Introduced by the Council President at the request of the Mayor

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#### ORDINANCE 2025-

AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION OF PATTON ROAD AS RECORDED IN PLAT BOOK 21, PAGES 92 AND 92A, ROBINWOOD ACRES UNIT NO. 4, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, LOCATED IN COUNCIL DISTRICT 4, AT THE REQUEST OF WDP LEON, LLC; SUBJECT TO RESERVATION UNTO JEA OF A NON-EXCLUSIVE ALL UTILITIES, FACILITIES AND ACCESS EASEMENT OVER THE CLOSURE AREA; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

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

18 Section 1. Closure and Abandonment. An unopened and unimproved portion of Patton Road as recorded in Plat Book 21, Pages 19 92 and 92A, Robinwood Acres Unit No. 4, of the current public records 20 of Duval County, Florida, located in Council District 4, a depiction 21 and description of which is attached hereto as Exhibit 1 and 22 incorporated herein by this reference, is hereby closed and abandoned 23 and/or disclaimed at the request of WDP Leon, LLC (the "Applicant"); 24 provided, however, there is reserved unto JEA a non-exclusive all 25 utilities, facilities, and access easement on, over, under, through 26 and across the closure area for ingress and egress and for all 27 utilities and facilities. 28

The Applicant has paid the closure application fee of \$2,091.00 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 to fence in and add to each parcel abutting the closure area.

5 Section 3. Hold Harmless Covenant. The closure and abandonment by the City of its interests in the right-of-way is 6 7 subject to Applicant's execution and delivery to the City of a Hold Harmless Covenant, in substantially the same form attached hereto as 8 Exhibit 2 and incorporated herein by this reference. Accordingly, the 9 closure and abandonment of the right-of-way shall not be recorded in 10 the public records until execution and delivery to the City by the 11 12 Applicant of the required Hold Harmless Covenant.

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

17 Form Approved: 18 19 20 Office of General Counsel 21 Legislation Prepared By: Harry M. Williamski Marry M. Williamski Ma

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Legislation Prepared By: Harry M. Wilson, IV

22 GC-#1686437-v1-Patton\_Road\_ROW\_Closure\_.docx

Patton Road Closure RE 164103-0010 Location Map



Exhibit 1 Page 1 of 3





Exhibit 1 Page 2 of 3



#### EXHIBIT 2

# HOLD HARMLESS COVENANT

This Hold Harmless Covenant is hereby granted this \_\_\_\_\_ day of \_\_\_\_\_\_, 2025, by WDP LEON, LLC, whose address is 80 W. Wieuca Road NE, Ste 204, Atlanta, Georgia 30342 ("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# 164103-0010 in Council District 4 and established in the Official Public Records of Duval County, Florida at Plat Book 21 Page 92 and 92A, Robinwood Acres Unit No. 4.

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)	Ву:
(Print)	Name: Title:
(Sign)	
(Print)	
STATE OF FLORIDA COUNTY OF DUVAL	
	e me by means of $\Box$ physical presence or $\Box$ online notarization, this day of
{NOTARY SEAL}	
	[Signature of Notary Public-State of Florida] [Name of Notary Typed, Printed, or Stamped]
Personally Known OR Produced Identificati	ion



EXHIBIT "A"

Exhibit 2 Page 2 of 2

# LEGISLATIVE FACT SHEET

DATE:	02/26/25	BT or RC No:
_		(Administration & City Council Bills)
SPONSOR:	Public Works/Real Est	ate in Council member Kevin Carrico's District 4
		(Department/Division/Agency/Council Member)
Contact for al	l inquiries and presentations:	Renee Hunter
Provide Name	e:	Renee Hunter, Chief, Real Estate Division
С	ontact Number: 904-255-8234	L
E	mail Address: reneeh@coj.n	et

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 and abandonment of an unopened and unimproved portion of a right of way, as recorded in Plat Book 21, Page 92 and 92A, Robinwood Acres Unit No. 4, of the Current Public Records of Duval County, Florida. See maps attached and RE# 164103-0010 for location purposes.

The Applicant, Donald Hart, has requested the closure to fence in and add to each abutting parcel. The applicant has paid the \$2,091.00 closure application fee with encroachment. No City, State, or other agency has objected to this closure request.

An all-utilities, facilities, and access easement will be reserved over the closure area in favor of JEA.

If additional information or assistance is required, please contact Renee Hunter at 255-8234 or ReneeH@coj.net.

#### 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:
	То:	Amount:
Name of State Funding Source(s):	From:	Amount:
	То:	Amount:
Name of City of Jacksonville Funding	From:	Amount:
	То:	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.)

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The applicant has paid the \$2,091.00 closure application fee which has been deposited in the General Fund 00111.152001.349070.000000.000000.000000.

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

ACTION ITEMS:	Yes	No	
Emergency?		х	Justification of Emergency: If yes, explanation must include detailed nature of emergency.
Federal or State Mandate?		x	Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.
Fiscal Year Carryover?		x	Note: If yes, note must include explanation of all-year subfund carryover language.
CIP Amendment? Contract / Agreement Approval?	x	x	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.
Related RC/BT?		x	Attachment: If yes, attach appropriate RC/BT form(s).
Waiver of Code?		x	Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.
Code Exception?		x	Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.
Related Enacted Ordinances?		x	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.

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



### **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 <u>NOT</u> 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 <u>IS NOT</u> 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 <u>IS REQUIRED</u> 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: <u>https://www.coj.net/departments/finance/budget/mayor-s-budget-review-committee</u>

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Division Chief: Ruase Hund	
Prepared By: tonde Bond	
(signature)	

Date: 2/24/2025 Date: 2/24/2025

## **ADMINISTRATIVE TRANSMITTAL**

To:	MBRC, c/o the Budget Office, St. James Suite 325						
Thru:	Nina Sickler, P.E., Director Public Works						
	(Name, Job Ti	tle, 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	Renee Hunter, Chief, Real Estate						
Contact (Name, Job Title, Department) Phone: 255-8234 E-mail: <u>reneeh@coj.net</u>							
	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			St. James Suite 480			
	Phone:	904-255-5074	E-mail: j:	sawyer@coj.net			
From:							
	Initiating Co	Initiating Council Member / Independent Agency / Constitutional Officer					
	Phone:		E-mail:				
Primary							
Contact (Name, Job Title, Department)							
	Phone:		E-mail:				
CC:	Brittany No	ittany 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:	Yes	No	
Boards Action / Resolution?	?		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 AND ABANDONING AND/OR DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION OF PATTON ROAD RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF ROBINWOOD ACRES UNIT NO. FOUR, AS RECORDED IN PLAT BOOK 21, PAGE 92 AND 92A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 4, AT THE REQUEST OF DONALD HART; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

Summary of the proposed ordinance: AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING AN UNOPENED AND UNIMPROVED PORTION OF PATTON ROAD RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF ROBINWOOD ACRES UNIT NO. FOUR, AS RECORDED IN PLAT BOOK 21, PAGE 92 AND 92A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 4, AT THE REQUEST OF DONALD HART.; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

An estimate of the direct economic impact of the proposed ordinance: \$2091.00 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