

1 Introduced by Council Member Peluso and amended by the Transportation,
2 Energy and Utilities Committee:

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5 **ORDINANCE 2024-439-E**

6 AN ORDINANCE CLOSING AND ABANDONING AND/OR
7 DISCLAIMING PORTIONS OF CERTAIN RIGHTS-OF-WAY
8 WITHIN THE CITY OF JACKSONVILLE TO INCLUDE: (1)
9 AN OPENED AND IMPROVED PORTION OF THE GRANT
10 STREET RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF
11 SPRATT'S SUBDIVISION OF EAST JACKSONVILLE, AS
12 RECORDED IN PLAT BOOK AK, PAGE 438, OF THE
13 CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA,
14 (2) AN OPENED AND IMPROVED PORTION OF THE
15 GEORGIA STREET RIGHT-OF-WAY, ESTABLISHED IN THE
16 MEIG'S REPLAT OF SPRATT'S SUBDIVISION OF BLOCK
17 5, JOHNSON'S PLAT OF EAST JACKSONVILLE, RECORDED
18 IN PLAT BOOK 3, PAGE 75, OF THE CURRENT PUBLIC
19 RECORDS OF DUVAL COUNTY, FLORIDA, AND (3) AN
20 OPENED AND IMPROVED PORTION OF THE ALBERT STREET
21 RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF EAST
22 JACKSONVILLE, RECORDED IN PLAT BOOK Q, PAGE 664,
23 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
24 FLORIDA, IN COUNCIL DISTRICT 7, AT THE REQUEST
25 OF RP SPORTS INVESTMENTS, INC., SUBJECT TO
26 RESERVATION UNTO THE CITY OF JACKSONVILLE AND
27 JEA OF AN ALL UTILITIES, FACILITIES AND ACCESS
28 EASEMENT AND RESERVATION, AND AUTHORIZING
29 EXECUTION OF AN AIR RIGHTS EASEMENT AGREEMENT
30 OVER A PORTION OF THE ALBERT STREET RIGHT-OF-
31 WAY; PROVIDING FOR APPROVAL SUBJECT TO

1 CONDITIONS; PROVIDING AN EFFECTIVE DATE.

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

4 **Section 1. Closure and Abandonment.** The Council hereby
5 approves the closure and abandonment of certain portions of the
6 following rights-of-way in the City of Jacksonville: (1) an opened
7 and improved portion of the Grant Street right-of-way, established
8 in the Plat of Spratt's Subdivision of East Jacksonville, recorded
9 in Plat Book AK, page 438, of the current public records of Duval
10 County, Florida, (2) an opened and improved portion of the Georgia
11 Street right-of-way, established in the Meig's Replat of Spratt's
12 Subdivision of Block 5, Johnson's Plat of East Jacksonville, recorded
13 in Plat Book 3, page 75, of the current public records of Duval
14 County, Florida, and (3) an opened and improved portion of the Albert
15 Street right-of-way, established in the Plat of East Jacksonville,
16 recorded in Plat Book Q, page 664, of the current public records of
17 Duval County, Florida, located in Council District 7, a description
18 and depiction of which is attached hereto as **Revised Exhibit 1**,
19 labeled as "Revised Exhibit 1, Rev Maps, August 20, 2024 - TEU" and
20 incorporated herein by this reference, are hereby closed and abandoned
21 and/or disclaimed as rights-of-way at the request of RP Sports
22 Investments, Inc. (the "Applicant"); provided however, there is
23 reserved unto the City of Jacksonville and JEA an all utilities,
24 facilities and access easement on, over, under, through and across
25 the closure areas for ingress and egress and for all utilities and
26 facilities, including but not limited to, water, sewer, drainage and
27 electric, so as to provide the City and JEA continued access to repair
28 and maintain these utilities and facilities.

29 In addition to the aforementioned closure, the City has agreed
30 to grant an aerial (air rights) easement over the Albert Street
31 right-of-way to Jax Downtown Pro Real Estate, LLC, the proposed

1 developer of the site, for construction of certain site improvements
2 (a building) at that location. As such, there is hereby approved, and
3 the Mayor, or her duly authorized designee, is hereby authorized to
4 execute and deliver that certain Air Rights Easement Agreement between
5 the City of Jacksonville and Jax Downtown Pro Real Estate, LLC, in
6 substantially the same form attached hereto as **Exhibit 3** and
7 incorporated herein by this reference.

8 The Applicant paid three right-of-way closure application fees
9 of \$2,091.00 (for a total of \$6,273.00) and this amount has been
10 deposited into the General Fund. These closure requests were reviewed
11 and approved by the various city, state, and utility agencies that
12 might have an interest in the right-of-way and there were no
13 objections to the Applicant's request, provided that the right-of-
14 way closures and grant of the aerial (air rights) easement are
15 contingent upon acquisition of certain City-owned property by the
16 Applicant as outlined in Section 2 below.

17 **Section 2. Purpose.** The Applicant is under contract with
18 the City to purchase several properties adjacent to the closure areas
19 (see R.E. Nos. 130740-0000, 130649-0000 and 130838-0000 for
20 locational purposes only) as authorized, subject to certain
21 conditions, by Ordinance 2023-87-E and is requesting the closures for
22 development of the Armada Soccer Stadium with a mix of uses including
23 commercial, residential and office spaces.

24 **Section 3. Hold Harmless Covenant and Confirmation by**
25 **Public Works Director.** The closure and abandonment by the City of
26 its interests in the subject portions of the Grant Street, Georgia
27 Street and Albert Street rights-of-way and City execution of the Air
28 Rights Easement Agreement shall be subject to the following
29 conditions: (1) the Applicant's execution and delivery to the City
30 of a Hold Harmless Covenant, in substantially the same form attached
31 hereto as **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev Hold

1 Harmless, August 20, 2024 - TEU" and incorporated herein by this
2 reference, (2) written confirmation by the Director of the Public
3 Works Department that the legal descriptions for each closure area
4 have been reviewed by the Department and are deemed final, complete
5 and correct, and (3) that the Applicant acquire the City-owned parcels
6 adjacent to the closure areas as outlined in Section 2 above.
7 Accordingly, the closure and abandonment of these rights-of-way and
8 City execution of the Air Rights Easement Agreement shall not be
9 recorded in the public records until execution and delivery to the
10 City by the Applicant of the required Hold Harmless Covenant, the
11 Real Estate Division's receipt of written confirmation from the
12 Director of the Public Works Department and Applicant's acquisition
13 of certain City-owned parcels as outlined above.

14 **Section 4. Effective Date.** This Ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective
16 without the Mayor's signature.

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18 Form Approved:

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20 /s/ Mary E. Staffopoulos

21 Office of General Counsel

22 Legislation Prepared By: Mary E. Staffopoulos

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