

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2022-867**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND UNIMPROVED PORTION OF
7 THE DILLON STREET RIGHT-OF-WAY, ESTABLISHED IN
8 THE REPLAT OF THE W. R. THOMPSON SUB-DIVISION,
9 AS RECORDED IN PLAT BOOK 3, PAGE 46 OF THE
10 CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA,
11 IN COUNCIL DISTRICT 9, AT THE REQUEST OF
12 WHOLESALERS PROPERTY CO. LLC, SUBJECT TO
13 RESERVATION UNTO JEA OF AN ALL UTILITIES,
14 FACILITIES AND ACCESS EASEMENT; PROVIDING FOR
15 APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
16 EFFECTIVE DATE.
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18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Closure and Abandonment.** An opened and
20 unimproved portion of the Dillon Street Way right-of-way, established
21 in the Replat of the W. R. Thompson Sub-Division, as recorded in Plat
22 Book 3, Page 46 of the current public records of Duval County,
23 Florida, located in Council District 9, a depiction and description
24 of which is attached hereto as **Exhibit 1** and incorporated herein by
25 this reference, is hereby closed and abandoned and/or disclaimed as
26 a right-of-way at the request of Wholesalers Property Co. LLC, (the
27 "Applicant"); provided however, there is reserved unto JEA an all
28 utilities, facilities and access easement on, over, under, through
29 and across the closed right-of-way for ingress and egress and for all
30 utilities and facilities, including but not limited to, water, sewer
31 and electric, so as to provide JEA continued access to repair and

1 maintain these utilities and facilities. The Applicant paid the
2 right-of-way closure application fee of \$2,091.00 and the
3 encroachment fee of \$516.00, for a total of \$2,607.00, and this amount
4 has been deposited into the General Fund. This closure request was
5 reviewed and approved by the various city, state, and utility agencies
6 that might have an interest in the right-of-way and there were no
7 objections to the Applicant's request.

8 **Section 2. Purpose.** The Applicant owns property adjacent
9 to the closure area (see R.E. No. 058698-0000 for locational purposes)
10 and is requesting the closure to use the area for parking, utilities
11 and a drive aisle, subject to the conditions set forth herein.

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

20 **Section 4. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

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24 Form Approved:

25
26 /s/ Mary Staffopoulos

27 Office of General Counsel

28 Legislation prepared by: Mary E. Staffopoulos

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