

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-585-E**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION
7 OF THE BOSENBERG ALLEY RIGHT-OF-WAY ESTABLISHED
8 IN THE REPLAT OF BOWDENDALE, AS RECORDED IN PLAT
9 BOOK 12, PAGE 54 OF THE CURRENT PUBLIC RECORDS
10 OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 5,
11 AT THE REQUEST OF BRP AUTO SALE LLC, SUBJECT TO
12 RESERVATION UNTO JEA OF AN ALL UTILITIES AND
13 FACILITIES EASEMENT OVER THE CLOSED PORTION OF
14 THE RIGHT-OF-WAY; PROVIDING FOR APPROVAL SUBJECT
15 TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.
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17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Closure and Abandonment.** An unopened and
19 unimproved portion of Bosenberg Alley right-of-way, established in
20 the Replat of Bowdendale, as recorded in Plat Book 12, Page 54 of the
21 current public records of Duval County, Florida, located in Council
22 District 5, a description of which is attached hereto as **Exhibit 1**
23 and incorporated herein by this reference, is hereby closed and
24 abandoned and/or disclaimed as a right-of-way at the request of BRP
25 Auto Sale LLC (the "Applicant"); provided however, there is reserved
26 unto JEA an all utilities and facilities easement on, over, across,
27 and under the closed right-of-way for ingress and egress and for all
28 utilities and facilities, including but not limited to, water, sewer
29 and electric, so as to provide JEA continued access to repair and
30 maintain these utilities and facilities in the future. The Applicant
31 paid the right-of-way closure application fee of \$2,091.00, which has

1 been deposited into the General Fund. This closure request was
2 reviewed and approved by the various city, state, and utility agencies
3 that might have an interest in the right-of-way and there were no
4 objections to the Applicant's request.

5 **Section 2. Purpose.** The Applicant is requesting the
6 closure in order to provide additional parking for its business
7 located on the adjacent parcel (R.E. No. 152885-0010), subject to the
8 conditions set forth herein.

9 **Section 3. Hold Harmless Covenant.** The closure and
10 abandonment by the City of its interests in the subject portion of
11 the right-of-way is contingent upon Applicant's execution and
12 delivery to the City of a Hold Harmless Covenant, in substantially
13 the same form attached hereto as **Exhibit 2** and incorporated herein
14 by this reference. Accordingly, the closure and abandonment of the
15 aforesaid right-of-way shall not be recorded in the official public
16 records until execution and delivery to the City by the Applicant of
17 the required Hold Harmless Covenant.

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

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22 Form Approved:

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24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation prepared by: Mary E. Staffopoulos

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