

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

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5 **ORDINANCE 2024-204-E**

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

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

29 **WHEREAS**, associated with Ordinance 2023-007 was a request to
30 close and abandon an adjacent alley, which was filed as Ordinance
31 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

1 result of a settlement agreement to resolve a zoning challenge.

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

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6 Form Approved:

7
8 /s/ Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation Prepared By: Joelle J. Dillard

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