

Introduced by Council Member White and amended by the Rules Committee:

RESOLUTION 2025-354-A

A RESOLUTION CONCERNING THE VACATION OF PORTIONS
OF THE PLAT OF GERMAN TOWN SUBDIVISION AND
JACKSONVILLE HEIGHTS SUBDIVISION PURSUANT TO
SECTION 177.101(3), FLORIDA STATUTES; RETURNING
A PORTION OF THE LANDS SHOWN ON SAID GERMAN TOWN
SUBDIVISION PLAT AND JACKSONVILLE HEIGHTS
SUBDIVISION PLAT TO ACREAGE; MAKING FINDINGS;
ABANDONING CERTAIN UNOPENED ROADS WITHIN THE
BOUNDARIES OF THE GERMAN TOWN SUBDIVISION PLAT
AND JACKSONVILLE HEIGHTS SUBDIVISION PLAT THAT
HAVE NOT BEEN OPENED AND HAVE NOT BECOME ROADS
SUITABLE AND NECESSARY FOR THE TRAVELING PUBLIC;
AND ENSURING LEGAL ACCESS TO ABUTTING
PROPERTIES; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the German Town Subdivision plat and Jacksonville
Heights Subdivision plat are recorded in Plat Book 5, Page 31, and

1 Plat Book 5, Page 93 in the current public records of Duval County,
2 Florida (the "Plats"), and encompass lands west of I-295 and North
3 of I-10 on the westside of Jacksonville; and

4 **WHEREAS**, while the rights-of-way located within the lands
5 described in that certain Sketch and Legal Description (Job No.
6 24-14643) prepared by Melrose Surveying and Mapping, Inc., dated on
7 October 23, 2024 (the "Sketch"), which is attached to the surveyor's
8 affidavit provided by William J. Melrose, Florida Professional
9 Surveyor and Mapper No. 5843, dated November 5, 2024 (the "Surveyor's
10 Affidavit"), a copy of which is attached hereto and incorporated by
11 reference as **Exhibit 1**, are presumed to be dedicated public
12 rights-of-way, none of the platted rights-of-way located within the
13 lands described in the Sketch were ever opened, improved or accepted
14 by the City for maintenance. Additionally, said rights-of-way have
15 not become highways suitable for the traveling public; and

16 **WHEREAS**, Georgia Lynn Hodges, Alan Barry Grosse and Douglas
17 Brian Grosse, in their individual capacity and as Trustees of the
18 George R. Grosse Family Trust, (collectively the "Applicant"), have
19 applied to vacate those portions of the plats described in the Sketch;
20 and

21 **WHEREAS**, the remaining lots or portions of lots owned by others
22 within the Plats will not become landlocked parcels with no right of
23 convenient access upon vacation of the plats, but will continue to
24 have legal access; and

25 **WHEREAS**, the Applicant has agreed and understands that
26 vacation of the plats and reversion of the land to acreage will have
27 no effect on the recorded easements previously granted to third
28 parties by the Applicant's predecessors in title, and those easements
29 are unaffected by this Resolution and the plat vacation; and

30 **WHEREAS**, the vacation of the platted roadways within the
31 Applicant's property will not otherwise affect the right of convenient

1 access to persons owning other parts of the platted lands and will
2 not affect the previously granted recorded easements; and

3 **WHEREAS,** as required by Section 177.101(3), Florida Statutes,
4 the Applicant has provided evidence of ownership of lands within the
5 plats to be vacated; and

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

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

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

13 (a) The Applicant owns fee simple title to the lands within the
14 plats to be vacated, which lands are more particularly described in
15 the Sketch.

16 (b) According to the Surveyor's Affidavit upon the vacation of
17 the rights-of-way located within the lands described in the Sketch,
18 the right of convenient access for the remaining lands within the
19 plats not here being vacated continue to have legal access, and the
20 vacation of the platted roadways located within the lands described
21 in the Sketch will not otherwise affect the right of convenient access
22 of persons owning other portions of the lands within the plats.

23 **Section 2. Vacation Approved.** Vacation of that portion of
24 the German Town Subdivision plat and Jacksonville Heights Subdivision
25 plat described in the Sketch is by this Resolution approved. According
26 to Section 177.101(5), Florida Statutes, this Resolution shall have
27 the effect of vacating all streets and alleys located within the
28 lands described in the Sketch that have not become necessary for use
29 by the traveling public. Such vacation shall not become effective
30 until a certified copy of this Resolution has been filed with the
31 Office of the Clerk of the Circuit Court and duly recorded in the

public records of Duval County, Florida.

Section 3. Effective Date. This Resolution shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Terrence L. Harvey

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