

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

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.  
17

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:

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24       /s/      James R. McCain, Jr.

25 Office of General Counsel

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

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