

1 Introduced by the Council President at the request of the Mayor:
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3

4 **ORDINANCE 2024-**

'24 OCT 2 AM 8:22

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 MAITLAND AVENUE, FORMERLY KNOWN AS 10TH STREET,
8 AS ESTABLISHED IN PLAT BOOK 4, PAGE 19 OF THE
9 PLAT OF ARLINGTON HEIGHTS OF THE CURRENT PUBLIC
10 RECORDS OF DUVAL COUNTY, FLORIDA, LOCATED IN
11 COUNCIL DISTRICT 1, AT THE REQUEST OF ARLINGTON
12 CHURCH OF CHRIST, JACKSONVILLE, FLORIDA, INC.;
13 PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS;
14 PROVIDING AN EFFECTIVE DATE.
15

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

17 **Section 1. Closure and Abandonment.** An opened and improved
18 portion of Maitland Avenue, formerly known as 10th Street, as
19 established in Plat Book 4, Page 19 of the Plat of Arlington Heights
20 of the Current Public Records of Duval County, Florida, located in
21 Council District 1, a depiction and description of which is attached
22 hereto as **Exhibit 1** and incorporated herein by this reference, is
23 hereby closed and abandoned and/or disclaimed at the request of
24 Arlington Church of Christ, Jacksonville, Florida, Inc. (the
25 "Applicant").

26 The Applicant has paid the closure application fee of \$2,091.00
27 and this sum has been deposited into the City's General Fund. This
28 closure request was reviewed and approved by the various city, state,
29 and utility agencies that might have an interest in the right-of-way
30 and there were no objections to the Applicant's request.

31 **Section 2. Purpose.** The Applicant owns real property on

1 either side of the closure area (R.E. Nos. 0141435-0000 and 141462-
2 0005) and has requested this closure to combine the lots into a single
3 property and restrict traffic to the area.

4 **Section 3. Hold Harmless Covenant.** The closure and
5 abandonment by the City of its interests in the right-of-way is
6 subject to Applicant's execution and delivery to the City of a Hold
7 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 Applicant of the required Hold Harmless Covenant.

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

15 Form Approved:

16 
17 _____

18 Office of General Counsel

19 Legislation Prepared By: Harry M. Wilson, IV

20 GC-#1651784-v1-Maitland_Avenue_ROW_Closure.docx

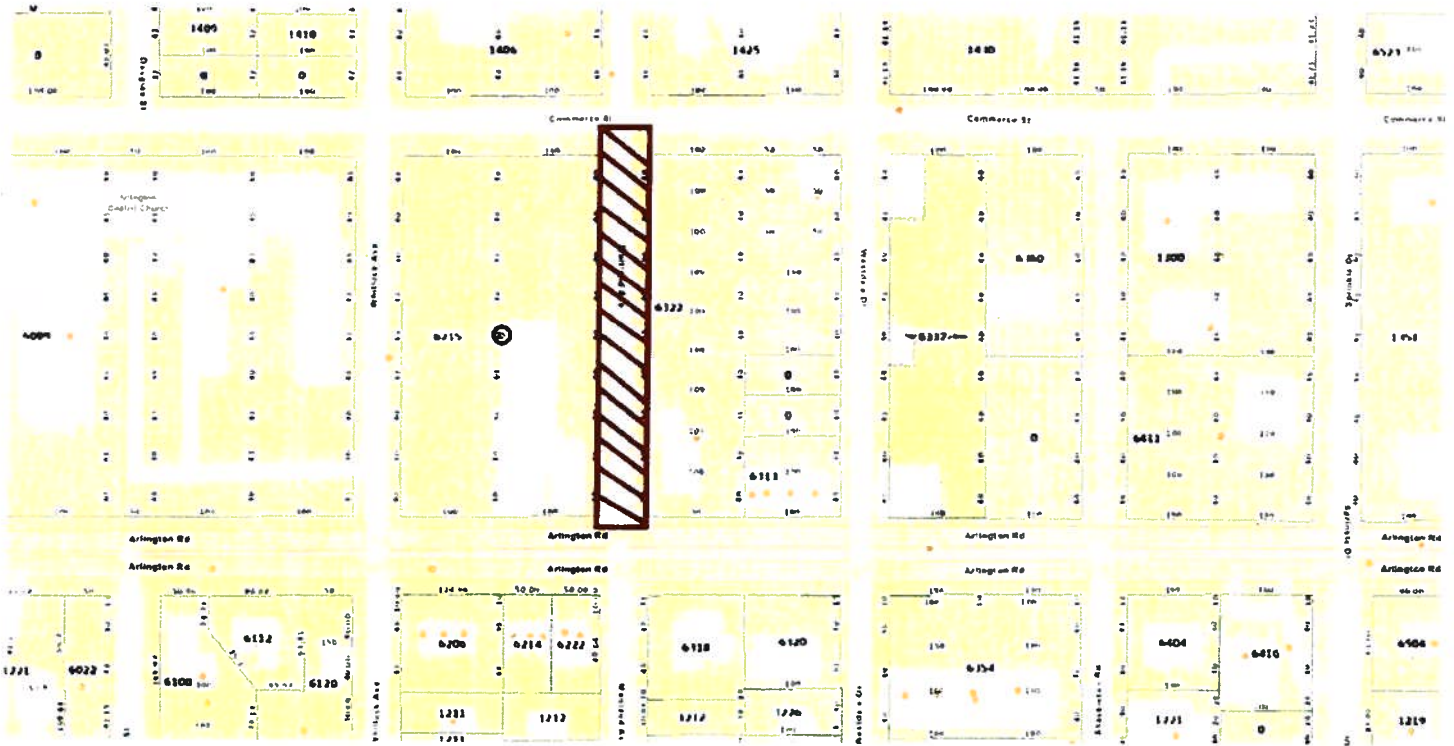
A PORTION OF MAITLAND AVENUE (FORMERLY 10TH STREET) LYING BETWEEN BLOCKS 37 AND 44, AS SHOWN ON PLAT OF ARLINGTON HEIGHTS AS RECORDED IN PLAT BOOK 4, PAGE 19 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. SAID PORTION OF MAITLAND AVENUE BEING BOUNDED ON THE NORTH BY COMMERCE STREET (FORMERLY MAIN STREET) AND ON THE SOUTH BY ARLINGTON ROAD (FORMERLY ELIZABETH AVENUE).

APPROVED
DESCRIPTION AGREES
WITH MAP
CITY ENGINEERS OFFICE
TOPO/SURVEY BRANCH
By SCC Date 5/12/24

Maitland Avenue

RE# 141435 000 & 141462 0005 (for location purposes)

Location Map



Maitland Avenue

RE# 141435 0000 & 141462 0063 (for location purposes)

Aerial Map



HOLD HARMLESS COVENANT

This Hold Harmless Covenant is hereby granted this ____ day of _____, 2024, by Acie Sanders on behalf of Arlington Church of Christ, Jacksonville, Florida, Inc, whose address is 6215 Arlington Road, Jacksonville, Florida 32211-5421 ("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 202__-____-E, a copy of which is attached hereto and incorporated by reference (the "Ordinance"), located near RE# 141462-0005 and 141435-0000 in Council District 1 and as established in the Plat of Arlington Heights as recorded in Plat Book 4, Page 19.

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) _____

(Print) _____

By: _____

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 _____ 2023, 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"

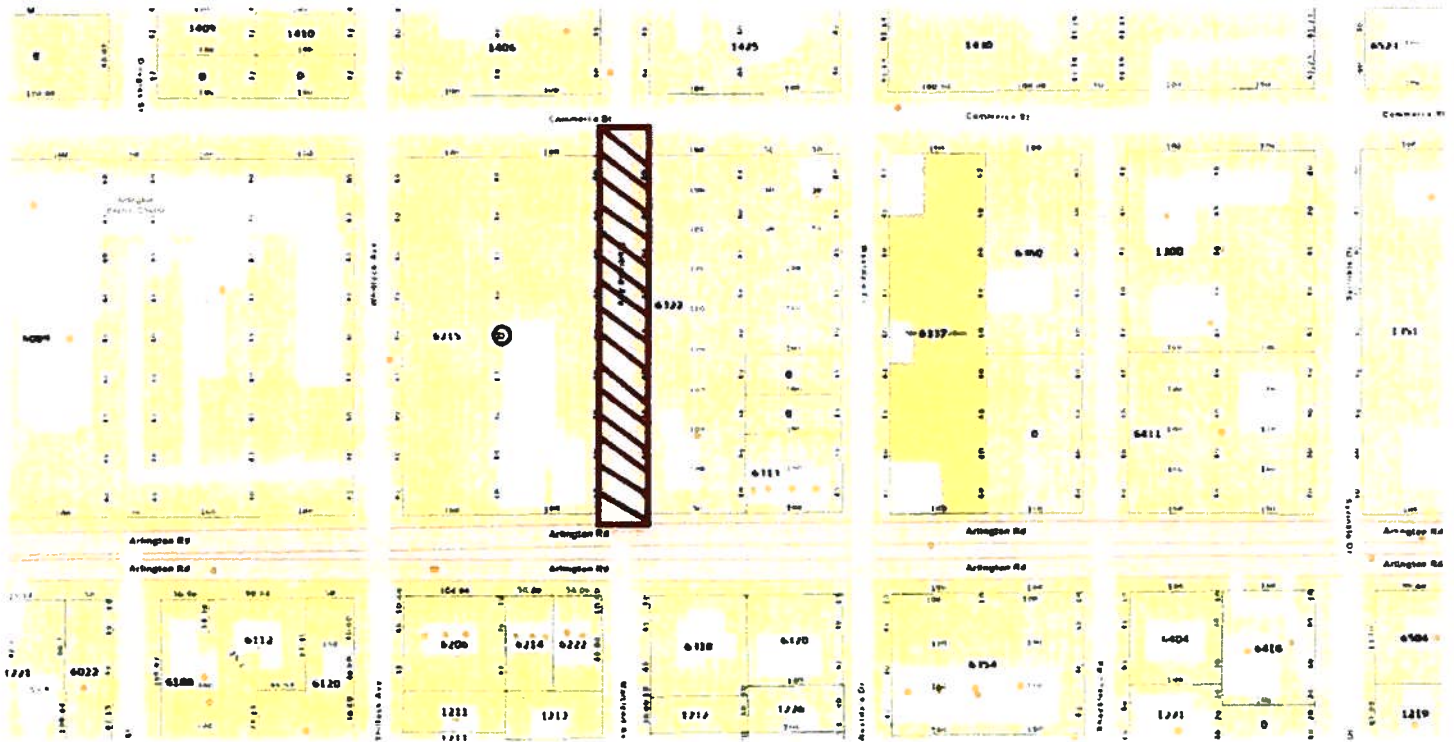
A PORTION OF MAITLAND AVENUE (FORMERLY 10TH STREET) LYING BETWEEN BLOCKS 37 AND 44, AS SHOWN ON PLAT OF ARLINGTON HEIGHTS AS RECORDED IN PLAT BOOK 4, PAGE 19 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. SAID PORTION OF MAITLAND AVENUE BEING BOUNDED ON THE NORTH BY COMMERCE STREET (FORMERLY MAIN STREET) AND ON THE SOUTH BY ARLINGTON ROAD (FORMERLY ELIZABETH AVENUE).

APPROVED
DESCRIPTION AGREES
WITH MAP
CITY ENGINEERS OFFICE
TOPO/SURVEY BRANCH
By SCC Date 5/12/24

Maitland Avenue

RE# 141435 000 & 141462 0005 (for location purposes)

Location Map



LEGISLATIVE FACT SHEET

DATE: 07/19/24

BT or RC No: _____

SPONSOR: Public Works/Real Estate in Councilmember Amaro's District 1
 (Department/Division/Agency/Council Member)

Contact for all inquiries and presentation: 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 and abandonment of an opened and improved portion of Maitland Avenue, as recorded in Plat Book 4, Page 19, and established in the Plat of Arlington Heights, of the Current Public Records of Duval County, Florida. See maps attached and RE# 141435-0000 & 141462-0005 for location purposes.

The applicants, Acie T. Sanders, on behalf Arlington Church of Christ, Jacksonville, Florida, Inc., has requested the closure to restrict traffic to the area and to fence off the perimeter of the newly joined properties as a result of the closure. The applicant has paid the \$2,091.00 closure application fee.

An all-utilities, facilities, and access easement will be reserved over the closure area in favor of the City of Jacksonville and JEA. No City, State, or other agency has objected to this closure request.

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 Subject 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 \$2,091.00 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.

Federal or State
Mandate?

Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.

Fiscal Year
Carryover?

Note: If yes, note must include explanation of all-year subfund carryover language.

CIP Amendment?
Contract / Agreement
Approval?

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?
Waiver of Code?

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.

Code Exception?

Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.

Related Enacted
Ordinances?

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.

ACTION ITEMS:

| | Yes | No |
|------------------------|--------------------------|-------------------------------------|
| Continuation of Grant? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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).

Reporting
Requirements?

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

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;

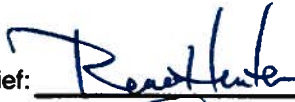
The ordinance relates to procurement; or

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 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.jacksonville.gov/departments/finance/budget/mayor-s-budget-review-committee>

Division Chief: _____



(signature)

Date: 7/19/24

Prepared By: _____



(signature)

Date: 7/19/2024

ADMINISTRATIVE TRANSMITTAL

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

Thru: Nina Sicker, P.E., Director Public Works

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

Initiating Department Representative (Name, Job Title, Department)

Phone: 255-8234

E-mail: ReneeH@coj.net

CC: Brittany Norris, Director of Intergovernmental Affairs, Office of the Mayor

Phone: 667-9326

E-mail: BNorris@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: John Sawyer, Office of General Counsel, St. James, Ste 480

Phone: 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: 667-9326

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 (2024-____) title of ordinance AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING AN OPENED AND IMPROVED PORTION OF MAITLAND AVENUE, AS RECORDED IN PLAT BOOK 4, PAGE 19, AND ESTABLISHED IN THE PLAT OF ARLINGTON HEIGHTS, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 1, AT THE REQUEST OF ARLINGTON CHURCH OF CHRIST, JACKSONVILLE, FLORIDA, INC.; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

Summary of the proposed ordinance: AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING AN OPENED AND IMPROVED PORTION OF MAITLAND AVENUE RIGHT-OF-WAY, ESTABLISHED IN THE PLAT OF ARLINGTON HEIGHTS, AS RECORDED IN PLAT BOOK 4, PAGE 19 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 1, AT THE REQUEST OF ARLINGTON CHURCH OF CHRIST, JACKSONVILLE, FLORIDA, INC.; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

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.

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

| |
|--|
| |
|--|