

**HOLD HARMLESS COVENANT**

This **Hold Harmless Covenant** is hereby granted this \_\_\_\_ day of \_\_\_\_\_, 2022, by WholeSalers Property Co. LLC, whose address is 3110 Kettering Blvd., Dayton, OH 45439 ("Grantor") in favor of the **CITY OF JACKSONVILLE**, a consolidated political subdivision and municipal corporation existing under the laws of the State of Florida, whose mailing address is 117 West Duval Street, Jacksonville, Florida 32202 ("City").

**IN CONSIDERATION** for the closure and/or abandonment of City right-of-way or easement areas pursuant to **CITY ORDINANCE** \_\_\_\_\_, a copy of which is attached hereto and incorporated by reference (the "Ordinance"), located near **RE# 058698-0000** in Council District 9 and established in the Official Public Records of Duval County, Florida at **Plat Book 3 Page 46**.

Grantor, its successors and assigns, holds harmless, indemnifies, and will defend **CITY OF JACKSONVILLE**, its members, officials, officers, employees, and agents against any claim, action, loss, damage, injury, liability, cost and expense of whatever kind or nature (including, but not by way of limitation, attorney fees and court costs) arising out of injury (whether mental or corporeal) to persons, including death, or damage to property, arising out of or incidental to the use of the abandoned right-of-way or easement areas, more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by reference (the "Property"); including, but not limited to such injuries or damages resulting from flooding or erosion. This **Hold Harmless Covenant** shall run with the real property described in **Exhibit "A"**. The adjacent property owner(s) who acquire the Property as a result of the abandonment shall be responsible for maintaining the Property.

Furthermore, the Property shall remain totally unobstructed by any permanent improvements that may impede the use by the City or JEA of their reserved easement rights, if any, under the provisions of the reserved easement and/or the Ordinance. In the event that such easement rights are reserved by City or JEA: (a) the construction of driveways and the installation of fences, hedges, and landscaping is permissible but subject to removal or damage by the City or JEA at the expense of the Grantor, its successors and assigns, for any repairs to or replacement of the improvements; and (b) Grantor, its successors and assigns, shall indemnify, defend, and hold City and JEA harmless from, any and all loss, damage, action, claim, suit, judgment, cost, or expense for injury to persons (including death) or damage to property and improvements (including destruction), in any manner resulting from or arising out of the installation, replacement, maintenance or failure to maintain, or removal of any improvements placed within the easement area by Grantor, its successors or assigns, and the City's or JEA's exercise of their rights in the reserved easement.

**Signed and Sealed  
in Our Presence:**

**GRANTOR:**

(Sign) \_\_\_\_\_

By: \_\_\_\_\_

(Print) \_\_\_\_\_

Name:

Title:

(Sign) \_\_\_\_\_

(Print) \_\_\_\_\_

**STATE OF FLORIDA  
COUNTY OF DUVAL**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_.

{NOTARY SEAL}

\_\_\_\_\_  
[Signature of Notary Public-State of Florida]  
[Name of Notary Typed, Printed, or Stamped]

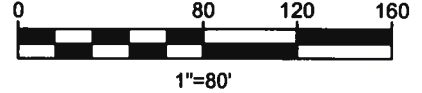
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

EXHIBIT "A"

MAP SHOWING SKETCH & DESCRIPTION OF  
 A PORTION OF DILLON AVE. (A 50' RIGHT OF WAY),  
 SECTION 17, TOWNSHIP 2 SOUTH, RANGE 26 EAST,  
 W.R. THOMPSON SUBDIVISION,  
 DUVAL COUNTY, FLORIDA, PLAT BOOK 3, PAGE 46,  
 DUVAL COUNTY, FLORIDA



GRAPHIC SCALE



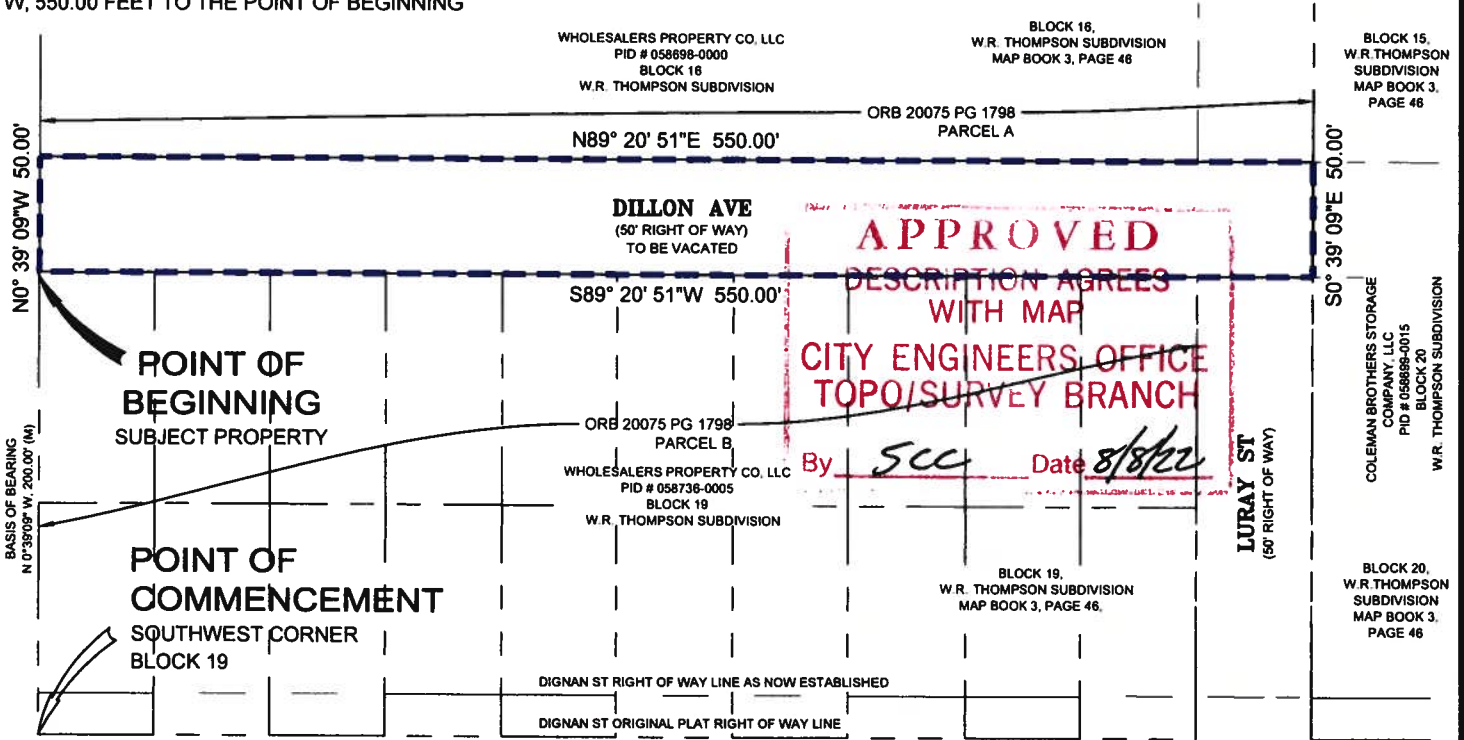
DESCRIPTION OF A PORTION OF DILLON AVENUE., A 50' RIGHT OF WAY.

A PORTION OF DILLON AVENUE., A 50' RIGHT OF WAY, (FORMERLY ATLANTIC AVENUE), SITUATED BETWEEN BLOCKS 16 & 19 AS RECORDED IN THE RE-PLAT OF THE W.R. THOMPSON SUBDIVISION OF A PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 26 EAST, PLAT BOOK 3, PAGE 46, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN UPON THIS SURVEY ARE BASED ON (NAD 83) NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE WITH THE NORTH RIGHT OF WAY LINE OF DIGNAN ST AS BEING N 89°20'51" E.

COMMENCING FROM A POINT BEING AT THE SOUTHWEST CORNER OF SAID BLOCK 19, THENCE NORTH 0°39'09" WEST, DEPARTING THE NORTH RIGHT OF WAY LINE OF DIGNAN STREET (A 50 FOOT RIGHT OF WAY LINE AS NOW ESTABLISHED), 200.00 FEET TO THE NORTHWESTERLY CORNER OF SAID BLOCK 19 AND TO THE POINT OF BEGINNING; THENCE N 0°39'09" W, FROM SAID POINT OF BEGINNING AND DEPARTING THE SOUTH RIGHT OF WAY LINE OF DILLON AVENUE (A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED), 50.00 FEET, TO THE SOUTHWESTERLY CORNER OF SAID BLOCK 16; THENCE ALONG THE NORTH RIGHT OF WAY LINE, N 89°20'51" E, 550.00 FEET TO THE SOUTHWESTERLY CORNER OF BLOCK 15; THENCE S 0°39'09" E, DEPARTING SAID RIGHT OF WAY LINE, 50.00 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 20; THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF DILLON AVENUE, S 89°20'51" W, 550.00 FEET TO THE POINT OF BEGINNING



DIGNAN ST

(VARIABLE WIDTH RIGHT OF WAY AS NOW ESTABLISHED)

ABBREVIATION

- PID # - PARCEL IDENTIFICATION NUMBER
- (P) - PER PLAT
- (M) - MEASURED
- ℙ - PROPERTY LINE

Russell D Flint  
 Digitally signed by Russell D Flint  
 Date: 2022.08.06  
 12:08:38 -04'00'



Flint Surveying & Mapping, Inc.

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 ST AUGUSTINE, FL 32086  
 PHONE (904) 392-5948

LICENSED PROFESSIONAL  
 FLORIDA #7284

RUSSELL D. FLINT, Florida PSM # 7324  
 Not Valid Without The Digital Signature of A Florida Licensed Surveyor & Mapper

PROJECT NO:	22-0050
MAP DATE:	08/06/2022
SURVEY DATE:	N/A
CHECKED BY:	RDF
DRAWN BY:	BDF
FIELD WORK:	RDF / ADS
PAGE:	1 OF 1