

1 Introduced by the Council President at the request of the Mayor:  
2  
3

4 **ORDINANCE 2019-760**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION  
7 OF THE POTOMAC AVENUE RIGHT-OF-WAY,  
8 ESTABLISHED IN BILTMORE GARDENS REPLAT, AS  
9 RECORDED IN PLAT BOOK 13, PAGE 74 OF THE  
10 PUBLIC RECORDS OF DUVAL COUNTY, IN COUNCIL  
11 DISTRICT 10, AT THE REQUEST OF TRI STAR SEMI  
12 TRUCK & TRAILER SERVICES, SUBJECT TO  
13 RESERVATION UNTO CITY AND JEA OF AN ALL  
14 UTILITIES EASEMENT OVER THE CLOSED PORTION OF  
15 THE RIGHT-OF-WAY FOR INGRESS AND EGRESS AND  
16 FOR ALL UTILITIES; PROVIDING FOR APPROVAL  
17 SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE  
18 DATE.  
19

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

21 **Section 1. Closure and Abandonment.** An unopened and  
22 unimproved portion of the Potomac Avenue right-of-way, established  
23 in Biltmore Gardens Replat, as recorded in Plat Book 13, Page 74 of  
24 the Public Records of Duval County, in Council District 10,  
25 descriptions of which are attached hereto as **Exhibit 1** and  
26 incorporated herein by this reference, is hereby closed and  
27 abandoned and/or disclaimed as a right-of-way at the request of Tri  
28 Star Semi Truck & Trailer Services (the "Applicant"); provided,  
29 however, there is reserved unto the City and JEA an All Utilities  
30 Easement on, over, across, and under the closed right-of-way for  
31 ingress and egress and for all utilities, including but not limited

1 to water, sewer, electric, and drainage, so as to provide City and  
2 JEA continued access to repair and maintain facilities in the  
3 future. There are no city, state, or other agency objections to  
4 this closure request, and the abutting property owner, JTM  
5 Properties of Jacksonville LTD, has agreed to the closure.  
6 Applicant has paid the \$2,091.00 Right-of-Way Closure Application  
7 Fee.

8       **Section 2. Purpose.** Applicant is requesting the closure  
9 in order to expand its existing business.

10       **Section 3. Hold Harmless Covenant.** The closure and  
11 abandonment by the City of its interests in the right-of-way is  
12 subject to the execution and delivery to the City by Applicant  
13 ("Grantor") of a hold harmless covenant in substantially the same  
14 form attached hereto as **Exhibit 2** and incorporated herein by this  
15 reference. Accordingly, the closure and abandonment of the right-  
16 of-way shall not be recorded in the Public Records until execution  
17 and delivery to the City by Grantor of the required hold harmless  
18 covenant.

19       **Section 4. Effective Date.** This ordinance shall become  
20 effective upon signature by the Mayor or upon becoming effective  
21 without the Mayor's signature.

22  
23 Form Approved:

24  
25       /s/ James R. McCain, Jr.

26 Office of General Counsel

27 Legislation prepared by: James R. McCain, Jr.

28 GC-#1311192-v1-10\_07\_19\_Potomac\_ROW\_C&A\_All-Utilities\_HH.docx