

Introduced by the Council President at the request of the Mayor:

ORDINANCE 2025-

AN ORDINANCE CLOSING AND ABANDONING AND/OR
DISCLAIMING A 30-FOOT-WIDE DRAINAGE EASEMENT AS
ESTABLISHED IN ORDINANCE 72-238-96, AS RECORDED
IN THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
FLORIDA, LOCATED IN COUNCIL DISTRICT 8, AT THE
REQUEST OF D.R. HORTON INC.; PROVIDING FOR
APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
EFFECTIVE DATE.

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

Section 1. Closure and Abandonment. A 30-foot-wide
drainage easement as established in Ordinance 72-238-96, as recorded
in the current public records of Duval County, Florida, located in
Council District 8, a depiction and description of which is attached
hereto as **Exhibit 1** and incorporated herein by this reference, is
hereby closed and abandoned and/or disclaimed at the request of D.R.
Horton Inc. (the "Applicant").

The Applicant has paid the easement closure application fee of
\$1,066.00 and this sum has been deposited into the City's General
Fund. This closure request was reviewed and approved by the various
city, state, and utility agencies that might have an interest in the
right-of-way and there were no objections to the Applicant's request.

Section 2. Purpose. The Applicant has requested this
closure in preparation for the development of its residential
subdivision Hansen Creek.

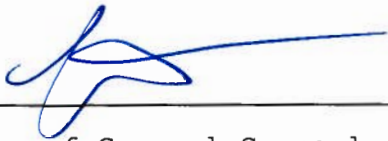
Section 3. Hold Harmless Covenant. The closure and
abandonment by the City of its interests in the right-of-way is

6-15-25

1 subject to Applicant's execution and delivery to the City of a Hold
2 Harmless Covenant, in substantially the same form attached hereto as
3 **Exhibit 2** and incorporated herein by this reference. Accordingly, the
4 closure and abandonment of the right-of-way shall not be recorded in
5 the public records until execution and delivery to the City by the
6 Applicant of the required Hold Harmless Covenant.

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

10
11 Form Approved:

12 
13 _____

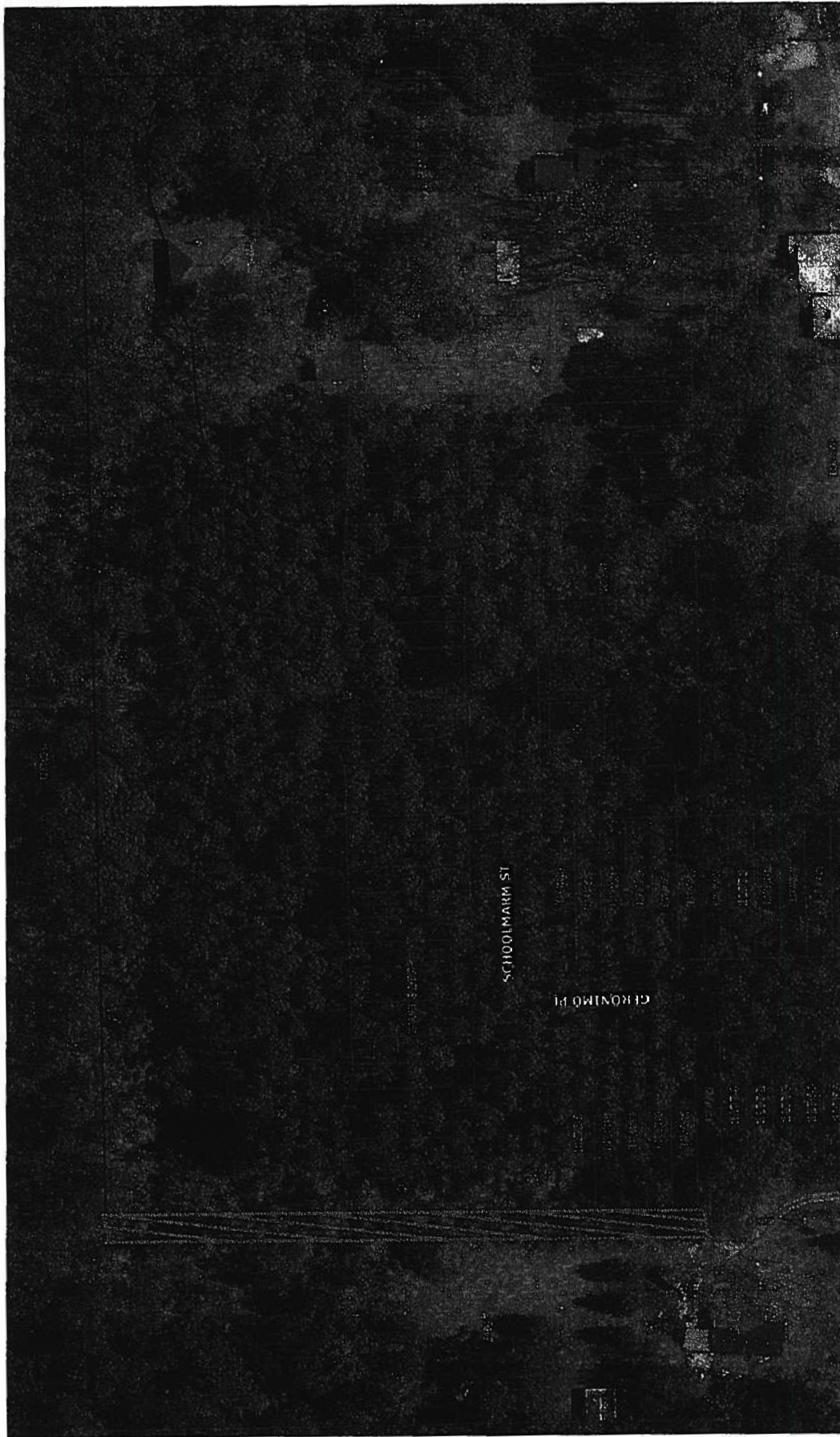
14 Office of General Counsel

15 Legislation Prepared By: Harry M. Wilson, IV

16 GC-#1686506-v1-DR_Horton_Inc__Drainage_Easement_Closure.docx

EXHIBIT 1

Western Ave Easement Closure
RE 019531-0170
Aerial Map



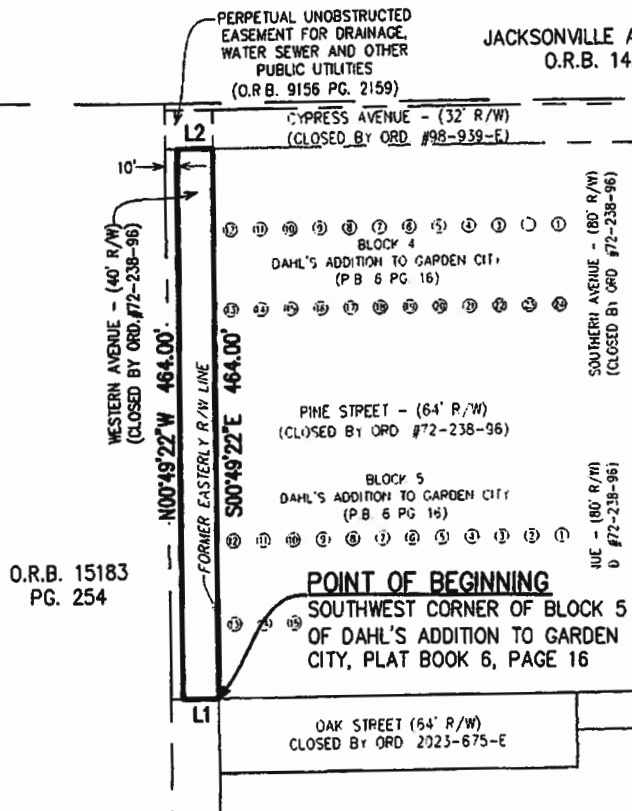
[illegible]

MAP SKETCH AND DESCRIPTION OF PARTIAL DRAINAGE EASEMENT CLOSURE

A PORTION OF WESTERN AVENUE (A 40 FOOT RIGHT-OF-WAY), AS DEPICTED IN THE PLAT OF DAHL'S ADDITION TO GARDEN CITY, AS RECORDED IN PLAT BOOK 6, PAGE 16 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. BEING CLOSED AND ABANDONED BY ORDINANCE 72-238-96 OF THE CITY OF JACKSONVILLE, FLORIDA. RESERVING UNTO THE CITY OF JACKSONVILLE FOR A PERPETUAL UNOBSTRUCTED EASEMENT, OVER, ACROSS, UNDER AND THROUGH THE ENTIRE WIDTH OF THAT PORTION OF WESTERN AVENUE (CLOSED AND ABANDONED) FOR DRAINAGE FACILITIES.

FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 5, OF DAHL'S ADDITION TO GARDEN CITY; THENCE SOUTH 89° 10' 38" WEST, A DISTANCE OF 30.00 FEET; THENCE NORTH 00° 49' 22" WEST, A DISTANCE OF 464.00 FEET; THENCE NORTH 89° 10' 38" EAST TO A POINT ON THE FORMER EASTERLY RIGHT-OF-WAY LINE OF SAID WESTERN AVENUE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00° 49' 22" EAST WITH SAID FORMER EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 464.00 FEET TO THE POINT OF BEGINNING.

LANDS THUS DESCRIBED CONTAIN 0.32 ACRES MORE OR LESS.



APPROVED
DESCRIPTION AGREES
WITH MAP
CITY ENGINEERS OFFICE
TOPO/SURVEY BRANCH

By SCC Date 8/15/24

GRAPHIC SCALE



(IN FEET)
SCALE: 1"=150'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	30.00'	S89°10'38"W
L2	30.00'	N89°10'38"E

LEGEND	
R/W	RIGHT-OF-WAY
O.R.B.	OFFICIAL RECORDS BOOK
PG.	PAGE
ORD.	ORDINANCE

NOTES:

1. NOT INTENDED OR REPRESENTED TO BE A SURVEY.
2. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER, THIS MAP AND OR REPORT IS NOT VALID AND IS FOR INFORMATIONAL PURPOSES ONLY.
3. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR RIGHT-OF-WAYS, EASEMENTS OR OTHER INSTRUMENTS OF RECORD.
4. THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR.



Surveyed and Prepared By:
RICHARD P. CLARSON AND ASSOCIATES, INC.
Professional Surveyors and Mappers
1643 Naldo Avenue, Jacksonville, FL 32207
Phone: 904.396.2623 Website: clarsonfl.com

- Proudly Surveying in Jacksonville and Northeast Florida since 1952 -

I hereby certify that this survey product, performed under my responsible direction meets the standards of practice for Land Surveyors in accordance with Chapter 5J-17, Florida Administrative Code (Pursuant to Section 472.027, Florida Statutes).

Date of Survey: JUNE 04, 2024 Drafted By: RLH
Survey Scale: 1"=150' Reviewed By: TWS
Field Bk/ Pg: NA Project No. 22-268
Crew Chief: NA

Professional Surveyor and Mapper No. 6533, State of Florida
TIMOTHY W. SCHRAM, SR.
ELECTRONIC SEAL PER FLORIDA ADMINISTRATIVE CODE 5J-17.062

EXHIBIT 2

HOLD HARMLESS COVENANT

This **Hold Harmless Covenant** is hereby granted this _____ day of _____, 2025, by **D R HORTON INC.**, whose address is **1341 Horton Circle, Arlington, TX 76011** ("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 2025-_____**, a copy of which is attached hereto and incorporated by reference (the "Ordinance"), located near **RE# 019531-0170** in **Council District 8** and established in the Official Public Records of Duval County, Florida, **Ordinance 72-238-96**.

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:**

GRANTOR:

(Sign) _____

By: _____

(Print) _____

Name:

Title:

(Sign) _____

(Print) _____

**STATE OF FLORIDA
COUNTY OF DUVAL**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____ 2025, 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 _____

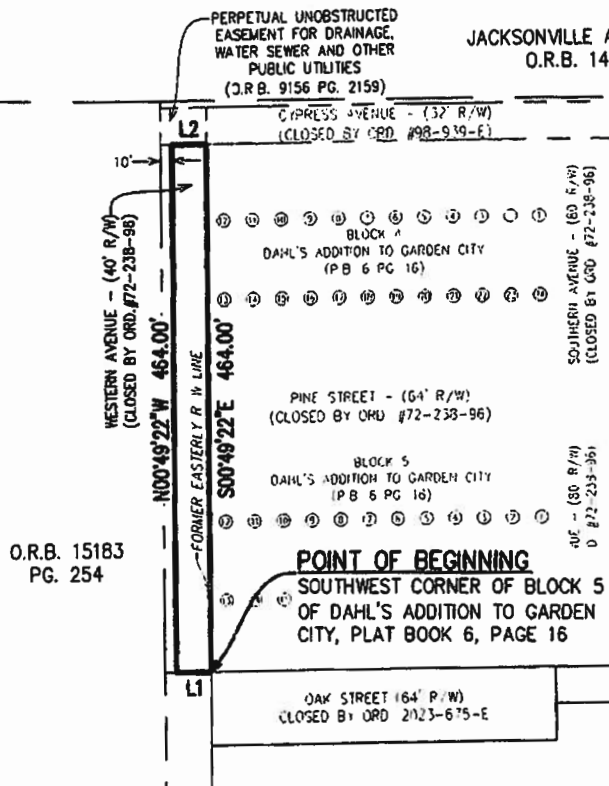
EXHIBIT "A"

MAP SKETCH AND DESCRIPTION OF PARTIAL DRAINAGE EASEMENT CLOSURE

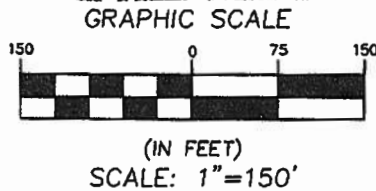
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By SCC Date 8/15/24



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Field Bk/ Pg: NA Project No. 22-268
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ELECTRONIC SEAL PER FLORIDA ADMINISTRATIVE CODE 5J-17.062

LEGISLATIVE FACT SHEET

DATE: 02/28/25

BT or RC No: _____
(Administration & City Council Bills)

SPONSOR: Public Works/Real Estate in Council member Reggie Gaffney Jr.'s District 8
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: Renee Hunter

Provide Name: Renee Hunter, Chief, Real Estate Division

Contact Number: 904-255-8234

Email Address: reneeh@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation.

(Minimum of 350 words - Maximum of 1 page.)

Please provide authorization for the Public Works Real Estate Division to request the legislation necessary for the City Council to approve the closure of a 30-foot wide drainage easement, as established in ordinance 72-238-96 Public Records of Duval County, Florida. See maps attached and RE# 019531-0170 for location purposes.

The Applicant, D R HORTON INC., has requested the closure in preparation for residential subdivision, Hansen Creek. The applicant has paid the \$1,066.00 easement closure application fee. No City, State, or other agency has objected to this closure request.

APPROPRIATION: Total Amount Appropriated: _____ as follows:

List the source name and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

Name of Federal Funding Source(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name of State Funding Source(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name of City of Jacksonville Funding Source(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name of In-Kind Contribution(s):	From: _____	Amount: _____
	To: _____	Amount: _____

Name & Number of Bond Account(s):	From: _____	Amount: _____
	To: _____	Amount: _____

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.
(Minimum of 350 words - Maximum of 1 page.)

The applicant has paid the \$1,066.00 closure application fee which has been deposited in the General Fund 00111.152001.349070.000000.00000000.000000.

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

	Yes	No	
Emergency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Justification of Emergency: If yes, explanation must include detailed nature of emergency. <div></div>
Federal or State Mandate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision. <div></div>
Fiscal Year Carryover?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Note: If yes, note must include explanation of all-year subfund carryover language. <div></div>
CIP Amendment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment. Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted? OGC has approved the hold harmless covenant template. <div></div>
Contract / Agreement Approval?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Related RC/BT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attachment: If yes, attach appropriate RC/BT form(s). Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper. <div></div>
Waiver of Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Exception?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper. <div></div>
Related Enacted Ordinances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper. <div></div>

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

	Yes	No	
Continuation of Grant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Surplus Property Certification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Attachment: If yes, attach appropriate form(s).</p>
Reporting Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating reports.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>

BUSINESS IMPACT ESTIMATE

Pursuant to Section 166.041(4), F.S., the City is required to prepare a Business Impact Estimate for ordinances that are NOT exempt from this requirement. A list of ordinance exemptions are provided below. Please check all exemption boxes that apply to this ordinance. If an exemption is applicable, a Business Impact Estimate IS NOT required.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation (Florida Statute 336.09);
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If none of the boxes above are checked, then a Business Impact Estimate IS REQUIRED to be prepared by the using agency/office/department and submitted in the MBRC filing packet along with the memorandum request, legislative fact sheet, etc. A Business Impact Estimate form can be found at: <https://www.coj.net/departments/finance/budget/mayor-s-budget-review-committee>

0

Division Chief: Renee Hunter
(signature)
Prepared By: Sandra Bond
(signature)

Date: 2/28/25
Date: 2/28/25

ADMINISTRATIVE TRANSMITTAL

To: MBRC, c/o the Budget Office, St. James Suite 325

Thru: Nina Sickler, P.E., Director Public Works
(Name, Job Title, Department)
Phone: 255-8748 E-mail: nsickler@coj.net

From: Renee Hunter, Chief, Real Estate
Initiating Department Representative (Name, Job Title, Department)
Phone: 255-8234 E-mail: reneeh@coj.net

Primary Contact: Renee Hunter, Chief, Real Estate
(Name, Job Title, Department)
Phone: 255-8234 E-mail: reneeh@coj.net

CC: Brittany Norris, Director of Intergovernmental Affairs, Office of the Mayor
Phone: 255-5000 E-mail: BNorris@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: John Sawyer, Office of General Counsel, St. James Suite 480
Phone: 904-255-5074 E-mail: jsawyer@coj.net

From: _____
Initiating Council Member / Independent Agency / Constitutional Officer
Phone: _____ E-mail: _____

Primary Contact: _____
(Name, Job Title, Department)
Phone: _____ E-mail: _____

CC: Brittany Norris, Director of Intergovernmental Affairs, Office of the Mayor
Phone: 255-5000 E-mail: BNorris@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item:

Boards Action / Resolution? ☐ Yes ☐ No

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED

Business Impact Estimate

This form must be posted on the City of Jacksonville's website by the time notice of the proposed ordinance is published.

ORDINANCE NUMBER TO BE ASSIGNED (2025-____) title of ordinance AN ORDINANCE CLOSING OF A 30-FOOT WIDE DRAINAGE EASEMENT, AS ESTABLISHED AND RECORDED IN ORDINANCE 72-238-96, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 8, AT THE REQUEST OF D R HORTON INC.; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

Summary of the proposed ordinance: AN ORDINANCE CLOSING OF A 30-FOOT WIDE DRAINAGE EASEMENT, AS ESTABLISHED AND RECORDED IN ORDINANCE 72-238-96, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 8, AT THE REQUEST OF D R HORTON INC., PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

An estimate of the direct economic impact of the proposed ordinance: \$1,066 CLOSURE APPLICATION FEE HAS BEEN DEPOSITED INTO THE GENERAL FUND. THIS LEGISLATION WILL NOT REQUIRE BUSINESSES TO INCUR ANY DIRECT COMPLIANCE COSTS NOR WILL ANY NEW CHARGES OR FEES BE ASSESSED BY THIS LEGISLATION FOR WHICH BUSINESSES WILL BE FINANCIALLY RESPONSIBLE.

Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: NONE OTHER THAN APPLICANT.

Additional information the governing body deems useful (if any): N/A