

**CLOSURE, ABANDONMENT AND/OR DISCLAIMER
(Street, Alley, Easement or Right of Way)**

A. APPLICATION FORM

Proposed Closure Name _____
RE# _____

1. Applicant Information:

Name _____

Address _____

Bus Phone _____ Cell Phone _____

E-mail Address: _____

2. Reason for Request:

3. How was (Street, Alley, Easement or Right of Way) Established?

Subdivision Plat Book No: _____ Page No. _____

Plat Name: _____

Official Records Book No: _____ Page No. _____

Other: _____

4. Detailed proposed use of area to be closed and/or disclaimed:

5. If proposed development, give complete name:

6. Do public facilities now occupy area to be closed and/or disclaimed:
Yes/No
- A. If yes, a current certified survey showing all existing conditions, including locations, and elevations of both open ditches and swales, and subsurface drainage facilities, is required. Also, if public facilities must be accommodated (such as the construction of turnarounds and drainage) the applicant is to submit the Professional Engineer's plan to the City Engineer for conditional approval prior to application.
7. In accordance with Section 744.104, *Ordinance Code*, if the request is a closure of right of way which provides waterfront access, a legal description and sketch (survey) of the substitute property is to be submitted. Additional information and stipulations may be required of the substitute property.
8. A list of Property Owners (with addresses) abutting the right of way to be closed.
9. A location map which clearly identifies the location of the proposed closure in relation to the nearest public right of way and all affected properties is also required. The Agent can assist you with this.

IF THIS IS A REQUEST TO CLOSE AND ABANDON AN EASEMENT, PLEASE ANSWER QUESTIONS 10 THRU 14:

10. What is the Purpose of the Easement:
 _____ Drainage
 _____ Utility
 _____ All Utilities
 _____ Others – please specify _____
11. What are the dimensions of the Easement? _____
12. Where is the Easement Recorded? _____
13. Is there an existing encroachment?
 _____ Building
 _____ Pool
 _____ Other _____
14. If a building or mobile home encroachment is involved, the survey is to also show ties from the right-of-way and/or easement lines to the footing, building wall, and edge of eaves.
15. If a swimming pool encroachment is involved, the survey is to show complete locations and pertinent elevations of the pool and its appurtenances.

16. A completed checklist must be attached with the application form.
17. I reviewed the area, and no other properties will become landlocked or lose their only access as a result of this closure.
18. **Determining the status of title to property is often a complex matter that requires a professional evaluation by independent legal counsel. I, as the Applicant, agree and acknowledge that I am solely responsible for obtaining my own professional legal opinion or advice regarding the status of title to the property, both before and after closure, and shall not rely on the verbal or written statements of any employees, agents, or contractors of the City of Jacksonville with respect to title matters. The City of Jacksonville hereby disclaims any liability that may arise from Applicant's unauthorized reliance on the statements of its employees, agents, or contractors as to title matters, and Applicant agrees to hold the City harmless from and against any and all such claims or damages arising therefrom.**
19. Both the closure application form and process are amended periodically. Before submitting your application, please confirm with the Real Estate Division to make sure that you are working with the most up-to-date version of the application form.

Submitted by: _____
Print Name

Signature

Date: _____

Submit to: Department of Public Works
Real Estate Division
Real Estate Manager -Closures
214 Hogan Street 10th Floor,
Ed Ball Building
Jacksonville, Florida 32202
Telephone # (904)255-8700

B. CHECKLIST

- _____ 1. Completed Application Form.
- _____ 2. Check for non-refundable Application Fee with the applicable amount made payable to the Tax Collector. See fee schedule below.
- _____ 3. List of abutting property owners (with addresses)
- _____ 4. Copy of executed Adjacent Property Owner Acknowledgement Letter(s) from each abutting property owner. (See Template below)
- _____ 5. Location Map clearly identifying the location of the proposed closure in relation to the nearest public right of way and all affected properties.
- _____ 6. Legal description and a sketch prepared by a Registered Professional Land Surveyor of the area to be closed will be required along with completed application and application fee.
- _____ 7. A Surveyor's Affidavit, signed by a Registered Professional Land Surveyor, certifying that no properties will end up being landlocked as a result of the closure.
- _____ 8. For easement closures: a copy of the recorded Easement or Plat dedicating the Easement to the City of Jacksonville.
- _____ 9. Agent Letter of Authorization authorizing representation of property owner if application is on behalf of a property owner.
- _____ 10. Legal description and sketch (survey) of the substitute property (and other requirements as stipulated) if this is a request for **closure of rights-of-way providing access to waterways.**
- _____ 11. **ALL** taxes and liens will need to be current (paid) before the closure will be approved

C. REQUIREMENTS

- 1.) An individual seeking to close and abandon or have the City disclaim all or a portion of any right-of-way or easement must submit an application requesting the Department of Public Works, Real Estate Division, to investigate the feasibility of closing or disclaiming said portion of right-of-way or easement.
- 2.) The City of Jacksonville acknowledges the importance of maintaining public access to waterfront property and, therefore, will not consider closing rights-of-way providing access to waterways unless such action is clearly in the best interest of the citizens of Duval County.
- 3.) Before the Real Estate Division can submit closure requests to the Mayor's Budget Review Committee, an Adjacent Property Owner Acknowledgement Letter must be received from All property owners abutting the proposed right of way to be closed. See attached Adjacent Property Owner Acknowledgement Template.
- 4.) Applications must be accompanied by a check drawn in favor of the **Tax Collector** for payment of the applicable fee. Fees are as follows and are subject to change without prior notice:

\$2,091.00	Each Right-of-way
\$2,607.00	Each Right of Way with Encroachment
\$1,066.00	Each Easement
\$1,582.00	Each Easement with Encroachment
\$ 516.00	Easement/Right of way with encroachment:
	Any type of vertical or horizontal improvement over the closure area is considered an encroachment.

APPLICATION FEES ARE NON-REFUNDABLE

- 5.) A location map which clearly and legibly identifies the location of the proposed closure in relation to the nearest public right of way and all affected properties. (The Disposition Agent may assist you with this.)
- 6.) All applications with an encroachment must be accompanied by a current certified survey showing the distance by dimensions from the encroachment to the right of way or easement line, and by dimensions the location of all public works facilities within the right of way or easement. Sufficient elevations should be shown to determine depths of facilities and side slopes required for excavation.
- 7.) A Sketch and Legal Description of the right-of-way or easement to be abandoned, along with a Surveyor's Affidavit certifying that no properties will be landlocked as a result of the closure (in the case of a right-of-way closure) is required, **to be submitted with the application and application fee.** The required Sketch and Legal Description must be prepared by a Registered Professional Land Surveyor and have the original signature and seal.

D. BRIEF SYNOPSIS:

- A. **Disclaimer:** Approval of any closure ultimately comes from the City Council in the form of an enacted ordinance, not from the Public Works Department or the Real Estate Division.
- B. The Real Estate Division reviews the request and related information to determine if all necessary requirements are submitted.
- C. Prior to initiating the closure process: 1) Executed Adjacent Property Owner Acknowledgement Letters (see attached template) from all abutting owners must be received by the Real Estate Division; and 2) Applicant must provide the Real Estate Division with a legal description and sketch of the area to be closed, along with a Surveyor's Affidavit certifying that no properties will become landlocked as a result of this closure prepared and signed by a Registered Professional Land Surveyor.
- D. The Real Estate Division reserves the right to deny the application request pending further investigation beyond the application.
- E. In accordance with Section 744.104, *Ordinance Code*, if the request is a closure of right of way waterfront access, the substitute property must meet the requirements of the City of Jacksonville.
- F. The Real Estate Division circulates all requests to applicable city & non-city agencies and utility companies that utilize public rights-of-way and/or easements to determine the feasibility of the proposed closure request.
- G. **Agency objections to proposed closures and/or disclaimers must be resolved by the applicant** prior to the request being submitted for legislative approval.
- H. Prior to initiating the legislative approval process favorable responses from all public & quasi-public agencies and utility companies must be received by the Real Estate Division.
- I. The Real Estate Division notifies the City Council Member for the district in which the closure is located that an application has been submitted in his/her district, at which point, he/she reviews the application and approves or disapproves of the proposed closure going to the Mayor's Budget Review Committee.
- J. After the closure request is approved by MBRC, legislation is drafted and filed by the Office of General Council. Then, the Applicant will be notified which Committee public hearings to attend.
- K. Upon final approval by City Council of the ordinance closing and abandoning the City's interests, the Real Estate Division records it in the Public Record to complete the closure process.
- L. The Property Appraiser's Office makes the determination how title to a closed right of way is applied by operation of Florida Law. When a platted street or alley is closed, title typically reverts to the abutting property owners. **Applicants are responsible for obtaining an opinion from the applicant's attorney regarding any title concerns before and after closure of the property. Applicants shall not rely upon the verbal or written statements of any City of Jacksonville employees regarding title concerns of the property.**

Abutting Property Owner Acknowledgement Template

DATE: _____

Name: _____

Address: _____

RE: NOTICE TO ABUTTING OWNER OF REQUEST TO CLOSE

Dear Mr./Ms. _____:

The City of Jacksonville is processing a request to close a right-of-way commonly known as _____ abutting your property. I am seeking your written approval of this closure request so I may provide confirmation to the City. I intend to use the closed property for _____.

If the closure is approved, a portion of the closed right-of-way adjacent to your property may become your private property. This may result in an increase in your property taxes as to be determined by the Property Appraiser's Office after the closure is complete. The area I'm seeking to close is delineated on a map attached for your reference. If you agree/approve the closure request, please sign the acknowledgement and approval of the closure request below and return to me at _____.

If you wish to speak with someone from the City of Jacksonville concerning this closure request, you may call the Real Estate Division at (904) 255-8700.

Your prompt response is greatly appreciated.

Sincerely,

I ACKNOWLEDGE RECEIPT OF THE ABOVE LETTER AND AGREE TO THE REQUEST FOR CLOSURE OF THE RIGHT OF WAY DESCRIBED HEREIN:

(Sign): _____

(Print Name): _____

HOLD HARMLESS COVENANT

This **Hold Harmless Covenant** is hereby granted this _____ day of _____, 20__, by _____, whose address is _____, Jacksonville, Florida 322 _____ (“Grantor”) in favor of the **CITY OF JACKSONVILLE**, a consolidated political subdivision and municipal corporation existing under the laws of the State of Florida, whose mailing address is 117 West Duval Street, Jacksonville, Florida 32202 (“City”).

IN CONSIDERATION for the closure and/or abandonment of City right-of-way or easement areas pursuant to **CITY ORDINANCE** _____, a copy of which is attached hereto and incorporated by reference (the “Ordinance”), located near **RE# -0000** in Council District _____ and established in the Official Public Records of Duval County, Florida at **Plat Book Page** _____.

Grantor, its successors and assigns, holds harmless, indemnifies, and will defend **CITY OF JACKSONVILLE**, its members, officials, officers, employees, and agents against any claim, action, loss, damage, injury, liability, cost and expense of whatever kind or nature (including, but not by way of limitation, attorney fees and court costs) arising out of injury (whether mental or corporeal) to persons, including death, or damage to property, arising out of or incidental to the use of the abandoned right-of-way or easement areas, more particularly described in **Exhibit “A”**, attached hereto and incorporated herein by reference (the “Property”); including, but not limited to such injuries or damages resulting from flooding or erosion. This **Hold Harmless Covenant** shall run with the real property described in **Exhibit “A”**. The adjacent property owner(s) who acquire the Property as a result of the abandonment shall be responsible for maintaining the Property.

Furthermore, the Property shall remain totally unobstructed by any permanent improvements that may impede the use by the City or JEA of their reserved easement rights, if any, under the provisions of the reserved easement and/or the Ordinance. In the event that such easement rights are reserved by City or JEA: (a) the construction of driveways and the installation of fences, hedges, and landscaping is permissible but subject to removal or damage by the City or JEA at the expense of the Grantor, its successors and assigns, for any repairs to or replacement of the improvements; and (b) Grantor, its successors and assigns, shall indemnify, defend, and hold City and JEA harmless from, any and all loss, damage, action, claim, suit, judgment, cost, or expense for injury to persons (including death) or damage to property and improvements (including destruction), in any manner resulting from or arising out of the installation, replacement, maintenance or failure to maintain, or removal of any improvements placed within the easement area by Grantor, its successors or assigns, and the City’s or JEA’s exercise of their rights in the reserved easement.

**Signed and Sealed
in Our Presence:**

(Sign) _____

(Print) _____

(Sign) _____

(Print) _____

GRANTOR:

By: _____

Name:

Title:

**STATE OF FLORIDA
COUNTY OF DUVAL**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20__, by _____.

{NOTARY SEAL}

[Signature of Notary Public-State of Florida]

[Name of Notary Typed, Printed, or Stamped]

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

Agent Authorization

City of Jacksonville
Real Estate Division
214 North Hogan Street
Jacksonville, FL 32202

Re: Agent Authorization for the Following
Location _____

To Whom It May Concern:

You are hereby advised that _____ of

Is hereby authorizes and empowers to act as agent to file application(s) for

_____ regarding the above referenced property and in
connection with such authorization to file such applications, papers, documents, request, and other matters necessary
for such requested change as submitted to the Real Estate Division.

(Signature) _____

(Print Name) _____

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ on line
notarization, this _____ day of _____ 20__, by _____,
who is personally known to me or who have produced _____ as
identification.

Notary Public, State of Florida
Print Name: _____
Commission No. _____
My Commission Expires: _____