

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 2023-82-E**

6 AN ORDINANCE CLOSING AND ABANDONING AND/OR
7 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
8 OF THE KONA AVENUE RIGHT-OF-WAY, ESTABLISHED IN
9 THE PLAT OF OAKWOOD VILLA ESTATES, AS RECORDED
10 IN PLAT BOOK 8, PAGES 23 THROUGH 25 OF THE
11 CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA,
12 IN COUNCIL DISTRICT 1, AT THE REQUEST OF EDWARD
13 P. MCKINNEY, JR., SUBJECT TO RESERVATION UNTO
14 JEA AND TECO PEOPLES GAS OF AN ALL UTILITIES,
15 FACILITIES AND ACCESS EASEMENT OVER A PORTION OF
16 THE CLOSURE AREA; PROVIDING FOR APPROVAL SUBJECT
17 TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

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

20 **Section 1. Closure and Abandonment.** An unopened and
21 unimproved portion of the Kona Avenue right-of-way, established in
22 the Plat of Oakwood Villa Estates, as recorded in Plat Book 8, pages
23 23 through 25 of the current public records of Duval County, Florida,
24 located in Council District 1, a depiction and description of which
25 is attached hereto as **Exhibit 1** and incorporated herein by this
26 reference, is hereby closed and abandoned and/or disclaimed as a
27 right-of-way at the request of Edward P. McKinney, Jr. (the
28 "Applicant"); provided however, there is reserved unto JEA and TECO
29 Peoples Gas an all utilities, facilities and access easement on,
30 over, under, through and across a portion of the closed right-of-way
31 area, as depicted in **Exhibit 1**, for ingress and egress and for all

1 utilities and facilities, including, but not limited to, water, sewer
2 and electric, so as to provide JEA and TECO Peoples Gas continued
3 access to repair and maintain these utilities and facilities.

4 The Applicant paid the right-of-way closure application fee of
5 \$2,091.00 and the encroachment fee of \$516.00, for a total of
6 \$2,607.00, and this sum has been deposited into the City's General
7 Fund account. This closure request was reviewed and approved by the
8 various city, state, and utility agencies that might have an interest
9 in the right-of-way and there were no objections to the Applicant's
10 request.

11 **Section 2. Purpose.** The Applicant owns property adjacent
12 to the closure area at 410 Mill Creek Road (R.E. No. 143804-0000).
13 The Applicant has requested the closure in order to connect the
14 closure area to his adjacent property for development of a facility
15 that provides vocational education and job training for special needs
16 children, subject to the conditions set forth herein.

17 **Section 3. Hold Harmless Covenant.** The closure and
18 abandonment by the City of its interests in the right-of-way is
19 subject to Applicant's execution and delivery to the City of a Hold
20 Harmless Covenant, in substantially the same form attached hereto as
21 **Exhibit 2** and incorporated herein by this reference. Accordingly,
22 the closure and abandonment of the right-of-way shall not be recorded
23 in the public records until execution and delivery to the City by the
24 Applicant of the required Hold Harmless Covenant.

25 **Section 4. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

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