

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-323-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 THE MAY STREET RIGHT-OF-WAY, ESTABLISHED IN
8 DEED BOOK AJ, PAGE 723 OF THE FORMER PUBLIC
9 RECORDS OF DUVAL COUNTY, IN COUNCIL DISTRICT
10 7, AT THE REQUEST OF THE DOWNTOWN INVESTMENT
11 AUTHORITY, SUBJECT TO RESERVATION UNTO JEA OF
12 AN ALL UTILITIES EASEMENT OVER THE CLOSED
13 PORTION OF THE RIGHT-OF-WAY FOR INGRESS AND
14 EGRESS AND FOR ALL UTILITIES; 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 improved portion of the May Street right-of-way, established in
21 Deed Book AJ, page 723 of the former public records of Duval
22 County, in Council District 7, descriptions of which are attached
23 hereto as **Exhibit 1** and incorporated herein by this reference, is
24 hereby closed and abandoned and/or disclaimed as a right-of-way at
25 the request of the Downtown Investment Authority (the "Applicant");
26 provided, however, there is reserved unto JEA an All Utilities
27 Easement on, over, across, and under the closed right-of-way for
28 ingress and egress and for all utilities, including but not limited
29 to water, sewer, electric, and drainage, so as to provide JEA
30 continued access to service infrastructure. There are no city,
31 state, or other agency objections to this closure request. The

1 abutting property owner on the northwest has approved of the
2 closure request. No closure application fee has been paid as
3 Applicant is exempt from the fee.

4 **Section 2. Purpose.** Applicant has requested the closure
5 to facilitate the development of the abutting properties to the
6 southeast of the right-of-way to be closed. The City acquired those
7 abutting properties on the southeast by way of a road transfer map
8 from the Florida Department of Transportation in 2010.

9 **Section 3. Hold Harmless Covenant.** The closure and
10 abandonment by the City of its interests in the right-of-way is
11 subject to the execution and delivery to the City by 2018 Leila Jax
12 LLC ("Grantor") of a hold harmless covenant in substantially the
13 same form attached hereto as **Exhibit 2** and incorporated herein by
14 this reference. Accordingly, the closure and abandonment of the
15 right-of-way shall not be recorded in the Public Records until
16 execution and delivery to the City by Grantor of the required hold
17 harmless covenant.

18 **Section 4. Effective Date.** This ordinance shall become
19 effective upon signature by the Mayor or upon becoming effective
20 without the Mayor's signature.

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22 Form Approved:

23
24 /s/ James R. McCain, Jr.

25 Office of General Counsel

26 Legislation prepared by: James R. McCain, Jr.

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