

1 Introduced by the Council President at the request of the Mayor:
2
3

4 **ORDINANCE 2023-80**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING A PORTION OF A 15-FOOT DRAINAGE AND
7 UTILITIES EASEMENT ESTABLISHED IN THE PABLO
8 ISLAND UNIT 1 PLAT, AS RECORDED IN PLAT BOOK 28,
9 PAGES 13 AND 13A, OF THE CURRENT PUBLIC RECORDS
10 OF DUVAL COUNTY, FLORIDA, ENCUMBERING THE
11 PROPERTY LOCATED AT 4229 EAST STACEY ROAD (R.E.
12 NO. 180020-0005) IN COUNCIL DISTRICT 13, AT THE
13 REQUEST OF BRENDAN AND KAITLIN MORAN; PROVIDING
14 FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
15 EFFECTIVE DATE.
16

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

18 **Section 1. Closure and Abandonment.** A portion of the 15-
19 foot drainage and utilities easement established in the Pablo Island
20 Unit 1 Plat, as recorded in Plat Book 28, pages 13 and 13A, of the
21 current public records of Duval County, Florida, located in Council
22 District 13 and encumbering the property located at 4229 East Stacey
23 Road (R.E. No. 180020-0005), a depiction and description of which is
24 attached hereto as **Exhibit 1** and incorporated herein by this
25 reference, is hereby closed and abandoned and/or disclaimed as a
26 drainage and utilities easement at the request of Brendan and Kaitlin
27 Moran (collectively, the "Applicant"). That portion of the easement
28 encumbering the property located at 4221 East Stacey Road (R.E. No.
29 180020-0000) is not subject to this closure and shall not be
30 abandoned, disclaimed and/or closed by this Ordinance.

31 The Applicant paid the easement closure with encroachment

1 application fee of \$1,582.00, which has been deposited into the
2 General Fund. This closure request was reviewed and approved by the
3 various city, state, and other (utility) agencies that might have an
4 interest in the drainage and utilities easement and there were no
5 objections to the Applicant's request.

6 **Section 2. Purpose.** The Applicant owns one of two parcels
7 that is subject to this drainage and utilities easement at 4229 East
8 Stacey Road (R.E. No. 180020-0005) and is requesting closure of the
9 portion of the easement on Applicant's property only in order to
10 construct a single-family residential dwelling and fence, subject to
11 the conditions set forth herein.

12 **Section 3. Hold Harmless Covenant.** The closure and
13 abandonment by the City of its interests in the portion of the subject
14 drainage and utilities easement encumbering Applicant's property is
15 contingent upon Applicant's execution and delivery to the City of a
16 Hold Harmless Covenant, in substantially the same form attached hereto
17 as **Exhibit 2** and incorporated herein by this reference. Accordingly,
18 the closure and abandonment of the aforesaid drainage and utilities
19 easement shall not be recorded in the official public records until
20 execution and delivery to the City by the Applicant of the required
21 Hold Harmless Covenant.

22 **Section 4. Effective Date.** This Ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation prepared by: Mary E. Staffopoulos

31 GC-#1546408-v2-Stacy_Rd_-_Drainage-Utilities_Easement_Closure_(Moran).docx