

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Member Peluso:

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5 **ORDINANCE 2023-486-E**

6 AN ORDINANCE CLOSING AND ABANDONING AND/OR
7 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
8 OF THE MOUNT HERMAN STREET RIGHT-OF-WAY,
9 ESTABLISHED IN THE PLAT OF HENDERSONVILLE, AS
10 RECORDED IN PLAT BOOK 4, PAGE 77, OF THE CURRENT
11 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN
12 COUNCIL DISTRICT 7, AT THE REQUEST OF SHAY
13 EDERY, OWNER OF EASY JAX PROPERTIES LLC AND EASY
14 BUY PROPERTIES LLC, SUBJECT TO RESERVATION OF AN
15 EASEMENT TO THE CITY OF JACKSONVILLE AND JEA FOR
16 UTILITIES, FACILITIES AND ACCESS; PROVIDING FOR
17 APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
18 EFFECTIVE DATE.

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

21 **Section 1. Closure and Abandonment.** An unopened and
22 unimproved portion of the Mount Herman Street right-of-way,
23 established in the Plat of Hendersonville, as recorded in Plat Book
24 4, Page 77, of the current public records of Duval County, Florida,
25 located in Council District 7, a depiction and description of which
26 is attached hereto as **Exhibit 1** and incorporated herein by this
27 reference, is hereby closed and abandoned and/or disclaimed as a
28 right-of-way at the request of Shay Ederly, owner of Easy Jax
29 Properties LLC and Easy Buy Properties LLC (the "Applicant"); provided
30 however, there is reserved unto the City of Jacksonville and JEA an
31 all utilities, facilities and access easement on, over, under, through

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

10 **Section 2. Purpose.** The Applicant owns property adjacent
11 to the closure area (R.E. No. 053256-0000) and is requesting the
12 closure to expand the residential yard between his parcels on either
13 side of the closure to create more room for tenant use, subject to
14 the conditions set forth herein.

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

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

26 Form Approved:

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28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation prepared by: John C. Sawyer, Jr.

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