

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Transportation, Energy and Utilities Committee:

3  
4  
5 **ORDINANCE 2023-757-E**

6 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
7 DISCLAIMING AN OPENED AND IMPROVED PORTION OF  
8 THE ANDERS BOULEVARD RIGHT-OF-WAY, ESTABLISHED  
9 IN THE PLAT OF SOUTHSIDE ESTATES UNIT NO. 24, AS  
10 RECORDED IN PLAT BOOK 24, PAGE 25 OF THE CURRENT  
11 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN  
12 COUNCIL DISTRICT 4, AT THE REQUEST OF JOHN H.  
13 MOYE AND MICHAEL P. HARRIS, MANAGER OF C & M  
14 LAND COMPANY, LLC, SUBJECT TO RESERVATION UNTO  
15 JEA OF AN ALL UTILITIES, FACILITIES AND ACCESS  
16 EASEMENT; PROVIDING FOR APPROVAL SUBJECT TO  
17 CONDITIONS; PROVIDING AN EFFECTIVE DATE.

18  
19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Closure and Abandonment.** An opened and improved  
21 portion of the Anders Boulevard right-of-way, established in the Plat  
22 of Southside Estates Unit No. 24, as recorded in Plat Book 24, Page  
23 25 of the current public records of Duval County, Florida, located  
24 in Council District 4, a depiction and description of which is  
25 attached hereto as **Exhibit 1** and incorporated herein by this  
26 reference, is hereby closed and abandoned and/or disclaimed as a  
27 right-of-way at the request of John H. Moye and Michael P. Harris,  
28 as Manager and on behalf of C & M Land Company, LLC, (the "Applicant");  
29 provided however, there is reserved unto JEA an all utilities,  
30 facilities and access easement on, over, under, through and across  
31 the closed right-of-way for ingress and egress and for all utilities

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

9       **Section 2. Purpose.** John H. Moye and C & M Land Company,  
10 LLC each owns property adjacent to the closure area at 3820 Southside  
11 Boulevard (R.E. No. 125012-0000) and 3742 Southside Boulevard (R.E.  
12 No. 124904-0100), respectively, and are requesting the closure for  
13 the potential expansion of their businesses on either side of the  
14 closure area, subject to 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 **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev Covenant,  
20 November 21, 2023 - TEU" and incorporated herein by this reference.  
21 Accordingly, the closure and abandonment of the right-of-way shall  
22 not be recorded in the public records until execution and delivery  
23 to the City by the Applicant of the required Hold Harmless Covenant.

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

1 Form Approved:  
2

3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Joelle J. Dillard

6 GC-#1600593-v1-2023-757-E.docx