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

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Section 2.

ORDINANCE 2024-

'24 OCT 16 PH2:10

CLOSING AND ABANDONING ORDINANCE DISCLAIMING AN OPENED AND IMPROVED PORTION OF THE NUSSBAUM DRIVE RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF JACKSONVILLE HEIGHTS NORTH HALF OF TOWNSITE, AS RECORDED IN PLAT BOOK 3, PAGE 51 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 9, AT THE REQUEST EMILY (LIVINGSTON) JOSEPH LATCHMAN AND LATCHMAN; PROVIDING FOR APPROVAL SUBJECT CONDITIONS; PROVIDING AN EFFECTIVE DATE.

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

Closure and Abandonment. An opened and improved Section 1. portion of the Nussbaum Drive right-of-way, established in the Plat of Jacksonville Heights North Half of Townsite, as recorded in Plat Book 3, Page 51 of the current public records of Duval County, Florida, located in Council District 9, 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 as a right-of-way at the request of Joseph Latchman and Emily (Livingston) Latchman, (the "Applicant"). The Applicant paid the right-of-way closure application fee of \$2,091.00 and this amount has been deposited into the 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.

Purpose. Joseph Latchman and Emily (Livingston)

Latchman own property adjacent to the closure area at 8014 Nussbaum Drive (R.E. No. 013216-0250), 8017 Nussbaum Drive (R.E. No. 013216-0150) and 800 Nussbaum Drive (R.E. No. 013216-0200) and are requesting the closure in order to extend their yard and to fence in that portion of the closure area that will convey to Applicant to reduce criminal activity within the closure area, subject to the conditions set forth herein.

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

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

Form Approved:

Office of General Counsel

Legislation Prepared By: Joelle J. Dillard

GC-#1653481-v1-Leg_2024_-_Closure_Nussbaum_Drive.docx

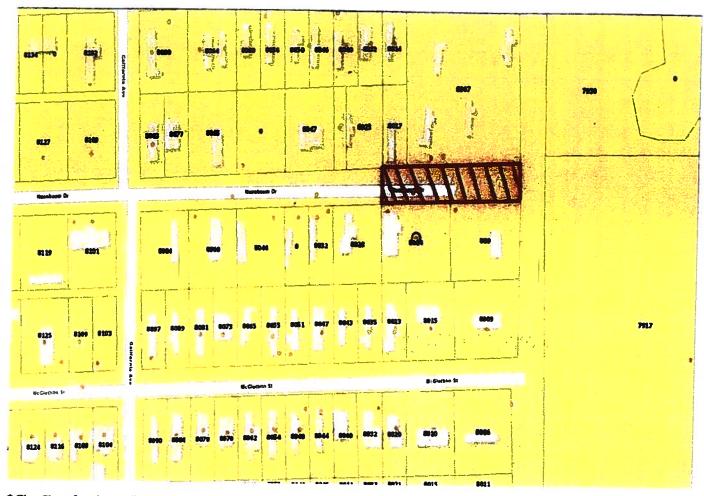
McGlothin &t 80 IO Ania Œ 1000 0000 0000 0000 14 \$708 8000 \$ 8040 8053 8061 Nussbaum Dr · 9064 . 8080 California Ave California Ave . N 8100 8103 Musebaum Dr McGiothin St

Nussbaum Dr. Closure RE 013216-0250 Location Map



Nussbaum Dr. Closure RE 013216-0250 Aerial Map

Exhibit 1 Page 2 of 3



* The City of Jacksonville provides no warranties, expressed or implied, concerning the accuracy, completeness, or reliability of suitability of this location map of any particular use.

RE 013216-0250



HOLD HARMLESS COVENANT

This Hold Harmless Covenant is hereby granted Latchman, whose address is 8014 Nussbaum Dr, J JACKSONVILLE, a consolidated political subdivis Florida, whose mailing address is 117 West Duval St	acksonville, Florida 32210 ion and municipal corporatio	("Grantor") in favor of the CITY (n existing under the laws of the State	OF
IN CONSIDERATION for the closure and/or abar ORDINANCE, a copy of whice located near RE# 013216-0150 in Council District 9 at at Plat Book 3 Page 51, Jacksonville Heights North	th is attached hereto and income and established in the Official	rporated by reference (the "Ordinance	"),
Grantor, its successors and assigns, holds harmless members, officials, officers, employees, and agents expense of whatever kind or nature (including, but ninjury (whether mental or corporeal) to persons, incluse of the abandoned right-of-way or easement area incorporated herein by reference (the "Property"); in flooding or erosion. This Hold Harmless Covenant sproperty owner(s) who acquire the Property as a result	against any claim, action, land by way of limitation, attoruding death, or damage to proas, more particularly describencluding, but not limited to shall run with the real property	loss, damage, injury, liability, cost a rney fees and court costs) arising out operty, arising out of or incidental to ted in Exhibit "A" , attached hereto a such injuries or damages resulting from the described in Exhibit "A" . The adjacent	and of the and om ent
Furthermore, the Property shall remain totally unobs the City or JEA of their reserved easement rights, if an In the event that such easement rights are reserved by fences, hedges, and landscaping is permissible but su Grantor, its successors and assigns, for any repairs to and assigns, shall indemnify, defend, and hold City a judgment, cost, or expense for injury to persons (in destruction), in any manner resulting from or arising or removal of any improvements placed within the edge.	y, under the provisions of the City or JEA: (a) the construction of the improvement of the installation, replacer assement area by Grantor, its	reserved easement and/or the Ordinand ction of driveways and the installation by the City or JEA at the expense of to vements; and (b) Grantor, its successor and all loss, damage, action, claim, su property and improvements (including ment, maintenance or failure to mainta	ce. of the ors uit, ing in,
Signed and Sealed in Our Presence:	GRANTOR:		
(Sign)	By:		
	Name:		
(Print)	Title:		
(Sign)			
(Print)			
STATE OF FLORIDA COUNTY OF DUVAL			
The foregoing instrument was acknowledged before me by 2024, by			of
{NOTARY SEAL}	[Signature of Notary Public [Name of Notary Typed, Pri	-State of Florida]	
Personally Known OR Produced Identification Type of Identification Produced			

Exhibit A



^{*} The City of Jacksonville provides no warranties, expressed or implied, concerning the accuracy, completeness, or reliability of suitability of this location map of any particular use.

RE 013216-0250



HOLD HARMLESS COVENANT

Latchman, whose address is 8014 Nussbaum Dr, Jac	ksonville, Florida 32210 ("Grantor") in favor of the CITY OF and municipal corporation existing under the laws of the State of et, Jacksonville, Florida 32202 ("City").
ORDINANCE, a copy of which i	onment of City right-of-way or easement areas pursuant to CITY is attached hereto and incorporated by reference (the "Ordinance"), established in the Official Public Records of Duval County, Florida lalf of Town Site.
members, officials, officers, employees, and agents as expense of whatever kind or nature (including, but not injury (whether mental or corporeal) to persons, includiuse of the abandoned right-of-way or easement areas, incorporated herein by reference (the "Property"); including or erosion. This Hold Harmless Covenant sha	indemnifies, and will defend CITY OF JACKSONVILLE, its gainst any claim, action, loss, damage, injury, liability, cost and by way of limitation, attorney fees and court costs) arising out of ng death, or damage to property, arising out of or incidental to the more particularly described in Exhibit "A", attached hereto and uding, but not limited to such injuries or damages resulting from ll run with the real property described in Exhibit "A". The adjacent the abandonment shall be responsible for maintaining the Property.
the City or JEA of their reserved easement rights, if any, if In the event that such easement rights are reserved by Cifences, hedges, and landscaping is permissible but subjection of Grantor, its successors and assigns, for any repairs to or and assigns, shall indemnify, defend, and hold City and judgment, cost, or expense for injury to persons (includestruction), in any manner resulting from or arising out	cted by any permanent improvements that may impede the use by under the provisions of the reserved easement and/or the Ordinance. ity or JEA: (a) the construction of driveways and the installation of ect to removal or damage by the City or JEA at the expense of the replacement of the improvements; and (b) Grantor, its successors JEA harmless from, any and all loss, damage, action, claim, suit, uding death) or damage to property and improvements (including of the installation, replacement, maintenance or failure to maintain, ement area by Grantor, its successors or assigns, and the City's or
Signed and Sealed in Our Presence:	GRANTOR:
(Sign)	Ву:
	Name:
(Print)	Title:
(Sign)	
(Print)	
STATE OF FLORIDA COUNTY OF DUVAL	
The foregoing instrument was acknowledged before me by m	eans of □ physical presence or □ 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 Identification Type of Identification Produced	

Exhibit A



^{*} The City of Jacksonville provides no warranties, expressed or implied, concerning the accuracy, completeness, or reliability of suitability of this location map of any particular use.

RE 013216-0250



HOLD HARMLESS COVENANT

Latchman, whose address is 8014 Nussbaum Dr,	I this day of, 2024, by Joseph and Emily Jacksonville, Florida 32210 ("Grantor") in favor of the CITY OF ision and municipal corporation existing under the laws of the State of Street, Jacksonville, Florida 32202 ("City").
ORDINANCE, a copy of whi	andonment of City right-of-way or easement areas pursuant to CITY ich is attached hereto and incorporated by reference (the "Ordinance"), and established in the Official Public Records of Duval County, Florida
members, officials, officers, employees, and agent expense of whatever kind or nature (including, but injury (whether mental or corporeal) to persons, inc use of the abandoned right-of-way or easement are incorporated herein by reference (the "Property"); flooding or erosion. This Hold Harmless Covenant	ess, indemnifies, and will defend CITY OF JACKSONVILLE, its against any claim, action, loss, damage, injury, liability, cost and not by way of limitation, attorney fees and court costs) arising out of cluding death, or damage to property, arising out of or incidental to the eas, more particularly described in Exhibit "A", attached hereto and including, but not limited to such injuries or damages resulting from a shall run with the real property described in Exhibit "A". The adjacent lt of the abandonment shall be responsible for maintaining the Property.
the City or JEA of their reserved easement rights, if a In the event that such easement rights are reserved b fences, hedges, and landscaping is permissible but s Grantor, its successors and assigns, for any repairs t and assigns, shall indemnify, defend, and hold City judgment, cost, or expense for injury to persons (i destruction), in any manner resulting from or arising	estructed by any permanent improvements that may impede the use by any, under the provisions of the reserved easement and/or the Ordinance. By City or JEA: (a) the construction of driveways and the installation of subject to removal or damage by the City or JEA at the expense of the to or replacement of the improvements; and (b) Grantor, its successors and JEA harmless from, any and all loss, damage, action, claim, suit, including death) or damage to property and improvements (including out of the installation, replacement, maintenance or failure to maintain, easement area by Grantor, its successors or assigns, and the City's or ent.
Signed and Sealed in Our Presence:	GRANTOR:
(Sign)	Ву:
(Print)	Name: Title:
(Sign)	
(Print)	
STATE OF FLORIDA COUNTY OF DUVAL	
	by means of \square physical presence or \square 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 Identification Type of Identification Produced	

Exhibit A



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RE 013216-0250



LEGISLATIVE FACT SHEET

DATE:	06/13/24	l .	BT or RC No:	
		(Administration & City Council Bills)		uncil Bills)
SPONSOR:	Public Wo	rks/Real Est	ate in Councilmember Clark-Murra	y's District 12
			(Department/Division/Agency/Council M	ember)
Contact for all i	inquiries and pre	sentations:	Renee H	unter
Provide Name:			Renee Hunter, Chief, Real Estate Div	ision
Co	ntact Number: 90	04-255-8234		
Em	nail Address: re	neeh@coj.n	<u>et</u>	
		•	essary? Provide; Who, What, When, Where, Ho Administration is responsible for all other legislat	
(Minimum of 35	0 words - Maximu	m of 1 page.)		
approve the closur 51, Jacksonville H RE# 013216-0250 The Applicants, Jo right of way and to City, State, or othe	re and abandonment eights North Half of for location purpose seph and Emily (Liv fence in the area to er agency has object	t of an opened Town Site, of thes. ingston) Latching reduce criminated to this closured to this closured.	al Estate Division to request the legislation and improved portion of Nussbaum Drive, he Current Public Records of Duval County man have requested the closure to extend al activity. The applicants have paid the \$2 are request. ase contact Renee Hunter at 255-8234 or least the secondary of the	as recorded in Plat Book 3, Page 7, Florida. See maps attached and their yard unencumbered by the 2,091.00 closure application fee. No
List the source	ON: Total Amo	de Object ar	iated: nd Subobject Numbers for each cat	as follows: egory listed below:
Name of Forders	Funding Course(s)	From:		Amount:
Name of Federal	Funding Source(s):	То:		Amount:
Name of State Fun	•	From:		Amount:
		From:		
Name of City of Ja	Name of City of Jacksonville Funding S			Amount:
		То:		Amount:
Name of In-Kind Contribution(s):	From:		Amount:	
	Table Control of the			Amount:
Name & Number o	f Bond Account(s)	From:		Amount:
Name & Number of Bond Account(s):	То:		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 \$2,091.00 closure application fee which has been deposited in the General Fund 00111.152001.349070.00000.000000.000000.	

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

ACTION ITEMS: Yes Emergency?	No X	Justification of Emergency: If yes, explanation must include detailed nature of emergency.
Federal or State Mandate?	×	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?	×	Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.
Contract / Agreement X		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?	×	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?	х	Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.
Related Enacted Ordinances?	х	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.

Page 2 of 5 OGC Rev. 10/11/2023 (LH)

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

ACTION ITEMS: Continuation of Grant?	Yes	No X	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?
Surplus Property			
Certification?		×	Attachment: If yes, attach appropriate form(s). Explanation: List agencies (including City Council / Auditor) to receive reports and
Reporting Requirements?		x	frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating reports.
			RUSINESS 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.

X	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;

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: https://www.coj.net/departments/finance/budget/mayor-s-budget-review-committee

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.

Division Chief:	Date: 6 14/24
Prepared By: Sandy (signature)	Date: 6/13/24

ADMINISTRATIVE TRANSMITTAL

То:	MBRC, c/o the Budget Office, St. James Suite 325								
Thru:	Nina Sickler	Nina Sickler, P.E., Director Public Works							
	(Name, Job T	itle, Department)							
	Phone:	255-8748	E-mail: _	NSickler@coj.net					
From:	Renee Hunt	er, Chief, Real Estat	е						
	Initiating Department Representative (Name, Job Title, Department)								
	Phone:	255-8234	E-mail:	ReneeH@coj.net					
Primary	Renee Hunt	er, Chief, Real Estat	e						
Contact	(Name, Job T	itle, Department)							
	Phone:	255-8234	E-mail:	ReneeH@coj.net					
CC:	Brittany Non	ris, Director of Interg	overnmental A	Affairs, Office of the Mayor					
	Phone:	667-9326	E-mail: _	BNorris@coi.net					

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

То:	John Sawyer, Office of General Counsel, St. James Suite 480			
	Phone: _	904-255-5074	E-mail:	JSawyer@coj.net
From:				
	Initiating Co	ouncil Member / Indepe	endent Agency	Constitutional Officer
	Phone: _		E-mail:	
Primary			×	
Contact	(Name, Job	Title, Department)		
	Phone: _		E-mail:	
CC:	Brittany No	orris, Director of Inte	rgovernmenta	Affairs, Office of the Mayor
	Phone:	667-9326	E-mail:	BNorris@co).net
the legislat	tion.		•	solution from the Independent Agency Board approving
•	• •	Action Item: tion / 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.

Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: NONE OTHER THAN APPLICANT.
An estimate of the direct economic impact of the proposed ordinance: \$2,091 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.
Summary of the proposed ordinance: DISCLAIMING AN OPENED AND IMPROVED PORTION OF NUSSBAUM DRIVE RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF JACKSONVILLE HEIGHTS NORTH HALF OF TOWNSITE, AS RECORDED IN PLAT BOOK 3, PAGE 51 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 9, AT THE REQUEST OF JOSEPH AND EMILY LATCHMAN; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.
ORDINANCE NUMBER TO BE ASSIGNED (2024) title of ordinance AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING AN OPENED AND IMPROVED PORTION OF NUSSBAUM DRIVE RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF JACKSONVILLE HEIGHTS NORTH HALF OF TOWNSITE, AS RECORDED IN PLAT BOOK 3, PAGE 51 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 9, AT THE REQUEST OF JOSEPH AND EMILY LATCHMAN; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

Page 1 of 2 OGC Rev. 10/11/2023 (LH)

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