

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-779**

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

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

29 **Section 2. Purpose.** The Applicant inherited property at
30 236 Orange Dale Avenue (R.E. No. 108037-0000) which spans across both
31 sides of the subject portion of the 4th Street right-of-way. Upon

1 review of the title to his property, the Applicant learned the garage
2 attached to the single-family residential structure on the parcel was
3 constructed within the right-of-way. The Applicant is requesting the
4 closure in order to clear title to his property, subject to the
5 conditions set forth herein.

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

14 **Section 4. Effective Date.** This Ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective
16 without the Mayor's signature.

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18 Form Approved:

19
20 /s/ Mary E. Staffopoulos

21 Office of General Counsel

22 Legislation prepared by: Mary E. Staffopoulos

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