

**HOLD HARMLESS COVENANT**

This **Hold Harmless Covenant** is hereby granted this \_\_\_\_ day of \_\_\_\_\_, 2021, by Robert’s Diesel Service, Inc., whose address is 7010 Prichard Road, Jacksonville, Florida 32219 (“Grantor”) in favor of the **CITY OF JACKSONVILLE**, a consolidated political subdivision and municipal corporation existing under the laws of the State of Florida, whose mailing address is 117 West Duval Street, Jacksonville, Florida 32202 (“City”).

**IN CONSIDERATION** for the closure and/or abandonment of City right-of-way or easement areas pursuant to **CITY ORDINANCE \_\_\_\_\_**, a copy of which is attached hereto and incorporated by reference (the “Ordinance”), located near **RE# 049022-0005** in Council District 10 and established in the Official Public Records of Duval County, Florida at Plat Book 26 Page 15, Whispering Pines.

Grantor, its successors and assigns, holds harmless, indemnifies, and will defend **CITY OF JACKSONVILLE**, its members, officials, officers, employees, and agents against any claim, action, loss, damage, injury, liability, cost and expense of whatever kind or nature (including, but not by way of limitation, attorney fees and court costs) arising out of injury (whether mental or corporeal) to persons, including death, or damage to property, arising out of or incidental to the use of the abandoned right-of-way or easement areas, more particularly described in **Exhibit “A”**, attached hereto and incorporated herein by reference (the “Property”); including, but not limited to such injuries or damages resulting from flooding or erosion. This **Hold Harmless Covenant** shall run with the real property described in **Exhibit “A”**. The adjacent property owner(s) who acquire the Property as a result of the abandonment shall be responsible for maintaining the Property.

Furthermore, the Property shall remain totally unobstructed by any permanent improvements that may impede the use by the City or JEA of their reserved easement rights, if any, under the provisions of the reserved easement and/or the Ordinance. In the event that such easement rights are reserved by City or JEA: (a) the construction of driveways and the installation of fences, hedges, and landscaping is permissible but subject to removal or damage by the City or JEA at the expense of the Grantor, its successors and assigns, for any repairs to or replacement of the improvements; and (b) Grantor, its successors and assigns, shall indemnify, defend, and hold City and JEA harmless from, any and all loss, damage, action, claim, suit, judgment, cost, or expense for injury to persons (including death) or damage to property and improvements (including destruction), in any manner resulting from or arising out of the installation, replacement, maintenance or failure to maintain, or removal of any improvements placed within the easement area by Grantor, its successors or assigns, and the City’s or JEA’s exercise of their rights in the reserved easement.

**Signed and Sealed  
in Our Presence:**

**GRANTOR:**

(Sign) \_\_\_\_\_

By: \_\_\_\_\_

(Print) \_\_\_\_\_

Name:

Title:

(Sign) \_\_\_\_\_

(Print) \_\_\_\_\_

**STATE OF FLORIDA  
COUNTY OF DUVAL**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_ 2021, by \_\_\_\_\_.

{NOTARY SEAL}

\_\_\_\_\_  
[Signature of Notary Public-State of Florida]

[Name of Notary Typed, Printed, or Stamped]

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

# Whispering Pines

BOOK-26-PAGE-15

PLAT NUMBER  
252

**CAPTION**

Replot of Tract 2, Commissioners Plat of the Lots of W. J. Lane according to plat thereof as recorded in Plat Book 7, Page 18, of the Current Public Records of Duval County, Florida (being in the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 3 South, Range 25 East) Except Peavy Road which is a dedicated County Road of Duval County, Florida, being conveyed to Duval County in Deed Book 1879, Page 18, Current Public Records of Duval County, Florida.

**Adoption and Dedication:**

This is to certify that the undersigned is the lawful owner of the lands described in the caption hereof and that he has caused the same to be surveyed and subdivided, and that this plat made in accordance with said survey is hereby adopted as a true and correct plat of said lands and that all streets and right-of-way are here-by irrevocably and without reservation dedicated to the County of Duval, Florida and its successors.

In witness whereof these presents are signed this 21<sup>st</sup> day of March, A.D. 1955.

**Signed and sealed in the presence of:**

*John S. Peavy* (Owner)  
*John S. Peavy* (Witness)  
*John S. Peavy* (Witness)

**State of Florida**

County of Duval

I hereby certify that on this day personally appearing before me as either singly or together to subscribe oaths and take acknowledgments, J. S. Peavy, known to me well known to be the person described in and who executed the foregoing adoption and dedication and who acknowledged before me that he executed the same freely and voluntarily for the uses and purposes therein expressed.

Witness my signatures and official seal of Jacksonville in the County of Duval, State of Florida, this 21<sup>st</sup> day of March, A.D. 1955.

*John S. Peavy*  
J. S. Peavy  
BY

Examined and Approved this 21<sup>st</sup> day of March, A.D. 1955, by the Board of County Commissioners of Duval County, Florida

*John S. Peavy*  
John S. Peavy  
BY

26-616-B

I hereby certify that this plat has been examined and that it complies in form with Chapter 10173, Laws of Florida of 1925, and is filed for record and recorded in Plat Book 26, Page 15, of the public records of Duval County, Florida, this 21<sup>st</sup> day of March, A.D. 1955.

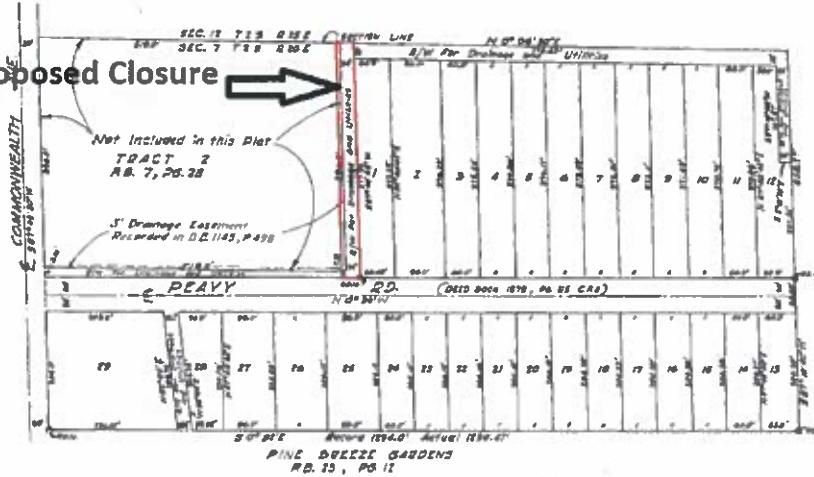
*John S. Peavy*  
John S. Peavy  
BY

APPROVED  
DATE Mar 21 1955  
BY: *John S. Peavy*  
John S. Peavy  
COUNTY ENGINEER

SCALE: 1" = 100'

RM<sup>10</sup> Denotes Permanent Reference Monument

Proposed Closure



This is to certify that the above plat is a correct representation of the lands surveyed and subdivided and described above, that permanent reference monuments have been placed according to the Laws of the State of Florida, and that all the Duval County Zoning Rules and Ordinances have been complied with.

Signed this 21<sup>st</sup> day of March, A.D. 1955.

*John S. Peavy*  
John S. Peavy  
REGISTERED PROFESSIONAL SURVEYOR

## Whispering Pines Drainage and Utility R/W Closure

That part of a 24-foot-wide Drainage and Utilities R/W, as shown of the plat of Whispering Pines, a subdivision as recorded in Plat Book 26, Page 15 of the Public Records of Duval County, Florida; said R/W being bounded on the north by the south line of lot 1 of said subdivision and a westerly projection thereof and being bounded on the east by the west R/W line of Peavy Rd.

EXHIBIT "A"

APPROVED  
DESCRIPTION AGREES  
WITH MAP  
CITY ENGINEERS OFFICE  
TOPO/SURVEY BRANCH  
By *John S. Peavy* Date 8-21-21