

1 Introduced by the Council President at the request of the Mayor:

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3
4 **ORDINANCE 2024-204**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING A PORTION OF AN OPENED AND IMPROVED
7 ALLEY, ESTABLISHED IN THE PLAT OF HENDRICKS
8 SUBDIVISION OF HOMESTEAD TRACT SOUTH
9 JACKSONVILLE, AS RECORDED IN PLAT BOOK 2, PAGE
10 8 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
11 FLORIDA, LOCATED IN COUNCIL DISTRICT 5, AT THE
12 REQUEST OF KAREN HIRSHBERG AND G.I.S. HOLDINGS,
13 INC., SUBJECT TO RESERVATION UNTO THE CITY OF
14 JACKSONVILLE OF AN ALL UTILITIES, FACILITIES AND
15 ACCESS EASEMENT OVER THE CLOSURE AREA; PROVIDING
16 FOR APPROVAL SUBJECT TO CONDITIONS; WAIVING
17 COUNCIL RULE 3.107 (REINTRODUCTION OF BILLS),
18 *COUNCIL RULES*, AS TO THE REQUIREMENT THAT AN
19 ORDINANCE THAT FAILED PASSAGE NOT BE
20 REINTRODUCED FOR TWELVE MONTHS; PROVIDING AN
21 EFFECTIVE DATE.
22

23 **WHEREAS**, on January 10, 2023, quasi-judicial Ordinance 2023-007
24 was introduced to Council to consider a request to rezone property
25 located at 1004 Hendricks Avenue, 1454 and 0 Prudential Drive, and 0
26 Home Street in the Southbank area of Downtown Jacksonville; and

27 **WHEREAS**, associated with Ordinance 2023-007 was a request to
28 close and abandon an adjacent alley, which was filed as Ordinance
29 2023-213 (the "Alley Closure Legislation"); and

30 **WHEREAS**, the Alley Closure Legislation was denied by the Council
31 on June 27, 2023 along with a denial of Ordinance 2023-007 through a

1 nine (9) to nine (9) tie vote; and

2 **WHEREAS**, Council Rule 4.601 requires a "majority vote" by the
3 voting Council members in order to take affirmative action on all
4 legislation; and

5 **WHEREAS**, an interpretation of the nine (9) to nine (9) tie vote
6 on Ordinance 2023-007, in conjunction with the "majority vote"
7 language of Council Rule 4.601, resulted in a denial of Ordinance
8 2023-007 because of its failure to obtain a majority vote in support
9 of the rezoning request; and

10 **WHEREAS**, the applicant challenged the Council's action,
11 resulting in a settlement agreement being reached between the parties,
12 which contemplated the filing of legislation for Council to consider
13 this alley closure application along with a modified rezoning proposal
14 which is pending before the Council as Ordinance 2024-152; and

15 **WHEREAS**, the settlement agreement only requires the filing of
16 this legislation and does not in any way require a particular outcome
17 in Council's consideration of this Ordinance; now therefore,

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

19 **Section 1. Closure and Abandonment.** A portion of an opened
20 and improved alley, established in the Plat of Hendricks Subdivision
21 of Homestead Tract South Jacksonville, as recorded in Plat Book 2,
22 Page 8 of the current public records of Duval County, Florida, located
23 in Council District 5, 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 an
26 alley at the request of Karen Hirshberg and G.I.S. Holdings, Inc.
27 (the "Applicants"); provided however, there is reserved unto the City
28 of Jacksonville ("City") an all utilities, facilities and access
29 easement on, over, under, through and across the closure area for
30 ingress and egress and for all utilities and facilities, so as to
31 provide the City with continued access to repair and maintain its

1 utilities and facilities in the area.

2 The Applicants paid the closure application fee of \$2,091.00 and
3 this sum has been deposited into the City's General Fund. This
4 closure request was reviewed and approved by the various city, state,
5 and utility agencies that might have an interest in the alley and
6 there were no objections to the Applicants' request; provided that,
7 the Downtown Investment Authority's approval of this closure is
8 contingent upon the Council's passage of Ordinance 2024-152.

9 **Section 2. Purpose.** The Applicants own properties
10 adjacent to the closure area (R.E. Nos. 080290-0000 and 080297-0000)
11 and have requested this closure to allow for a mixed-use development
12 on the adjacent parcels.

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

21 **Section 4. Waiver of Council Rule 3.107 (Reintroduction of**
22 **Bills), Council Rules.** Council Rule 3.107 (Reintroduction of Bills),
23 Part 1 (General Rules), Chapter 3 (Legislation), is hereby waived as
24 to the requirement that an ordinance shall not be reintroduced at
25 Council until at least twelve months from the date of the Council
26 meeting at which it failed passage. A waiver of Council Rule 3.107
27 is being requested because the alley closure is associated with a
28 modified rezoning application being considered by the Council as a
29 result of a settlement agreement to resolve a zoning challenge.

30 **Section 5. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

without the Mayor's signature.

Form Approved:

/s/ Joelle J. Dillard

Office of General Counsel

Legislation prepared by: Joelle J. Dillard

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