

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-441-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
7 OF THE MILL AVENUE RIGHT-OF-WAY ESTABLISHED IN
8 THE PLAT OF WHITE CITY SUBDIVISION, AS RECORDED
9 IN PLAT BOOK 5, PAGE 71 OF THE CURRENT PUBLIC
10 RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL
11 DISTRICT 12, AT THE REQUEST OF WHITEHOUSE
12 ASSEMBLY OF GOD, INC., FORMERLY KNOWN AS THE
13 KINGS HOUSE ASSEMBLY OF GOD, INC., SUBJECT TO
14 RESERVATION UNTO THE CITY AND JEA OF AN ALL
15 UTILITIES AND FACILITIES EASEMENT OVER THE
16 CLOSED PORTION OF THE RIGHT-OF-WAY; PROVIDING
17 FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING
18 FOR CITY OVERSIGHT BY THE REAL ESTATE DIVISION
19 OF THE DEPARTMENT OF PUBLIC WORKS; PROVIDING AN
20 EFFECTIVE DATE.
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22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1. Closure and Abandonment.** An unopened and
24 unimproved portion of the Mill Avenue right-of-way established in the
25 Plat of White City Subdivision, as recorded in Plat Book 5, Page 71
26 of the current public records of Duval County, Florida, located in
27 Council District 12, a description of which is attached hereto as
28 **Exhibit 1** and incorporated herein by this reference, is hereby closed
29 and abandoned and/or disclaimed as a right-of-way at the request of
30 Whitehouse Assembly of God, Inc., formerly known as The Kings House
31 Assembly of God, Inc., (the "Applicant"); provided however, there is

1 reserved unto the City and JEA an all utilities and facilities
2 easement on, over, across, and under the closed right-of-way for
3 ingress and egress and for all utilities and facilities, including,
4 but not limited to, water, sewer, electric and drainage, so as to
5 provide the City and JEA continued access to repair and maintain
6 these utilities and facilities in the future. The Applicant paid the
7 right-of-way closure application fee of \$2,091.00. This closure
8 request was reviewed and approved by the various city, state, and
9 utility agencies that might have an interest in the right-of-way and
10 there were no objections to the Applicant's request.

11 **Section 2. Purpose.** The Applicant is requesting the
12 closure in order to combine two parcels of property owned by the
13 Applicant which abut the proposed closure area on either side. The
14 Applicant intends to install a fence to prevent people from accessing
15 and damaging the closure area and Applicant's properties and has
16 expressed a desire to develop long term plans for future improvements
17 to the combined parcels.

18 **Section 3. Hold Harmless Covenant.** The closure and
19 abandonment by the City of its interests in the subject portion of
20 the right-of-way is contingent upon Applicant's execution and
21 delivery to the City of the Hold Harmless Covenant, in substantially
22 the same form attached hereto as **Exhibit 2** and incorporated herein
23 by this reference. Accordingly, the closure and abandonment of the
24 aforesaid right-of-way shall not be recorded in the official public
25 records until execution and delivery to the City by the Applicant of
26 the required Hold Harmless Covenant.

27 **Section 4. Oversight.** The Real Estate Division of the
28 Department of Public Works shall oversee the closure request described
29 herein.

30 **Section 5. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

