

20241020 PMS:EO

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

4 **ORDINANCE 2024-**

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED, THOUGH UNIMPROVED RIGHT
7 OF WAY OF BRADDOCK HOME ROAD, AS ESTABLISHED IN
8 DEED BOOK 1645, PAGE 130 AND DEED BOOK 1654,
9 PAGE 418 OF THE FORMER PUBLIC RECORDS OF DUVAL
10 COUNTY, FLORIDA, LOCATED IN COUNCIL DISTRICT 8,
11 AT THE REQUEST OF EPG JAX LLC; PROVIDING FOR
12 APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN
13 EFFECTIVE DATE.

14
15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

16 **Section 1. Closure and Abandonment.** An opened, though
17 unimproved right of way of Braddock Home Road, as established in Deed
18 Book 1645, Page 130 and Deed Book 1654, Page 418 of the former Public
19 Records of Duval County, Florida, located in Council District 8, a
20 depiction and description of which is attached hereto as **Exhibit 1**
21 and incorporated herein by this reference, is hereby closed and
22 abandoned and/or disclaimed at the request of EPG JAX LLC (the
23 "Applicant").

24 The Applicant has paid the closure application fee of \$4,182.00
25 (equal to two (2) application fees because this closure involves two
26 portions of right-of-way) and this sum has been deposited into the
27 City's General Fund. This closure request was reviewed and approved
28 by the various city, state, and utility agencies that might have an
29 interest in the right-of-way and there were no objections to the
30 Applicant's request.

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

1 adjacent to the closure area (R.E. No. 019250-0000) and has requested
2 this closure to develop a mixed-use Kings Creek PUD.

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

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

14 Form Approved:

15 
16 _____

17 Office of General Counsel

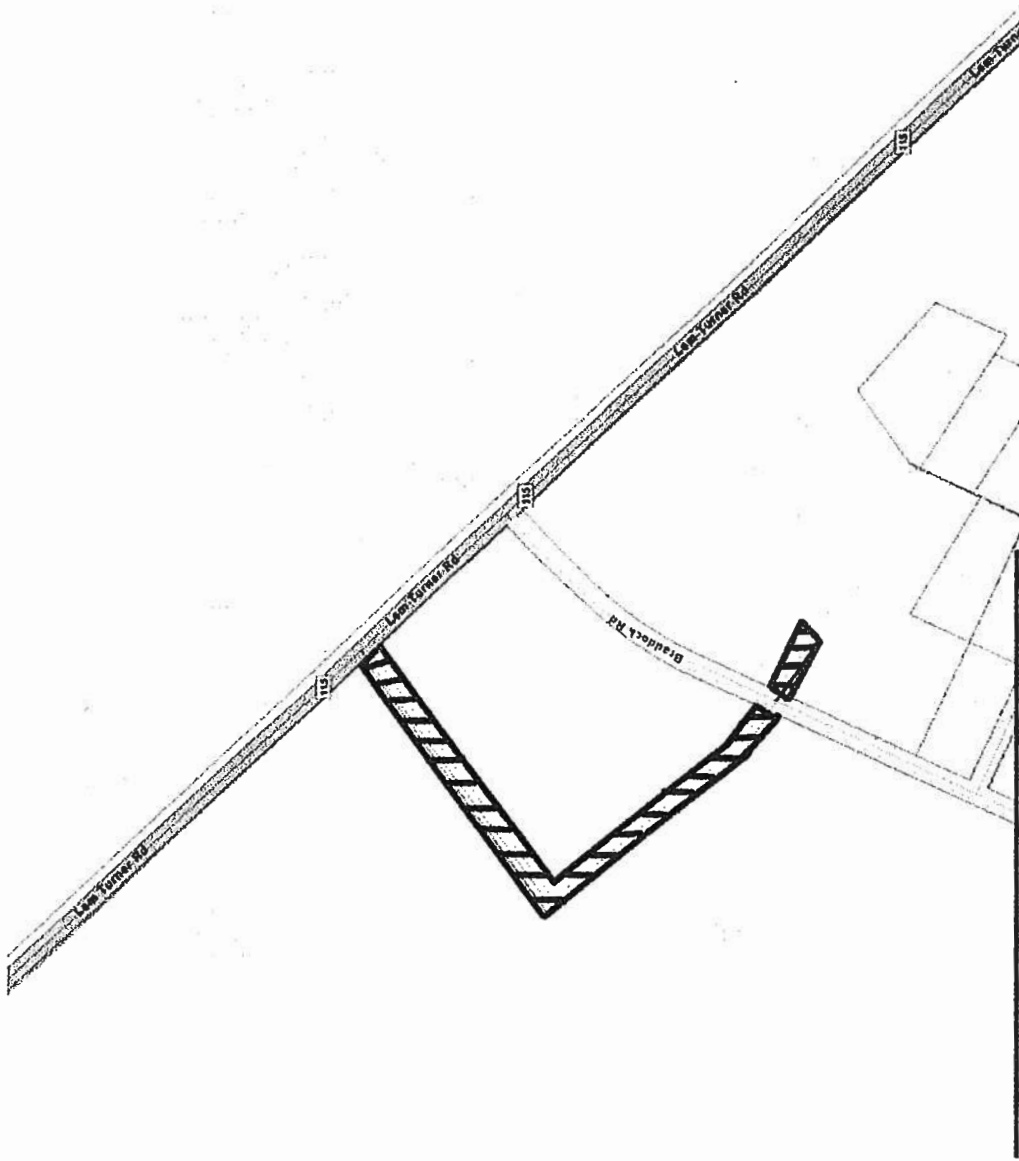
18 Legislation Prepared By: Harry M. Wilson, IV

19 GC-#1644765-v1-Braddock_Home_Road_ROW_Closure.docx

EXHIBIT 1

Proposed Closure -- Braddock Home Road

RE 019250-0000



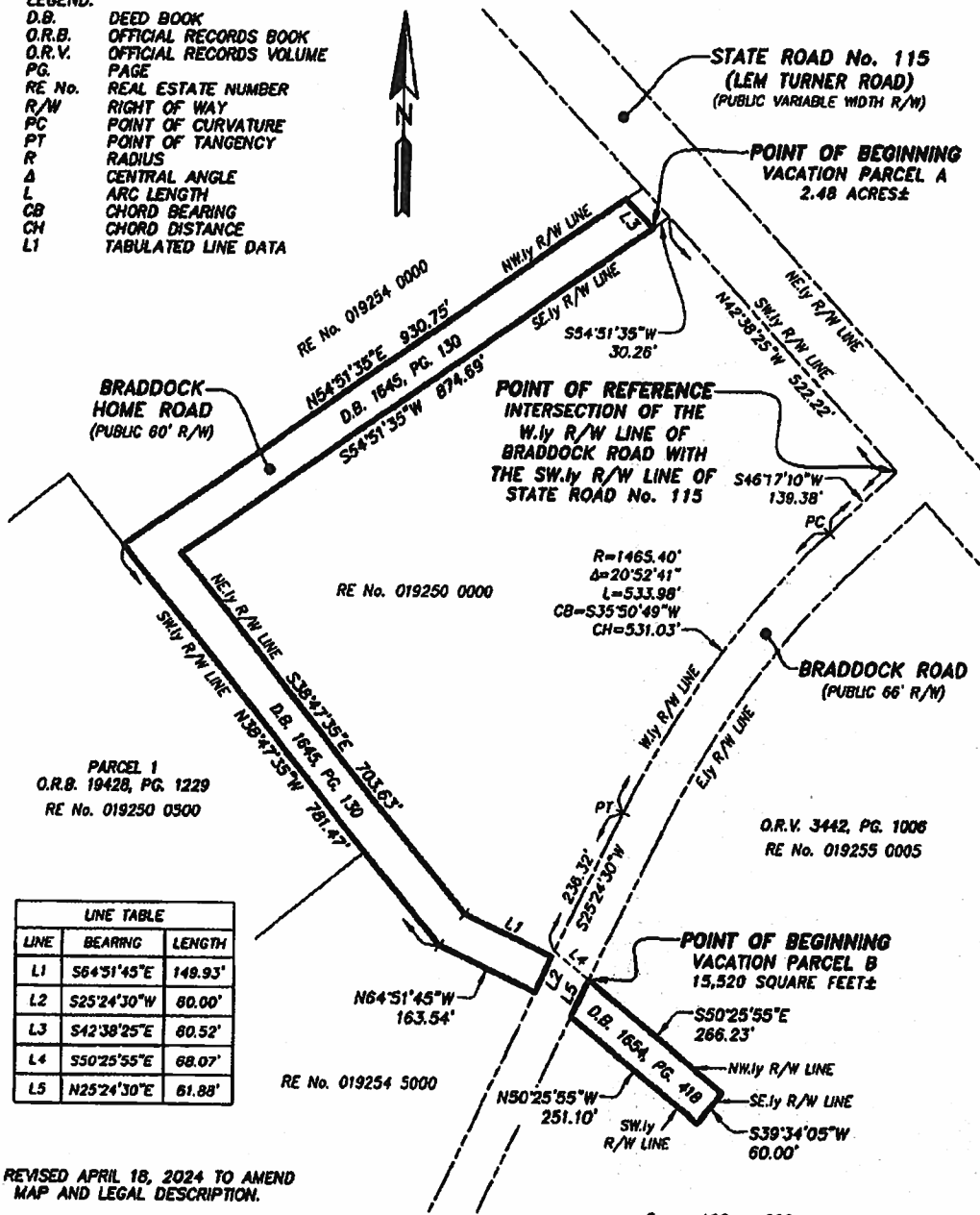
Proposed Closure – Braddock Home Road

RE 019250-0000



**SKETCH TO ACCOMPANY DESCRIPTION OF
A PORTION OF SECTION 19, TOWNSHIP 1 NORTH,
RANGE 26 EAST, DUVAL COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.**

LEGEND:
D.B. DEED BOOK
O.R.B. OFFICIAL RECORDS BOOK
O.R.V. OFFICIAL RECORDS VOLUME
PG. PAGE
RE No. REAL ESTATE NUMBER
R/W RIGHT OF WAY
PC POINT OF CURVATURE
PT POINT OF TANGENCY
R RADIUS
Δ CENTRAL ANGLE
L ARC LENGTH
CB CHORD BEARING
CH CHORD DISTANCE
LI TABULATED LINE DATA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S64°31'45"E	149.93'
L2	S25°24'30"W	80.00'
L3	S42°38'25"E	80.52'
L4	S50°25'55"E	68.07'
L5	N25°24'30"E	61.88'

REVISED APRIL 18, 2024 TO AMEND
MAP AND LEGAL DESCRIPTION.

- GENERAL NOTES:**
- THIS IS NOT A SURVEY.
 - BEARINGS BASED ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD No. 115 AS BEING NORTH 42°38'25" WEST.

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

ETM
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Advisors,
Creating
Community.

14776 Old St. Augustine Rd. (904) 642-8550
Jacksonville, Florida 32258 www.etmnc.com
Certificate of Authorization No. LB 3624



Digitally signed
by Gilmore C
Colyer III

SCALE: 1"=200'

DATE: JANUARY 12, 2024

G. C. COLYER III
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LS No. 6963

ORDER NO.: 21-07303 FILE NO.: 126-220348 DRAWN BY: BAC CAD FILE: I:\Survey\Map\Braddock-Right\Sketches\Braddock Home Road Closure Parcels A&B Rev1.dwg

Revised April 18, 2024
January 12, 2024

Work Order No. 21-073.03
File No. 127G-22.03A

Vacation Parcel A

A portion of Section 19, Township 1 North, Range 26 East, Duval County, Florida, being the same lands described and recorded in Deed Book 1645, page 130, of the current Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Westerly right of way line of Braddock Road, a public 66 foot right of way as presently established, with the Southwesterly right of way line of State Road No. 115 (Lem Turner Road), a public variable width right of way as presently established; thence North $42^{\circ}38'25''$ West, along said Southwesterly right of way line, 522.22 feet to its intersection with the Southeasterly right of way line of Braddock Home Road, a public 60 foot right of way as presently established; thence South $54^{\circ}51'35''$ West, departing said Southwesterly right of way line and along said Southeasterly right of way line, 30.26 feet to the Point of Beginning.

From said Point of Beginning, thence continue South $54^{\circ}51'35''$ West, 874.69 feet; thence South $38^{\circ}47'35''$ East, 703.63 feet; thence South $64^{\circ}51'45''$ East, 149.93 feet to a point lying on said Westerly right of way line of Braddock Road; thence South $25^{\circ}24'30''$ West, along said Westerly right of way line, 60.00 feet; thence North $64^{\circ}51'45''$ West, departing said Westerly right of way line, 163.54 feet; thence North $38^{\circ}47'35''$ West, 781.47 feet; thence North $54^{\circ}51'35''$ East, 930.75 feet; thence South $42^{\circ}38'25''$ East, along a line 30 feet Southwesterly of and parallel with said Southwesterly right of way line of State Road No. 115, a distance of 60.52 feet to the Point of Beginning.

Containing 2.48 acres, more or less.



January 12, 2024

Work Order No. 21-073.03
File No. 127G-22.03B

Vacation Parcel B

A portion of Section 19, Township 1 North, Range 26 East, Duval County, Florida, being the same lands described and recorded in Deed Book 1654, page 418, of the current Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Southwesterly right of way line of State Road No. 115 (Lem Turner Road), a public variable width right of way as presently established, with the Westerly right of way line of Braddock Road, a public 66 foot right of way as presently established; thence Southwesterly along said Westerly right of way line the following 3 courses: Course 1, thence South 46°17'10" West, 139.38 feet to the point of curvature of a curve concave Southeasterly having a radius of 1465.40 feet; Course 2, thence Southwesterly along the arc of said curve, through a central angle of 20°52'41", an arc length of 533.98 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 35°50'49" West, 531.03 feet; Course 3, thence South 25°24'30" West, 236.32 feet; thence South 50°25'55" East, departing said Westerly right of way line, 68.07 feet to the Point of Beginning.

From said Point of Beginning, thence continue South 50°25'55" East, 266.23 feet; thence South 39°34'05" West, 60.00 feet; thence North 50°25'55" West, 251.10 feet to a point lying on the Easterly right of way line of said Braddock Road; thence North 25°24'30" East, along said Easterly right of way line, 61.88 feet to the Point of Beginning.

Containing 15,520 square feet, more or less.

APPROVED
DESCRIPTION AGREES
WITH MAP
CITY ENGINEERS OFFICE
TOPO/SURVEY BRANCH
By SW Date 4-18-24

HOLD HARMLESS COVENANT

This **Hold Harmless Covenant** is hereby granted this ____ day of _____, 2024, by EPG Jax LLC, whose address is 111 S Armenia Ave., Tampa, Florida 33609 (“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# 019250-0000** in Council District 8 and established in the Deed Book 1645, Page 130 and Deed Book 1654 Page 418, the Former Public Records of Duval County, Florida.

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 _____ 2024, by _____.

{NOTARY SEAL}

[Signature of Notary Public-State of Florida]

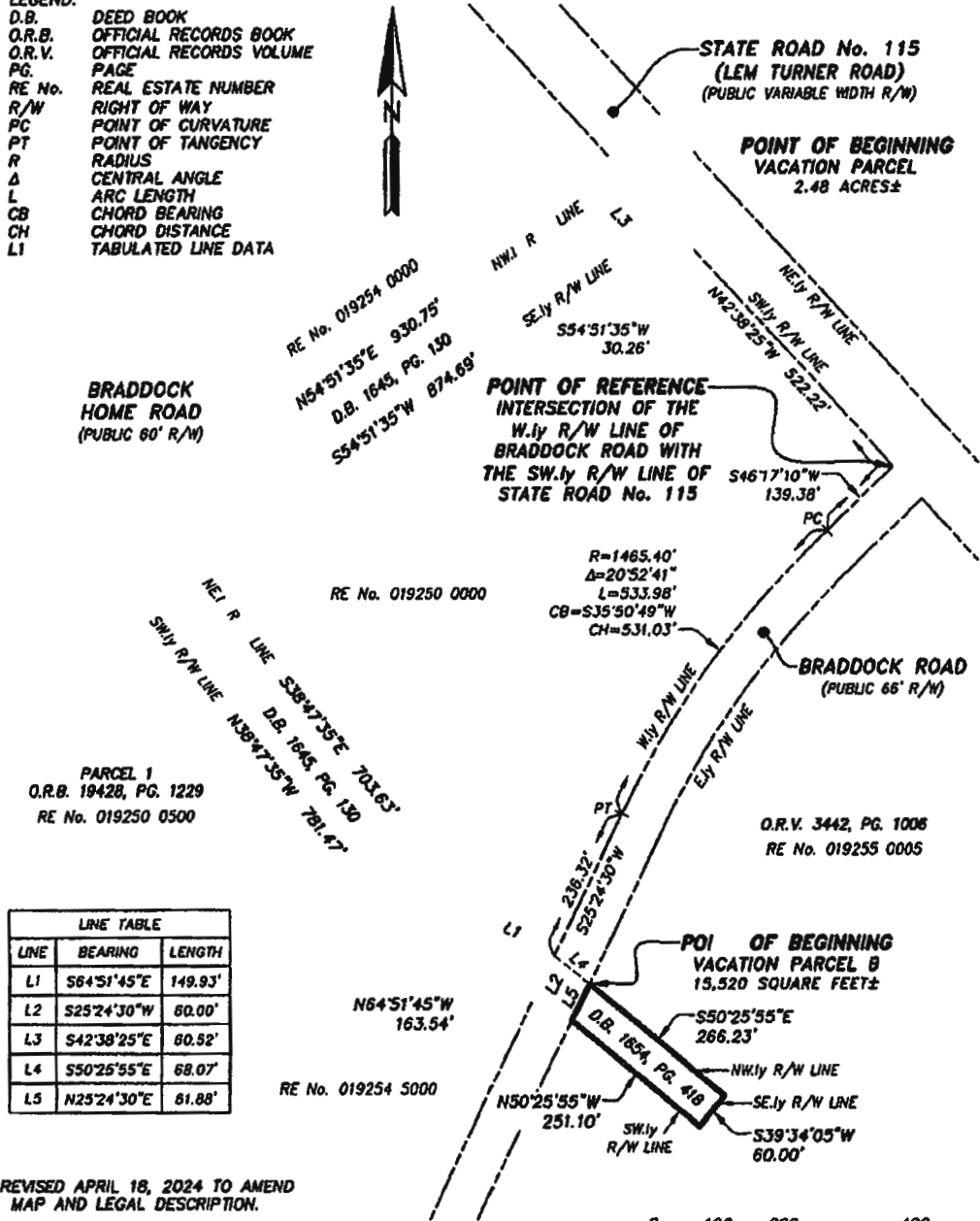
[Name of Notary Typed, Printed, or Stamped]

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

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Trusted Advisors, Creating Community.

Digitally signed by Gilmore C Colyer III

14775 Old St Augustine Rd Jack Fl, Florida 32258
(904) 842-8550 www.etmnc.com
Certificate of Authorization No LB 3824

SCALE: 1" = 200'
DATE: JANUARY 12, 2024
G. C. COLYER III
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LS No. 6963

Revised April 18, 2024
January 12, 2024

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LEGISLATIVE FACT SHEET

DATE: 07/02/24

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

SPONSOR: Public Works/Real Estate in Council member Reggie Gaffney'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 and abandonment of an opened and unimproved portion of Braddock Home Road, as established in Deed Book 1645, Page 130 and Deed Book 1654 Page 418, the Former Public Records of Duval County, Florida. See maps attached and RE# 019250-0000 for location purposes.

The Applicant, EPG Jax LLC., has requested the two (2) closures to develop a mixed-use Kings Creek PUD. The applicants have paid the two (2) closure applications fees totaling \$4,182.00. 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 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 \$4,182.00 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 style="border: 1px solid black; height: 20px; margin-top: 5px;"></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 style="border: 1px solid black; height: 20px; margin-top: 5px;"></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 style="border: 1px solid black; height: 20px; margin-top: 5px;"></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? <div style="border: 1px solid black; padding: 2px;"> OGC has approved the hold harmless covenant template. </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 style="border: 1px solid black; height: 20px; margin-top: 5px;"></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 style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
Related Enacted Ordinances?	<input checked="" type="checkbox"/>	<input 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 style="border: 1px solid black; padding: 2px;"> 2023-658-E. </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>

Division Chief: Renee Hunter
(signature)

Date: 7/2/24

Prepared By: Sandra Bond
(signature)

Date: 7/2/24

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: 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 UNIMPROVED PORTION OF BRADDOCK HOME ROAD RIGHT-OF-WAY, ESTABLISHED IN DEED BOOK 1645 PAGE 130 AND DEED BOOK 1654 PAGE 418 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 8, AT THE REQUEST OF EPG JAX LLC.; 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 UNIMPROVED PORTION OF BRADDOCK HOME ROAD RIGHT-OF-WAY, ESTABLISHED IN DEED BOOK 1645 PAGE 130 AND DEED BOOK 1654 PAGE 418 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 8, AT THE REQUEST OF EPG JAX LLC.; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

An estimate of the direct economic impact of the proposed ordinance: \$4,182 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