

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2020-147-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
6 DISCLAIMING PORTIONS OF POLK ROAD, WEST 1<sup>ST</sup>  
7 STREET, AND WEST 2<sup>ND</sup> STREET, ALL UNOPENED AND  
8 UNIMPROVED RIGHTS-OF-WAY ESTABLISHED VIA DUVAL  
9 CITY PLAT AND RECORDED IN PLAT BOOK 6, PAGE 9,  
10 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,  
11 FLORIDA, IN COUNCIL DISTRICT 7, AT THE REQUEST  
12 OF GUY LACHAPELLE, SUBJECT TO RESERVATION UNTO  
13 THE CITY AND JEA OF AN ALL UTILITIES EASEMENT  
14 OVER THE CLOSED POLK ROAD RIGHT-OF-WAY TO  
15 ACCOMMODATE THE CITY'S NEED TO MAINTAIN  
16 EXISTING DRAINAGE AND TO PROVIDE JEA INGRESS  
17 AND EGRESS FOR ACCESS TO JEA POWERLINES TO THE  
18 NORTH; PROVIDING FOR APPROVAL SUBJECT TO  
19 CONDITIONS; PROVIDING AN EFFECTIVE DATE.  
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21 **BE IT ORDAINED** by the Council of the City of Jacksonville:

22 **Section 1. Closure and Abandonment.** Portions of Polk  
23 Road, West 1<sup>st</sup> Street, and West 2<sup>nd</sup> Street, all unopened and  
24 unimproved rights-of-way established via Duval City Plat and  
25 recorded in Plat Book 6, Page 9, of the Current Public Records of  
26 Duval County, Florida, in Council District 7, descriptions of which  
27 are attached hereto as **Exhibit 1** and incorporated herein by this  
28 reference, are hereby closed and abandoned and/or disclaimed as  
29 rights-of-way at the request of Guy Lachapelle (the "Applicant");  
30 provided, however, there is reserved unto the City of Jacksonville  
31 and JEA an All Utilities Easement on, over, across, and under the

1 closed Polk Road right-of-way to accommodate the City's need to  
2 maintain existing drainage and to provide JEA ingress and egress  
3 for access to JEA powerlines to the north.

4       **Section 2. Purpose.** The Applicant is requesting the  
5 closures to expand the potential development options for his  
6 property. The Applicant has paid \$6,273.00, which has been  
7 deposited into the General Fund, to cover the application fees for  
8 all three rights-of-way closures. There were no objections from  
9 city, state, or utility agencies to the closures.

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

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23 Form Approved:

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

26 Office of General Counsel

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

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