

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:
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6 **ORDINANCE 2021-815-E**

7 AN ORDINANCE CLOSING AND ABANDONING AND/OR
8 DISCLAIMING A 24 FOOT DRAINAGE AND UTILITIES
9 RIGHT-OF-WAY ESTABLISHED IN THE WISPERING PINES
10 PLAT, AS RECORDED IN PLAT BOOK 26, PAGE 15 OF
11 THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
12 FLORIDA, IN COUNCIL DISTRICT 10, AT THE REQUEST
13 OF ROBERT'S DIESEL SERVICE, INC.; PROVIDING FOR
14 APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
15 EFFECTIVE DATE.
16

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

18 **Section 1. Closure and Abandonment.** The 24-foot drainage
19 and utilities right-of-way established in the Wispering Pines Plat,
20 as recorded in Plat Book 26, Page 15 of the current public records
21 of Duval County, Florida, located in Council District 10, a
22 description of which is attached hereto as **Exhibit 1** and incorporated
23 herein by this reference, is hereby closed and abandoned and/or
24 disclaimed as a drainage and utilities right-of-way at the request
25 of Robert's Diesel Service, Inc. (the "Applicant"). The Applicant
26 paid the right-of-way closure application fee of \$2,091.00 and the
27 closure and abandonment with encroachment fee of \$516.00, both of
28 which have been deposited into the General Fund. This closure request
29 was reviewed and approved by the various city, state, and utility
30 agencies that might have an interest in the right-of-way and there

1 were no objections to the Applicant's request.

2 **Section 2. Purpose.** The Applicant owns the parcels
3 situated on either side of the right-of-way closure area (R.E. Nos.
4 049022-0005 and 048970-0000) and is requesting the closure in order
5 to connect Applicant's parcels and to use the closed right-of-way
6 area for storage and maintenance of school buses, subject to the
7 conditions set forth herein. The subject right-of-way was never
8 utilized for drainage or utilities and there is no infrastructure in
9 the closure area.

10 **Section 3. Hold Harmless Covenant.** The closure and
11 abandonment by the City of its interests in the subject drainage and
12 utilities right-of-way is contingent upon Applicant's execution and
13 delivery to the City of a Hold Harmless Covenant, in substantially
14 the same form attached hereto as **Exhibit 2** and incorporated herein
15 by this reference. Accordingly, the closure and abandonment of the
16 drainage and utilities right-of-way shall not be recorded in the
17 official public records until execution and delivery to the City by
18 the Applicant of the required Hold Harmless 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:

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25 /s/ Paige H. Johnston

26 Office of General Counsel

27 Legislation prepared by: Mary E. Staffopoulos

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