

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2022-649**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION  
7 OF THE PALMETTO STREET RIGHT-OF-WAY, AS  
8 REFLECTED ON THE PLAT OF MAXVILLE, FLA.,  
9 RECORDED IN PLAT BOOK 6, PAGE 78 AND AS SHOWN ON  
10 THE PLAT OF MAXVILLE FARMS, RECORDED IN PLAT  
11 BOOK 4, PAGE 9, BOTH OF THE CURRENT PUBLIC  
12 RECORDS OF DUVAL COUNTY, FLORIDA, AND CLOSING  
13 AND ABANDONING AND/OR DISCLAIMING AN UNOPENED  
14 AND UNIMPROVED PORTION OF THE CAROLINA AVENUE  
15 RIGHT-OF-WAY, AS REFLECTED ON THE PLAT OF  
16 MAXVILLE FARMS, RECORDED IN PLAT BOOK 4, PAGE 9  
17 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,  
18 FLORIDA, IN COUNCIL DISTRICT 12, AT THE REQUEST  
19 OF DENNIS HORNE, SUBJECT TO RESERVATION UNTO JEA  
20 OF AN ALL UTILITIES, FACILITIES AND ACCESS  
21 EASEMENT AND RESERVATION UNTO THE CITY OF  
22 JACKSONVILLE OF A DRAINAGE EASEMENT; PROVIDING  
23 FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN  
24 EFFECTIVE DATE.  
25

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

27 **Section 1. Closure and Abandonment.** An unopened and  
28 unimproved portion of the Palmetto Street right-of-way reflected on  
29 the Plat of Maxwell, Fla., recorded in Plat Book 6, page 78 and as  
30 shown on the Plat of Maxville Farms, recorded in Plat Book 4, Page  
31 9, both of the current public records of Duval County, Florida, and

1 an unopened and unimproved portion of the Carolina Avenue right-of-  
2 way as shown on the Plat of Maxville Farms, recorded in Plat Book 4,  
3 Page 9 of the current public records of Duval County, Florida, located  
4 in Council District 12, a description and depiction of which is  
5 attached hereto as **Exhibit 1** and incorporated herein by this  
6 reference, are hereby closed and abandoned and/or disclaimed as  
7 rights-of-way at the request of Dennis Horne (the "Applicant");  
8 provided however, there is reserved unto JEA an all utilities,  
9 facilities and access easement on, over, under, through and across  
10 the closure areas for ingress and egress and for all utilities and  
11 facilities, including but not limited to, water, sewer and electric,  
12 so as to provide JEA continued access to repair and maintain these  
13 utilities and facilities, and further provided that a drainage  
14 easement on, over, under, through and across the closed rights-of-  
15 way areas shall be reserved in favor of the City of Jacksonville.

16 The Applicant paid two right-of-way closure application fees of  
17 \$2,091.00 (for a total of \$4,182.00) and this amount has been  
18 deposited into the General Fund. These closure requests were reviewed  
19 and approved by the various city, state, and utility agencies that  
20 might have an interest in the right-of-way and there were no  
21 objections to the Applicant's request.

22 **Section 2. Purpose.** The Applicant owns property adjacent  
23 to the closure areas at 18208 Ware Avenue (R.E. No. 001021-0080) and  
24 is requesting the closures to incorporate the right-of-way closure  
25 areas into his residential property for personal use, subject to the  
26 conditions set forth herein.

27 **Section 3. Hold Harmless Covenant.** The closure and  
28 abandonment by the City of its interests in the subject portions of  
29 the Palmetto Street and Carolina Avenue rights-of-way is subject to  
30 Applicant's execution and delivery to the City of a Hold Harmless  
31 Covenant, in substantially the same form attached hereto as **Exhibit**

1 2 and incorporated herein by this reference. Accordingly, the closure  
2 and abandonment of these rights-of-way shall not be recorded in the  
3 public records until execution and delivery to the City by the  
4 Applicant of the required Hold Harmless Covenant.

5 **Section 4. Effective Date.** This Ordinance shall become  
6 effective upon signature by the Mayor or upon becoming effective  
7 without the Mayor's signature.

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9 Form Approved:

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11           /s/ Mary E. Staffopoulos          

12 Office of General Counsel

13 Legislation prepared by: Mary E. Staffopoulos

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