

Introduced by the Council President at the request of the Mayor and  
amended by the Rules Committee:

**ORDINANCE 2024-204-E**

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

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

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

1       **WHEREAS,** the Alley Closure Legislation was denied by the  
2 Council on June 27, 2023 along with a denial of Ordinance 2023-007  
3 through a nine (9) to nine (9) tie vote; and

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

7       **WHEREAS,** an interpretation of the nine (9) to nine (9) tie  
8 vote on Ordinance 2023-007, in conjunction with the "majority vote"  
9 language of Council Rule 4.601, resulted in a denial of Ordinance  
10 2023-007 because of its failure to obtain a majority vote in support  
11 of the rezoning request; and

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

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

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

21       **Section 1. Closure and Abandonment.** A portion of an opened  
22 and improved alley, established in the Plat of Hendricks Subdivision  
23 of Homestead Tract South Jacksonville, as recorded in Plat Book 2,  
24 Page 8 of the current public records of Duval County, Florida, located  
25 in Council District 5, a depiction and description of which is  
26 attached hereto as **Exhibit 1** and incorporated herein by this  
27 reference, is hereby closed and abandoned and/or disclaimed as an  
28 alley at the request of Karen Hirshberg and G.I.S. Holdings, Inc.  
29 (the "Applicants"); provided however, there is reserved unto the City  
30 of Jacksonville ("City") an all utilities, facilities and access  
31 easement on, over, under, through and across the closure area for

1 ingress and egress and for all utilities and facilities, so as to  
2 provide the City with continued access to repair and maintain its  
3 utilities and facilities in the area.

4 The Applicants paid the closure application fee of \$2,091.00 and  
5 this sum has been deposited into the City's General Fund. This closure  
6 request was reviewed and approved by the various city, state, and  
7 utility agencies that might have an interest in the alley and there  
8 were no objections to the Applicants' request; provided that, the  
9 Downtown Investment Authority and City Council's approval of this  
10 closure is contingent upon the Council's passage of Ordinance  
11 2024-152.

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

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

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

result of a settlement agreement to resolve a zoning challenge.

**Section 5. Effective Date.** This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

          /s/ Mary E. Staffopoulos          

Office of General Counsel

Legislation Prepared By: Joelle J. Dillard

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