

1 Introduced by Council Member White:
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4 **RESOLUTION 2021-767**

5 A RESOLUTION CONCERNING THE VACATION OF A
6 PORTION OF THE PLATS OF JACKSONVILLE HEIGHTS
7 IMPROVEMENT COMPANY PURSUANT TO SECTION
8 177.101(3), FLORIDA STATUTES; RETURNING A
9 PORTION OF THE LANDS SHOWN ON SAID JACKSONVILLE
10 HEIGHTS IMPROVEMENT COMPANY PLAT TO ACREAGE;
11 MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.
12

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

23 **WHEREAS**, the Jacksonville Heights Improvement Company plat is
24 recorded in Plat Book 5, Page 93 in the current public records of
25 Duval County, Florida (the "Plat"), and encompasses lands west of Old
26 Middleburg Road on the westside of Jacksonville; and

27 **WHEREAS**, while the rights-of-way located within the lands
28 described in that certain Sketch and Legal Description (Job No. 904-
29 20-071) prepared by Bartram Trail Surveying, Inc. dated on August 13,
30 2020 (the "Sketch"), which is attached to the surveyor's certificate
31 provided by Keith Bouffard, Florida Registered Land Surveyor No. LS

1 5172, dated May 18, 2021 (the "Surveyor's Certificate"), a copy of
2 which is attached hereto and incorporated by reference herein as
3 **Exhibit 1**, have not become highways suitable for the traveling public;
4 and

5 **WHEREAS**, Lennar Homes, LLC, a Florida limited liability company
6 (the "Applicant"), has applied to vacate those portions of the Plat
7 described in the Sketch; and

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

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

17 **WHEREAS**, the vacation of the platted roadways within the
18 Applicant's property will not otherwise affect the right of convenient
19 access to persons owning other parts of the platted lands and will
20 not affect the previously granted recorded easements; and

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

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

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

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

31 (a) The Applicant owns fee simple title to the lands within the

1 plats to be vacated, which lands are more particularly described in
2 the Survey.

3 (b) According to the Surveyor's Affidavit upon the vacation of
4 the rights-of-way located within the lands described in the Sketch,
5 the right of convenient access for the remaining lands within the
6 plat not here being vacated continue to have their existing legal
7 access.

8 **Section 2. Vacation Approved.** Vacation of that portion of
9 the Jacksonville Heights Improvement Company plat described in the
10 Sketch is by this resolution approved. According to Section
11 177.101(5), Florida Statutes, this vacation shall not become
12 effective until a certified copy of this resolution has been filed
13 with the Office of the Clerk of the Circuit Court and duly recorded
14 in the public records of Duval County, Florida.

15 **Section 3. Effective Date.** This resolution shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

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19 Form Approved:

20
21 /S/ Harry M. Wilson, IV

22 Office of General Counsel

23 Legislation prepared by: Harry M. Wilson, IV

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