

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Neighborhoods, Community Services, Public Health &  
3 Safety Committee:  
4  
5

6 **ORDINANCE 2020-581-E**

7 AN ORDINANCE CLOSING AND ABANDONING AND/OR  
8 DISCLAIMING A PORTION OF PHYLLIS STREET, A  
9 PLATTED, OPENED AND IMPROVED RIGHT-OF-WAY IN  
10 RIVERSIDE GARDENS, AS RECORDED AND ESTABLISHED  
11 IN PLAT BOOK 3, PAGE 67, DATED MARCH 23, 1910,  
12 IN THE PUBLIC RECORDS OF DUVAL COUNTY,  
13 FLORIDA, IN COUNCIL DISTRICT 9, AT THE REQUEST  
14 OF STEVEN N. BACALIS (THE "APPLICANT") TO  
15 CONSOLIDATE, ENCLOSE AND GATE HIS ABUTTING  
16 BUSINESS PROPERTIES KNOWN AS 4757 PHYLLIS ST  
17 LLC, 440 EDGEWOOD LLC, AND 4735 PHYLLIS STREET  
18 LLC (THE "ABUTTING PROPERTIES"), SUBJECT TO  
19 RESERVATION UNTO THE CITY OF JACKSONVILLE  
20 ("CITY") AND JEA OF EASEMENTS OVER THE RIGHT-  
21 OF-WAY FOR INGRESS AND EGRESS AND FOR ALL  
22 UTILITIES; PROVIDING FOR APPROVAL SUBJECT TO  
23 CONDITIONS; PROVIDING FOR CITY OVERSIGHT BY  
24 THE REAL ESTATE DIVISION OF THE DEPARTMENT OF  
25 PUBLIC WORKS; PROVIDING AN EFFECTIVE DATE.  
26

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

28 **Section 1. Closure and Abandonment.** A portion of Phyllis  
29 Street, a platted, opened and improved right-of-way in Riverside  
30 Gardens, as recorded and established in Plat Book 3, Page 67, dated

1 March 23, 1910, in the Public Records of Duval County, Florida (the  
2 "Plat"), and located in Council District 9, a description of which  
3 is attached hereto as **Exhibit 1** and incorporated herein by this  
4 reference, is hereby closed and abandoned and/or disclaimed as a  
5 right-of-way at the request of Steven N. Bacalis (the "Applicant");  
6 provided, however, there is hereby reserved unto the City of  
7 Jacksonville and JEA perpetual unobstructed easements on, over,  
8 across, under and through the closed portion of the right-of-way  
9 for ingress and egress and for all utilities, including, but not  
10 limited to, water, sewer, electric and drainage.

11 **Section 2. Purpose.** The Applicant is requesting the  
12 closure to consolidate, enclose and gate the Abutting Properties,  
13 subject to the conditions set forth herein. All of the adjacent  
14 property and underlying right-of-way is owned by the Applicant  
15 inclusive of the section of the Phyllis Street right-of-way lying  
16 to the east of the portion to be abandoned pursuant to this  
17 legislation which was previously abandoned. The Applicant has paid  
18 a \$2,091.00 closure application processing fee. This closure  
19 request was reviewed and approved by the various city, state,  
20 municipal and utility agencies that might have an interest in the  
21 right-of-way and there were no objections to the Applicant's  
22 request.

23 **Section 3. Hold Harmless Covenants.** The closure and  
24 abandonment by the City of its interests in the right-of-way is  
25 subject to Applicant's execution and delivery to the City of the  
26 hold harmless covenants in substantially the same form as attached  
27 hereto as **Exhibit 2** and incorporated herein by this reference.  
28 Accordingly, the closure and abandonment of the right-of-way shall  
29 not be recorded in the Public Records until execution and delivery  
30 to the City by the Applicant of the required hold harmless  
31 covenants.

1           **Section 4.       Oversight.** The Real Estate Division of the  
2 Department of Public Works shall oversee the project described  
3 herein.

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

7  
8 Form Approved:

9  
10 /s/ Paige H. Johnston

11 Office of General Counsel

12 Legislation prepared by: Mary E. Staffopoulos

13 GC-#1399166-v1-2020-581-E.docx