

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-175-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 THE WALNUT STREET RIGHT-OF-WAY, ESTABLISHED IN
8 THE PLAT OF NEW SPRINGFIELD, AS RECORDED IN PLAT
9 BOOK 2, PAGES 69 AND 70, OF THE CURRENT PUBLIC
10 RECORDS OF DUVAL COUNTY, FLORIDA, LOCATED IN
11 COUNCIL DISTRICT 7, AT THE REQUEST OF SETZER'S
12 WAREHOUSING CORPORATION, INC., SUBJECT TO
13 RESERVATION UNTO JEA OF AN ALL UTILITIES,
14 FACILITIES AND ACCESS EASEMENT OVER THE CLOSURE
15 AREA; PROVIDING FOR APPROVAL SUBJECT TO
16 CONDITIONS; PROVIDING AN EFFECTIVE DATE.
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18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Closure and Abandonment.** An opened and improved
20 portion of Walnut Street, established in the Plat of New Springfield,
21 as recorded in Plat Book 2, pages 69 and 70, of the current public
22 records of Duval County, Florida, located in Council District 7, a
23 depiction and description of which is attached hereto as **Exhibit 1**
24 and incorporated herein by this reference, is hereby closed and
25 abandoned and/or disclaimed as a right-of-way at the request of
26 Setzer's Warehousing Corporation, Inc. (the "Applicant"); provided
27 however, there is reserved unto JEA an all utilities, facilities and
28 access easement on, over, under, through and across the closed right-
29 of-way area for ingress and egress and for all utilities and
30 facilities, including, but not limited to, water, sewer and electric,
31 so as to provide JEA continued access to repair and maintain these

1 utilities and facilities.

2 The Applicant paid the right-of-way closure application fee of
3 \$2,091.00 and the encroachment fee of \$516.00, for a total of
4 \$2,607.00, and this sum has been deposited into the City's General
5 Fund account. This closure request was reviewed and approved by the
6 various city, state, and utility agencies that might have an interest
7 in the right-of-way and there were no objections to the Applicant's
8 request.

9 **Section 2. Purpose.** The Applicant operates a commercial
10 warehouse facility on the property surrounding the right-of-way
11 closure area and has requested the closure in order to use the area
12 for its business.

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

21 **Section 4. Effective Date.** This Ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

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25 Form Approved:

26
27 /s/ Mary E. Staffopoulos

28 Office of General Counsel

29 Legislation prepared by: Mary E. Staffopoulos

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