

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 2022-649-E**

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

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

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

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

17 The Applicant paid two right-of-way closure application fees of  
18 \$2,091.00 (for a total of \$4,182.00) and the closure and abandonment  
19 with encroachment fee of \$516.00, both of which have been deposited  
20 into the General Fund. These closure requests were reviewed and  
21 approved by the various city, state, and utility agencies that might  
22 have an interest in the right-of-way and there were no objections to  
23 the Applicant's request.

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

29 **Section 3. Hold Harmless Covenant.** The closure and  
30 abandonment by the City of its interests in the subject portions of  
31 the Palmetto Street and Carolina Avenue rights-of-way is subject to

1 Applicant's execution and delivery to the City of a Hold Harmless  
2 Covenant, in substantially the same form attached hereto as **Exhibit**  
3 **2** and incorporated herein by this reference. Accordingly, the closure  
4 and abandonment of these rights-of-way shall not be recorded in the  
5 public records until execution and delivery to the City by the  
6 Applicant of the required Hold Harmless Covenant.

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

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11 Form Approved:

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13 \_\_\_\_\_ /s/ Mary E. Staffopoulos

14 Office of General Counsel

15 Legislation prepared by: Mary E. Staffopoulos

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