

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-757**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 THE ANDERS BOULEVARD RIGHT-OF-WAY, ESTABLISHED
8 IN THE PLAT OF SOUTHSIDE ESTATES UNIT NO. 24, AS
9 RECORDED IN PLAT BOOK 24, PAGE 25 OF THE CURRENT
10 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN
11 COUNCIL DISTRICT 4, AT THE REQUEST OF JOHN H.
12 MOYE AND MICHAEL P. HARRIS, MANAGER OF C & M
13 LAND COMPANY, LLC, SUBJECT TO RESERVATION UNTO
14 JEA OF AN ALL UTILITIES, FACILITIES AND ACCESS
15 EASEMENT; 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 the Anders Boulevard right-of-way, established in the Plat
21 of Southside Estates Unit No. 24, as recorded in Plat Book 24, Page
22 25 of the current public records of Duval County, Florida, located
23 in Council District 4, a depiction and description of which is
24 attached hereto as **Exhibit 1** and incorporated herein by this
25 reference, is hereby closed and abandoned and/or disclaimed as a
26 right-of-way at the request of John H. Moye and Michael P. Harris,
27 as Manager and on behalf of C & M Land Company, LLC, (the "Applicant");
28 provided however, there is reserved unto JEA an all utilities,
29 facilities and access easement on, over, under, through and across
30 the closed right-of-way for ingress and egress and for all utilities
31 and facilities, including but not limited to, water, sewer and

1 electric, so as to provide JEA continued access to repair and maintain
2 these utilities and facilities. The Applicant paid the right-of-way
3 closure application fee of \$2,091.00 and this amount has been
4 deposited into the General Fund. This closure request was reviewed
5 and approved by the various city, state, and utility agencies that
6 might have an interest in the right-of-way and there were no
7 objections to the Applicant's request.

8 **Section 2. Purpose.** John H. Moye and C & M Land Company,
9 LLC each owns property adjacent to the closure area at 3820 Southside
10 Boulevard (R.E. No. 125012-0000) and 3742 Southside Boulevard (R.E.
11 No. 124904-0100), respectively, and are requesting the closure for
12 the potential expansion of their businesses on either side of the
13 closure area, subject to the conditions set forth herein.

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

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

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26 Form Approved:

27
28 /s/ Joelle J. Dillard

29 Office of General Counsel

30 Legislation prepared by: Joelle J. Dillard