

1 Introduced by Council Member White:  
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4 **RESOLUTION 2021-331**

5 A RESOLUTION CONCERNING THE VACATION OF A  
6 PORTION OF THE PLATS OF JACKSONVILLE HEIGHTS  
7 IMPROVEMENT COMPANY PURSUANT TO SECTION  
8 177.101(3), FLORIDA STATUTES; RETURNING A  
9 PORTION OF THE LANDS SHOWN ON SAID  
10 JACKSONVILLE HEIGHTS IMPROVEMENT COMPANY PLAT  
11 TO ACREAGE; MAKING FINDINGS; PROVIDING AN  
12 EFFECTIVE DATE.  
13

14 **WHEREAS**, Section 177.101(3), Florida Statutes, authorizes the  
15 governing bodies of counties and municipalities to adopt  
16 resolutions vacating plats of subdivisions in said counties and  
17 municipalities, in whole or in part, returning the property covered  
18 by such plat, either in whole or in part, to acreage upon a showing  
19 that the person making application for such vacation is the owner  
20 of that portion of the lands covered by the plat sought to be  
21 vacated, and further, that the vacation will not affect the  
22 ownership or right of convenient access of persons owning other  
23 parts of the previously platted subdivision; and

24 **WHEREAS**, the Jacksonville Heights Improvement Company plat is  
25 recorded in Plat Book 5, Page 93 in the current public records of  
26 Duval County, Florida(the "Plat"), and encompasses lands west of  
27 downtown Jacksonville adjacent to 103<sup>rd</sup> Street; and

28 **WHEREAS**, while the rights-of-way located within the lands  
29 described in that certain Survey bearing CDN# 10083.000 prepared  
30 by ETM Surveying & Mapping, Inc., dated on May 17, 2021 (the  
31 "Survey"), which is attached to the surveyor's affidavit provided  
32 by Damon J. Kelly, PSM, Florida Registered Land Surveyor No. 6284,

1 dated February 18, 2021 (the "Surveyor's Affidavit"), a copy of  
2 which is attached hereto and incorporated by reference herein as  
3 **Exhibit 1**, have not become highways suitable for the traveling  
4 public; and

5 **WHEREAS**, Marian Adams McClelland a/k/a Marian A. McClelland  
6 (the "Applicant"), has applied to vacate those portions of the Plat  
7 described in the Survey; and

8 **WHEREAS**, the remaining lots or portions of lots owned by  
9 others within the plat will not become landlocked parcels with no  
10 right of convenient access upon vacation of the plat, but will  
11 continue to have their existing legal access; and

12 **WHEREAS**, the Applicant has agreed and understands that  
13 vacation of the plats and reversion of the land to acreage will  
14 have no effect on the recorded easements previously granted to  
15 third parties by the Applicant's predecessors in title, and those  
16 easements are unaffected by this resolution and the plat vacation;  
17 and

18 **WHEREAS**, the vacation of the platted roadways within the  
19 Applicant's property will not otherwise affect the right of  
20 convenient access to persons owning other parts of the platted  
21 lands and will not affect the previously granted recorded  
22 easements; and

23 **WHEREAS**, as required by Section 177.101(3), Florida Statutes,  
24 the Applicant has provided evidence of ownership of lands within  
25 the plat to be vacated; and

26 **WHEREAS**, public notice as required by law and specifically in  
27 compliance with Section 177.101(4), Florida Statutes, has been  
28 given, and all state and county taxes on the lands to be vacated  
29 have been paid in full or provision made for such payment; now  
30 therefore

31 **BE IT RESOLVED** by the Council of the City of Jacksonville:

1           **Section 1. Findings.** The Council finds as fact and  
2 concludes as a matter of law as follows:

3           (a) The Applicant owns fee simple title to the lands within  
4 the plats to be vacated, which lands are more particularly  
5 described in the Survey.

6           (b) According to the Surveyor's Affidavit upon the vacation  
7 of the rights-of-way located within the lands described in the  
8 Survey, the right of convenient access for the remaining lands  
9 within the plat not here being vacated continue to have their  
10 existing legal access.

11           **Section 2. Vacation Approved.** Vacation of that portion  
12 of the Jacksonville Heights Improvement Company plat described in  
13 the Survey is by this resolution approved. According to Section  
14 177.101(5), Florida Statutes, this vacation shall not become  
15 effective until a certified copy of this resolution has been filed  
16 with the Office of the Clerk of the Circuit Court and duly recorded  
17 in the public records of Duval County, Florida.

18           **Section 3. Effective Date.** This resolution shall become  
19 effective upon signature by the Mayor or upon becoming effective  
20 without the Mayor's signature.

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25 Form Approved:

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27           /s/ Harry M. Wilson, IV          

28 Office of General Counsel

29 Legislation prepared by: Harry M. Wilson, IV

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