

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

4 **ORDINANCE 2021-441**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
7 OF THE MILL AVENUE RIGHT-OF-WAY ESTABLISHED IN
8 THE PLAT OF WHITE CITY SUBDIVISION, AS
9 RECORDED IN PLAT BOOK 5, PAGE 71 OF THE
10 CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
11 FLORIDA, IN COUNCIL DISTRICT 12, AT THE
12 REQUEST OF WHITEHOUSE ASSEMBLY OF GOD, INC.,
13 FORMERLY KNOWN AS THE KINGS HOUSE ASSEMBLY OF
14 GOD, INC., SUBJECT TO RESERVATION UNTO THE
15 CITY AND JEA OF AN ALL UTILITIES AND
16 FACILITIES EASEMENT OVER THE CLOSED PORTION OF
17 THE RIGHT-OF-WAY; PROVIDING FOR APPROVAL
18 SUBJECT TO CONDITIONS; PROVIDING FOR CITY
19 OVERSIGHT BY THE REAL ESTATE DIVISION OF THE
20 DEPARTMENT OF PUBLIC WORKS; PROVIDING AN
21 EFFECTIVE DATE.
22

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

24 **Section 1. Closure and Abandonment.** An unopened and
25 unimproved portion of the Mill Avenue right-of-way established in
26 the Plat of White City Subdivision, as recorded in Plat Book 5,
27 Page 71 of the current public records of Duval County, Florida,
28 located in Council District 12, a description of which is attached
29 hereto as **Exhibit 1** and incorporated herein by this reference, is
30 hereby closed and abandoned and/or disclaimed as a right-of-way at
31 the request of Whitehouse Assembly of God, Inc., formerly known as

1 The Kings House Assembly of God, Inc., (the "Applicant"); provided
2 however, there is reserved unto the City and JEA an all utilities
3 and facilities easement on, over, across, and under the closed
4 right-of-way for ingress and egress and for all utilities and
5 facilities, including, but not limited to, water, sewer, electric
6 and drainage, so as to provide the City and JEA continued access to
7 repair and maintain these utilities and facilities in the future.
8 The Applicant paid the right-of-way closure application fee of
9 \$2,091.00. This closure request was reviewed and approved by the
10 various city, state, and utility agencies that might have an
11 interest in the right-of-way and there were no objections to the
12 Applicant's request.

13 **Section 2. Purpose.** The Applicant is requesting the
14 closure in order to combine two parcels of property owned by the
15 Applicant which abut the proposed closure area on either side. The
16 Applicant intends to install a fence to prevent people from
17 accessing and damaging the closure area and Applicant's properties
18 and has expressed a desire to develop long term plans for future
19 improvements to the combined parcels.

20 **Section 3. Hold Harmless Covenant.** The closure and
21 abandonment by the City of its interests in the subject portion of
22 the right-of-way is contingent upon Applicant's execution and
23 delivery to the City of the Hold Harmless Covenant, in
24 substantially the same form attached hereto as **Exhibit 2** and
25 incorporated herein by this reference. Accordingly, the closure
26 and abandonment of the aforesaid right-of-way shall not be recorded
27 in the official public records until execution and delivery to the
28 City by the Applicant of the required Hold Harmless Covenant.

29 **Section 4. Oversight.** The Real Estate Division of the
30 Department of Public Works shall oversee the closure request
31 described herein.

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

4
5 Form Approved:

6
7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation prepared by: Mary E. Staffopoulos

10 GC-#1439976-v3B-Mill_Avenue_-_ROW_Closure_(Whitehouse_Assembly_of_God) (2021) .docx