

1 Introduced by Council Member White:
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4 **RESOLUTION 2021-331-A**

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
10 JACKSONVILLE HEIGHTS IMPROVEMENT COMPANY PLAT
11 TO ACREAGE; MAKING FINDINGS; PROVIDING AN
12 EFFECTIVE DATE.
13

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

24 **WHEREAS**, the Jacksonville Heights Improvement Company plat is
25 recorded in Plat Book 5, Page 93 in the current public records of
26 Duval County, Florida(the "Plat"), and encompasses lands west of
27 downtown Jacksonville adjacent to 103rd Street; and

28 **WHEREAS**, while the rights-of-way located within the lands
29 described in that certain Survey bearing CDN# 10083.000 prepared
30 by ETM Surveying & Mapping, Inc., dated on May 17, 2021 (the
31 "Survey"), which is attached to the surveyor's affidavit provided

1 by Damon J. Kelly, PSM, Florida Registered Land Surveyor No. 6284,
2 dated February 18, 2021 (the "Surveyor's Affidavit"), a copy of
3 which is attached hereto and incorporated by reference herein as
4 **Exhibit 1**, have not become highways suitable for the traveling
5 public; and

6 **WHEREAS**, Marian Adams McClelland a/k/a Marian A. McClelland
7 (the "Applicant"), has applied to vacate those portions of the Plat
8 described in the Survey; and

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

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

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

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

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

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

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

4 (a) The Applicant owns fee simple title to the lands within
5 the plats to be vacated, which lands are more particularly
6 described in the Survey.

7 (b) According to the Surveyor's Affidavit upon the vacation
8 of the rights-of-way located within the lands described in the
9 Survey, the right of convenient access for the remaining lands
10 within the plat not here being vacated continue to have their
11 existing legal access.

12 **Section 2. Vacation Approved.** Vacation of that portion
13 of the Jacksonville Heights Improvement Company plat described in
14 the Survey is by this resolution approved. According to Section
15 177.101(5), Florida Statutes, this vacation shall not become
16 effective until a certified copy of this resolution has been filed
17 with the Office of the Clerk of the Circuit Court and duly recorded
18 in the public records of Duval County, Florida.

19 **Section 3. Effective Date.** This resolution shall become
20 effective upon signature by the Mayor or upon becoming effective
21 without the Mayor's signature.

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26 Form Approved:

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28 /s/ Harry M. Wilson, IV

29 Office of General Counsel

30 Legislation prepared by: Harry M. Wilson, IV

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