

HOLD HARMLESS COVENANT

This **Hold Harmless Covenant** is hereby granted this ____ day of _____, 202__, by **Florida Mechanical Systems, Inc.**, whose address is 2734 Edison Avenue, Jacksonville, FL 32254 ("**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# 064913-0005** in Council District 9 and established in the Official Public Records of Duval County, Florida at **Plat Book 1 Page 130**.

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 _____, 202__, 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 _____

EXHIBIT "A"

EDISON AVENUE
 F.K.A. HIGHWAY AVENUE & MIDDLEBURG ROAD
 (60' R/W AS MONUMENTED, 70' R/W PER ORD. U-16)

MAP SHOWING

A PORTION OF ACOSTA STREET, ALSO KNOWN AS HOWELL STREET (A 40 FOOT RIGHT OF WAY, AS SHOWN ON HOWELL'S ADDITION TO JACKSONVILLE AS RECORDED IN PLAT BOOK 1, PAGE 130 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF EDISON AVENUE (A 60 FOOT RIGHT OF WAY, AS NOW ESTABLISHED) WITH THE WESTERLY RIGHT OF WAY LINE OF SAID ACOSTA STREET; THENCE SOUTH 00°39'10" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF ACOSTA STREET, 387.81 FEET TO THE NORTHERLY LINE OF THAT PORTION OF ACOSTA STREET CLOSED BY ORDINANCE NUMBER 81-191-75; THENCE NORTH 88°09'09" EAST, ALONG LAST SAID LINE, 39.97 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID ACOSTA STREET; THENCE NORTH 00°39'10" WEST, ALONG LAST SAID LINE, 385.25 FEET TO THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF EDISON AVENUE; THENCE NORTH 88°11'09" WEST, ALONG LAST SAID LINE, 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 15,447 SQUARE FEET, MORE OR LESS.

GENERAL NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON S'LY R/W LINE OF EDISON AVENUE AS N88°11'09"W PER STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE, NORTH AMERICAN DATUM 1983/1990 NGS ADJUSTMENT.
2. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY.
3. THIS MAP WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. THIS DRAWING MAY HAVE BEEN ENLARGED OR REDUCED FROM THE ORIGINAL. UTILIZE THE GRAPHIC SCALE AS SHOWN.

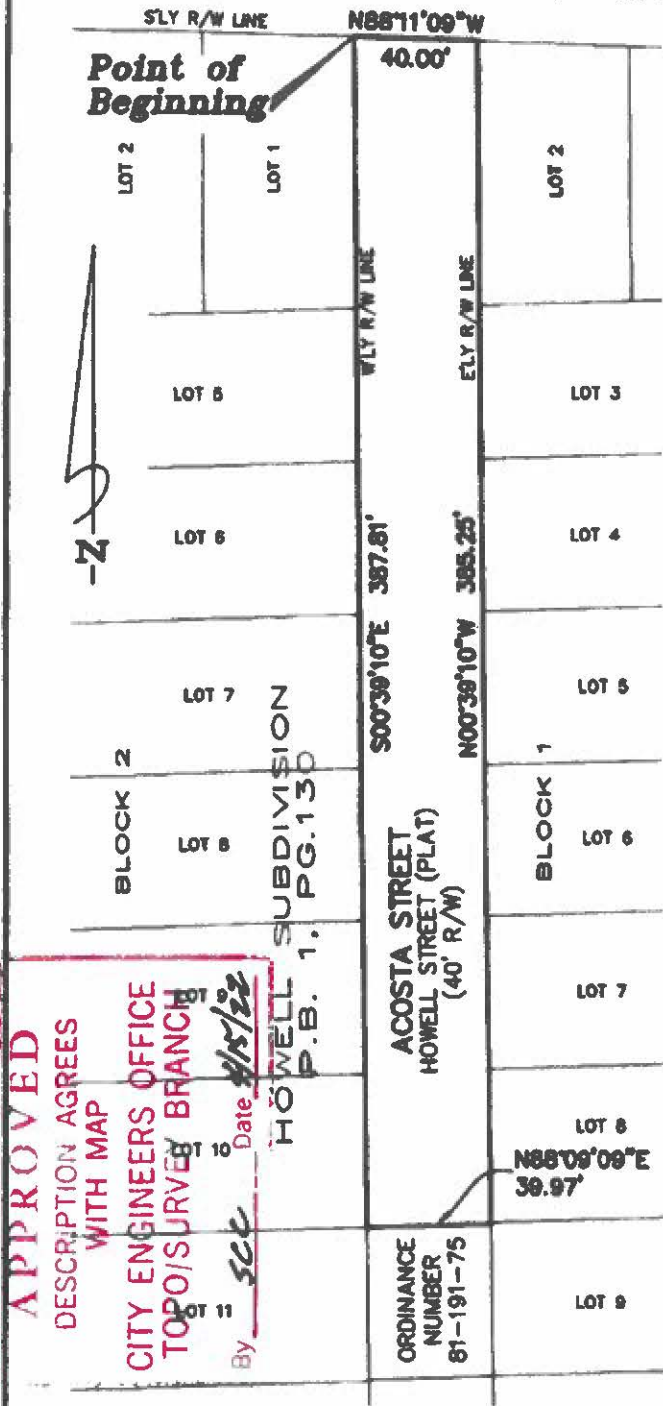
LEGEND

R/W = RIGHT OF WAY
 P.B. = PLAT BOOK
 PG. = PAGE

GRAPHIC SCALE



(IN FEET)
 (1" = 60')



APPROVED
 DESCRIPTION AGREES
 WITH MAP
 CITY ENGINEERS OFFICE
 TOPO SURVEY BRANCH
 By *SCC* Date *4/15/22*
 HOWELL SUBDIVISION
 P.B. 1. PG. 130

JOB NO. 2022-337
 DRAFTER MJC
 DATE 4-12-22
 SCALE 1"=60'
 CHECKED BY:

THIS MAP OR SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, IN CHAPTER 5A-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.

THIS DRAWING, SKETCH, PLAT OR MAP IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (CHAPTER 5A-17, FLORIDA ADMINISTRATIVE CODE).

Michael J. Colligan
MICHAEL J. COLLIGAN, P.S.M. CERT. NO. 6788

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