

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-615-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 THE WILLOW STREET RIGHT-OF-WAY, A DEAD-END
8 ROAD, ESTABLISHED IN WALSH'S 2ND ADDITION TO
9 SOUTH JACKSONVILLE, AS RECORDED IN PLAT BOOK
10 7, PAGE 46 OF THE PUBLIC RECORDS OF DUVAL
11 COUNTY, IN COUNCIL DISTRICT 5, AT THE REQUEST
12 OF MILLENNIA JACKSONVILLE FL TC, LP, SUBJECT
13 TO RESERVATION UNTO CITY AND JEA OF AN ALL
14 UTILITIES EASEMENT OVER THE CLOSED PORTION OF
15 THE RIGHT-OF-WAY FOR INGRESS AND EGRESS AND
16 FOR ALL UTILITIES; PROVIDING FOR APPROVAL
17 SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE
18 DATE.
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20 **BE IT ORDAINED** by the Council of the City of Jacksonville:

21 **Section 1. Closure and Abandonment.** An opened and
22 improved portion of the Willow Street right-of-way, a dead-end
23 road, established in Walsh's 2nd Addition to South Jacksonville, as
24 recorded in Plat Book 7, Page 46 of the public records of Duval
25 County, in Council District 5, descriptions of which are attached
26 hereto as **Exhibit 1** and incorporated herein by this reference, is
27 hereby closed and abandoned and/or disclaimed as a right-of-way at
28 the request of Millennia Jacksonville FL TC, LP (the "Applicant");
29 provided, however, there is reserved unto the City and JEA an All
30 Utilities Easement on, over, across, and under the closed right-of-
31 way for ingress and egress and for all utilities, including but not

1 limited to water, sewer, electric, and drainage, so as to provide
2 City and JEA continued access to repair and maintain facilities in
3 the future. There are no city, state, or other agency objections to
4 this closure request. Applicant has paid the \$2,091.00 Right-of-Way
5 Closure Application Fee.

6 **Section 2. Purpose.** Applicant owns the apartment complex
7 (Palmetto Glen) bordering both sides of the right-of-way and is
8 requesting the closure in order to be able to convert the closed
9 right-of-way into additional parking for its tenants.

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

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

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23 Form Approved:

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

26 Office of General Counsel

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

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