

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-712**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
7 OF THE 7TH STREET EAST RIGHT-OF-WAY, ESTABLISHED
8 IN THE RE-PLAT OF GLEN MYRA, AS RECORDED IN PLAT
9 BOOK 6, PAGE 95 OF THE CURRENT PUBLIC RECORDS OF
10 DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 7, AT
11 THE REQUEST OF FICKLING LAND HOLDINGS, LLC,
12 SUBJECT TO RESERVATION UNTO JEA OF AN ALL
13 UTILITIES AND FACILITIES EASEMENT AND
14 RESERVATION UNTO THE CITY OF JACKSONVILLE OF A
15 PERPETUAL, UNOBSTRUCTED 25 FOOT DRAINAGE
16 EASEMENT; PROVIDING FOR APPROVAL SUBJECT TO
17 CONDITIONS; PROVIDING AN EFFECTIVE DATE.
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19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Closure and Abandonment.** An unopened and
21 unimproved portion of the 7th Street East right-of-way established
22 in the Re-Plat of Glen Myra, as recorded in Plat Book 6, Page 95 of
23 the current public records of Duval County, Florida, located in
24 Council District 7, a description of which is attached hereto as
25 **Exhibit 1** and incorporated herein by this reference, is hereby closed
26 and abandoned and/or disclaimed as a right-of-way at the request of
27 Fickling Land Holdings, LLC (the "Applicant"); provided however,
28 there is reserved unto JEA an all utilities and facilities easement
29 on, over, under, through and across the closed right-of-way 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 continued access to repair and maintain these utilities and
2 facilities, and there is further reserved unto the City of
3 Jacksonville a perpetual, unobstructed 25 foot drainage easement on,
4 over, under, through and across the southern 25 feet of the right-
5 of-way closure area. The Applicant paid the right-of-way closure
6 application fee of \$2,091.00 and this amount has been deposited into
7 the General Fund. This closure request was reviewed and approved by
8 the various city, state, and utility agencies that might have an
9 interest in the right-of-way and there were no objections to the
10 Applicant's request.

11 **Section 2. Purpose.** The Applicant is requesting the
12 closure in order to expand current uses on Applicant's adjacent
13 property (R.E. No. 115803-0000) to store construction equipment and
14 materials in the right-of-way closure area for its business, 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:

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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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