

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

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5 **ORDINANCE 2023-240-E**

6 AN ORDINANCE CLOSING AND ABANDONING AND/OR
7 DISCLAIMING AN OPENED AND UNIMPROVED PORTION OF
8 THE BETTES LANE RIGHT-OF-WAY, ESTABLISHED IN THE
9 PLAT OF ORTEGA SUBURB OF JACKSONVILLE FLA, AS
10 RECORDED IN PLAT BOOK 3, PAGE 40 OF THE CURRENT
11 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN
12 COUNCIL DISTRICT 14, AT THE REQUEST OF PATRICK
13 MORTON EMMET AND MARGARET BARNETT EMMET, SUBJECT
14 TO RESERVATION UNTO JEA AND AT&T OF AN ALL
15 UTILITIES, FACILITIES AND ACCESS EASEMENT OVER
16 THE CLOSURE AREA; PROVIDING FOR APPROVAL SUBJECT
17 TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

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

20 **Section 1. Closure and Abandonment.** An opened and
21 unimproved portion of the Bettles Lane right-of-way, established in
22 the Plat of Ortega Suburb of Jacksonville Fla, as recorded in Plat
23 Book 3, page 40 of the current public records of Duval County,
24 Florida, located in Council District 14, a depiction and description
25 of which is attached hereto as **Revised Exhibit 1**, labeled as "Revised
26 Exhibit 1, Rev Depiction and Description, May 2, 2023 - TEU" and
27 incorporated herein by this reference, is hereby closed and abandoned
28 and/or disclaimed as a right-of-way at the request of Patrick Morton
29 Emmet and Margaret Barnett Emmet (collectively, the "Applicant");
30 provided however, there is reserved unto JEA and AT&T an all
31 utilities, facilities and access easement on, over, under, through

1 and across the closed right-of-way area for ingress and egress and
2 for all utilities and facilities, including, but not limited to,
3 water, sewer, electric, and telecommunications, so as to provide JEA
4 and AT&T continued access to repair and maintain these utilities and
5 facilities.

6 The Applicant paid the right-of-way closure application fee of
7 \$2,091.00 and this sum has been deposited into the City's General
8 Fund account. This closure request was reviewed and approved by the
9 various city, state, and utility agencies that might have an interest
10 in the right-of-way and there were no objections to the Applicant's
11 request.

12 **Section 2. Purpose.** The Applicant owns property adjacent
13 to the closure area at 3764 Ortega Boulevard (R.E. No. 101346-0000).
14 The Applicant has requested the closure in order to expand their
15 residential yard and install a fence.

16 **Section 3. Hold Harmless Covenant.** The closure and
17 abandonment by the City of its interests in the right-of-way is
18 subject to Applicant's execution and delivery to the City of a Hold
19 Harmless Covenant, in substantially the same form attached hereto as
20 **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev Covnt, May 2,
21 2023 - TEU" and incorporated herein by this reference. Accordingly,
22 the closure and abandonment of the right-of-way shall not be recorded
23 in the public records until execution and delivery to the City by the
24 Applicant of the required Hold Harmless Covenant.

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

1 Form Approved:
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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Mary E. Staffopoulos

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