD VILLA ESTATES, AS RECORDED  
9 IN PLAT BOOK 8, PAGES 23 THROUGH 25 OF THE  
10 CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA,  
11 IN COUNCIL DISTRICT 1, AT THE REQUEST OF EDWARD  
12 P. MCKINNEY, JR., SUBJECT TO RESERVATION UNTO  
13 JEA AND TECO PEOPLES GAS OF AN ALL UTILITIES,  
14 FACILITIES AND ACCESS EASEMENT OVER THE CLOSURE  
15 AREA; PROVIDING FOR APPROVAL SUBJECT TO  
16 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.** An unopened and  
20 unimproved portion of the Kona Avenue right-of-way, established in  
21 the Plat of Oakwood Villa Estates, as recorded in Plat Book 8, pages  
22 23 through 25 of the current public records of Duval County, Florida,  
23 located in Council District 1, a depiction and description of which  
24 is attached hereto as **Exhibit 1** and incorporated herein by this  
25 reference, is hereby closed and abandoned and/or disclaimed as a  
26 right-of-way at the request of Edward P. McKinney, Jr. (the  
27 "Applicant"); provided however, there is reserved unto JEA and TECO  
28 Peoples Gas an all utilities, facilities and access easement on,  
29 over, under, through and across the closed right-of-way area for  
30 ingress and egress and for all utilities and facilities, including,  
31 but not limited to, water, sewer and electric, so as to provide JEA

1 and TECO Peoples Gas continued access to repair and maintain these  
2 utilities and facilities.

3 The Applicant paid the right-of-way closure application fee of  
4 \$2,091.00 and the encroachment fee of \$516.00, for a total of  
5 \$2,607.00, and this sum has been deposited into the City's General  
6 Fund account. This closure request was reviewed and approved by the  
7 various city, state, and utility agencies that might have an interest  
8 in the right-of-way and there were no objections to the Applicant's  
9 request.

10 **Section 2. Purpose.** The Applicant owns property adjacent  
11 to the closure area at 410 Mill Creek Road (R.E. No. 143804-0000).  
12 The Applicant has requested the closure in order to connect the  
13 closure area to his adjacent property for development of a facility  
14 that provides vocational education and job training for special needs  
15 children, subject 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:

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3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

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