

**HOLD HARMLESS COVENANT**

This **Hold Harmless Covenant** is hereby granted this \_\_\_\_ day of \_\_\_\_\_, 2023, by Edward P. McKinney Jr., whose address is **3770 Allenby Dr.**, Jacksonville, Florida 32277 (“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 2023-\_\_\_\_\_**, a copy of which is attached hereto and incorporated by reference (the “Ordinance”), located near **RE# 143804-0000** in Council District 1 and established in the Official Public Records of Duval County, Florida at **Plat Book 8 Pages 23-25**.

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) \_\_\_\_\_

\_\_\_\_\_

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

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

Name:

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

Title:

(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 \_\_\_\_\_ 20\_\_\_\_, 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 \_\_\_\_\_

SKETCH & DESCRIPTION OF PROPOSED ROAD CLOSURE OF A PORTION OF KONA AVENUE

(SURVEYOR'S DESCRIPTION) THAT PART OF KONA AVENUE LYING NORTH OF LOTS 67, 68 AND 69 BLOCK 12-C OF SAID OAKWOOD VILLA ESTATES AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 67, BLOCK 12-C AS RECORDED IN PLAT BOOK 8, PAGES 23-25 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, THENCE NORTH 03°44'59" WEST ALONG THE NORTHERLY PROLONGATION OF SAID WEST LINE OF SAID LOT 67, A DISTANCE OF 60.00 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF KONA AVENUE, THENCE NORTH 87°07'54" EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAID KONA AVENUE, A DISTANCE OF 7.81 FEET, THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 66°57'43" EAST, A DISTANCE OF 49.68 FEET TO A POINT OF CURVATURE, THENCE IN A SOUTHEASTERLY DIRECTION ALONG AND AROUND AN ARC OF A CURVE (CONCAVE SOUTHWEST AND HAVING A RADIUS OF 27.88 FEET) AN ARC DISTANCE OF 16.64 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 51°19'23" EAST, 16.40 FEET) TO A POINT OF INTERSECTION; THENCE SOUTH 03°44'59" EAST, A DISTANCE OF 27.42 FEET TO THE NORTH LINE OF LOT 69, BLOCK 12-C AS RECORDED IN PLAT BOOK 8, PAGES 23-25 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, THENCE

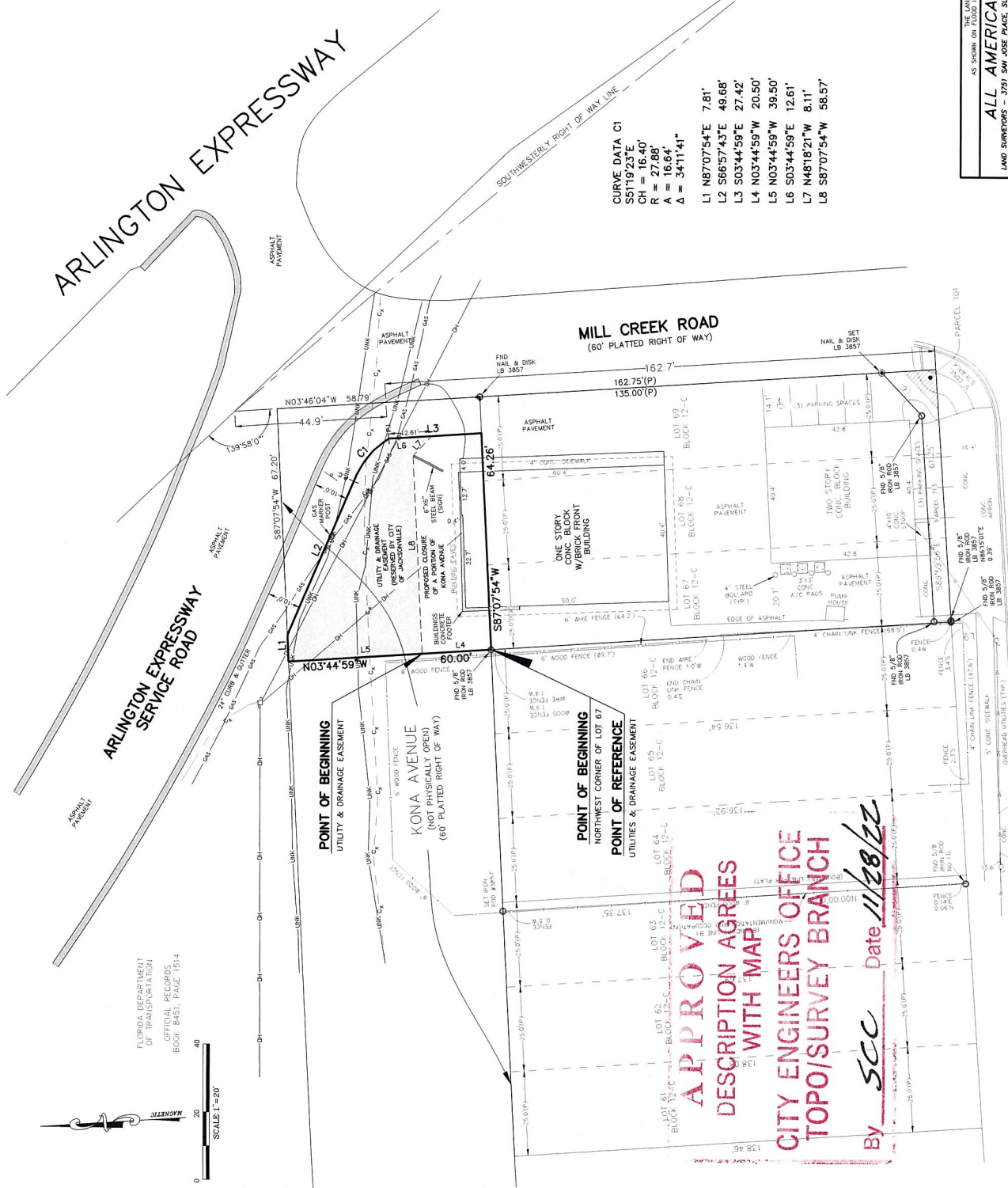
SOUTH 87°07'54" WEST ALONG THE NORTH LINE OF LOTS 69, 68 AND 67, A DISTANCE OF 64.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 67 AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL IS SUBJECT TO A EASEMENT FOR UTILITIES AND DRAINAGE, RESERVED BY THE CITY OF JACKSONVILLE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

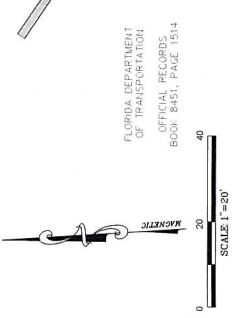
FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 69, BLOCK 12-C AS RECORDED IN PLAT BOOK 8, PAGES 23-25 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, THENCE ALONG THE NORTHERLY PROLONGATION OF SAID WEST LINE OF SAID LOT 67, NORTH 03°44'59" WEST, A DISTANCE OF 20.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 03°44'59" WEST, A DISTANCE OF 39.50 FEET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF KONA AVENUE, THENCE NORTH 87°07'54" EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAID KONA AVENUE, A DISTANCE OF 7.81 FEET, THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 66°57'43" EAST, A DISTANCE OF 49.68 FEET TO A POINT OF CURVATURE, THENCE IN A SOUTHEASTERLY DIRECTION ALONG AND AROUND AN ARC OF A CURVE (CONCAVE SOUTHWEST AND HAVING A RADIUS OF 27.88 FEET) AN ARC DISTANCE OF 16.64 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 51°19'23" EAST, 16.40 FEET) TO A POINT OF INTERSECTION; THENCE SOUTH 03°44'59" EAST, A DISTANCE OF 12.61 FEET, THENCE NORTH 87°07'54" WEST, A DISTANCE OF 8.11 FEET, THENCE SOUTH 87°07'54" WEST, A DISTANCE OF 58.57 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY PART LYING WITHIN THE SERVICE ROAD OF ARLINGTON EXPRESSWAY RIGHT OF WAY.

SUBJECT PARCEL CONTAINING: 3,058 SQUARE FEET / 0.07 ACRES MORE OR LESS.



- CURVE DATA C1
S8119'23"E
CH = 16.40'
R = 27.88'
A = 16.64'
Delta = 341'14"
L1 N87'07'54"E 7.81'
L2 S66'57'43"E 49.68'
L3 S03'44'59"E 27.42'
L4 N03'44'59"W 20.50'
L5 N03'44'59"W 39.50'
L6 S03'44'59"E 12.61'
L7 N48'18'21"W 8.11'
L8 S87'07'54"W 58.57'



FLORIDA DEPARTMENT OF TRANSPORTATION OFFICIAL RECORDS, BOOK 8451, PAGE 1514

APPROVED DESCRIPTION AGREES WITH MAP CITY ENGINEERS OFFICE TOPO/SURVEY BRANCH BY SCC Date 11/28/22

ALL AMERICAN SURVEYORS OF FLORIDA, INC. LAND SURVEYORS - 2751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA, 32257 - 904/279-0088 - LICENSED LAND BUSINESS NO. 3657

Legend: C1 - CONCRETE, C2 - COMPACTED GRANULAR FILL, C3 - COMPACTED GRANULAR FILL WITH GEOTEXTILE, etc.

Legend & Abbreviations: C1 - CONCRETE, C2 - COMPACTED GRANULAR FILL, C3 - COMPACTED GRANULAR FILL WITH GEOTEXTILE, etc.

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