

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Transportation, Energy & Utilities Committee:

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5 **ORDINANCE 2021-779-E**

6 AN ORDINANCE CLOSING AND ABANDONING AND/OR
7 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
8 OF THE 4TH STREET RIGHT-OF-WAY, ESTABLISHED IN
9 THE BROWARD HEIGHTS PLAT, AS RECORDED IN PLAT
10 BOOK 6, PAGE 46 OF THE CURRENT PUBLIC RECORDS OF
11 DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 7, AT
12 THE REQUEST OF KRISTOPHER BESSENT; PROVIDING FOR
13 APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
14 EFFECTIVE DATE.

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16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Closure and Abandonment.** An unopened and
18 unimproved portion of the 4th Street right-of-way established in the
19 Broward Heights plat, as recorded in Plat Book 6, Page 46 of the
20 current public records of Duval County, Florida, located in Council
21 District 7, a description of which is attached hereto as **Exhibit 1**
22 and incorporated herein by this reference, is hereby closed and
23 abandoned and/or disclaimed as a right-of-way at the request of
24 Kristopher Bessent (the "Applicant"). The Applicant paid the right-
25 of-way closure application fee of 2,091.00 and the closure and
26 abandonment with encroachment fee of \$516.00, both of which have been
27 deposited into the General Fund. This closure request was reviewed
28 and approved by the various city, state, and utility agencies that
29 might have an interest in the right-of-way and there were no
30 objections to the Applicant's request.

1 **Section 2. Purpose.** The Applicant inherited property at
2 236 Orange Dale Avenue (R.E. No. 108037-0000) which spans across both
3 sides of the subject portion of the 4th Street right-of-way. Upon
4 review of the title to his property, the Applicant learned the garage
5 attached to the single-family residential structure on the parcel was
6 constructed within the right-of-way. The Applicant is requesting the
7 closure in order to clear title to his property, subject to the
8 conditions set forth herein.

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

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

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21 Form Approved:

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23 /s/ Paige H. Johnston

24 Office of General Counsel

25 Legislation prepared by: Mary E. Staffopoulos

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