

1 Introduced by the Council President at the request of the Mayor:
2
3

4 **ORDINANCE 2024-**

'24 NOV 20 PM 1:46

5 AN ORDINANCE CLOSING AND ABANDONING AND/OR
6 DISCLAIMING AN OPENED AND IMPROVED PORTION OF
7 GURTLER ROAD RIGHT-OF-WAY, AS RECORDED IN DEED
8 BOOK 1215, PAGE 96 OF THE FORMER PUBLIC RECORDS
9 OF DUVAL COUNTY, FLORIDA, LOCATED IN COUNCIL
10 DISTRICT 12, AT THE REQUEST OF APPLICANT
11 QUIKTRIP CORPORATION; SUBJECT TO RESERVATION
12 UNTO CITY OF A NON-EXCLUSIVE ALL UTILITIES,
13 FACILITIES AND ACCESS EASEMENT OVER THE CLOSURE
14 AREA; PROVIDING FOR APPROVAL SUBJECT TO
15 CONDITIONS; PROVIDING AN EFFECTIVE DATE.
16

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

18 **Section 1. Closure and Abandonment.** An opened and improved
19 portion of Gurtler Road Right-of-Way, as recorded in Deed Book 1215,
20 Page 96 of the former public records of Duval County, Florida, located
21 in Council District 12, a depiction and description of which is
22 attached hereto as **Exhibit 1** and incorporated herein by this
23 reference, is hereby closed and abandoned and/or disclaimed at the
24 request of Quiktrip Corporation (the "Applicant"); provided however,
25 there is reserved unto City a non-exclusive all utilities, facilities
26 and access easement on, over, under, through and across the closure
27 area for ingress and egress and for all utilities and facilities.

28 The Applicant has paid the closure application fee of \$2,091.00
29 and this sum has been deposited into the City's General Fund. This
30 closure request was reviewed and approved by the various city, state,
31 and utility agencies that might have an interest in the right-of-way

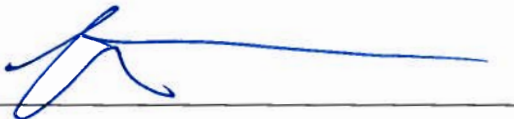
1 and there were no objections to the Applicant's request.

2 **Section 2. Purpose.** The Applicant owns the fee parcel
3 where the closure area is located (R.E. # 001852-0100) and has
4 requested this closure to construct a fueling station and convenience
5 store.

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

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

17
18 Form Approved:

19 
20 _____

21 Office of General Counsel

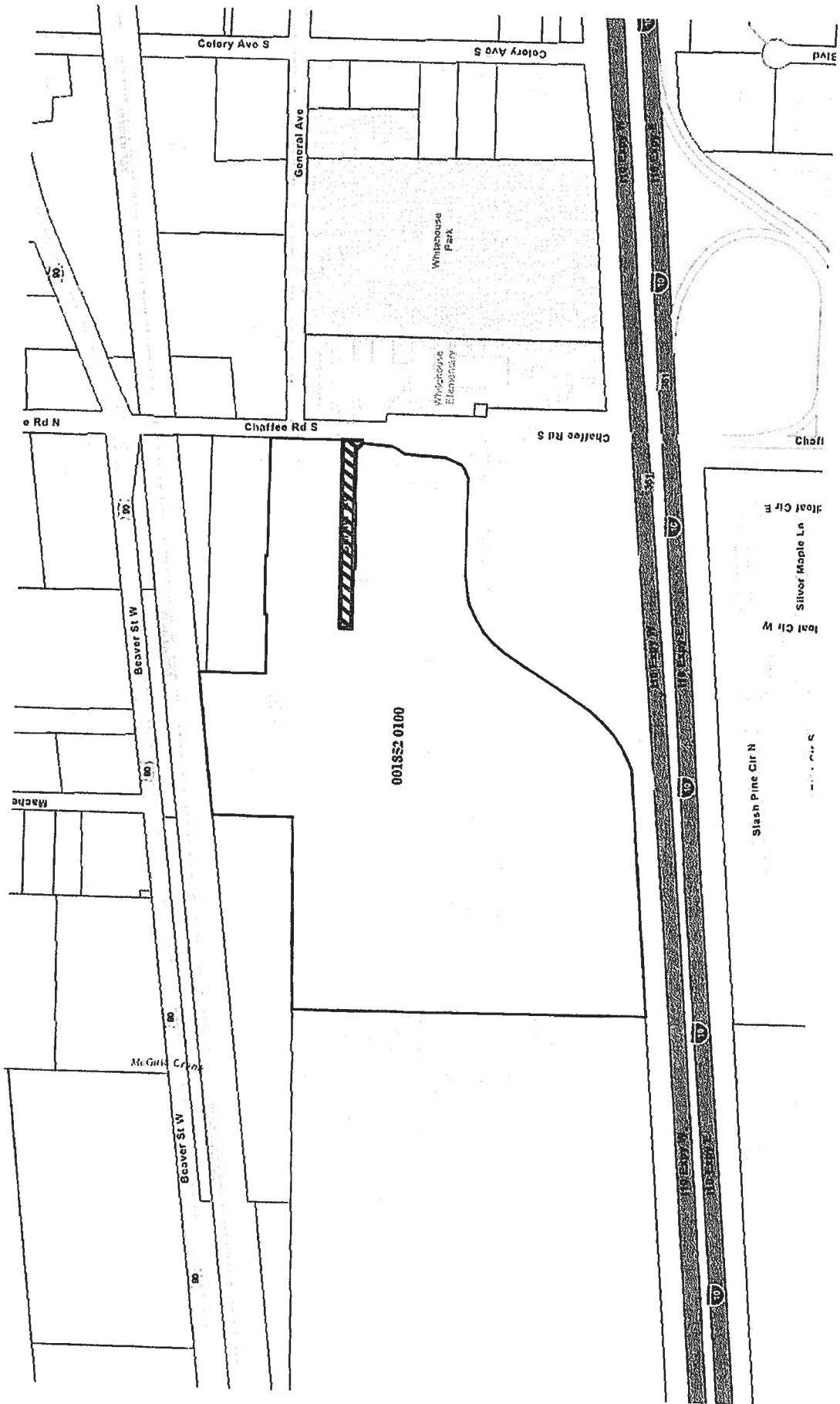
22 Legislation Prepared By: Harry M. Wilson, IV

23 GC-#1659085-v1-Gurtler_Road_ROW_Closure.docx

Gurtler Rd.

001852-0100

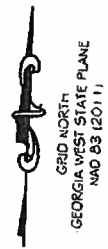
Location Map



RIGHT-OF-WAY CLOSURE EXHIBIT

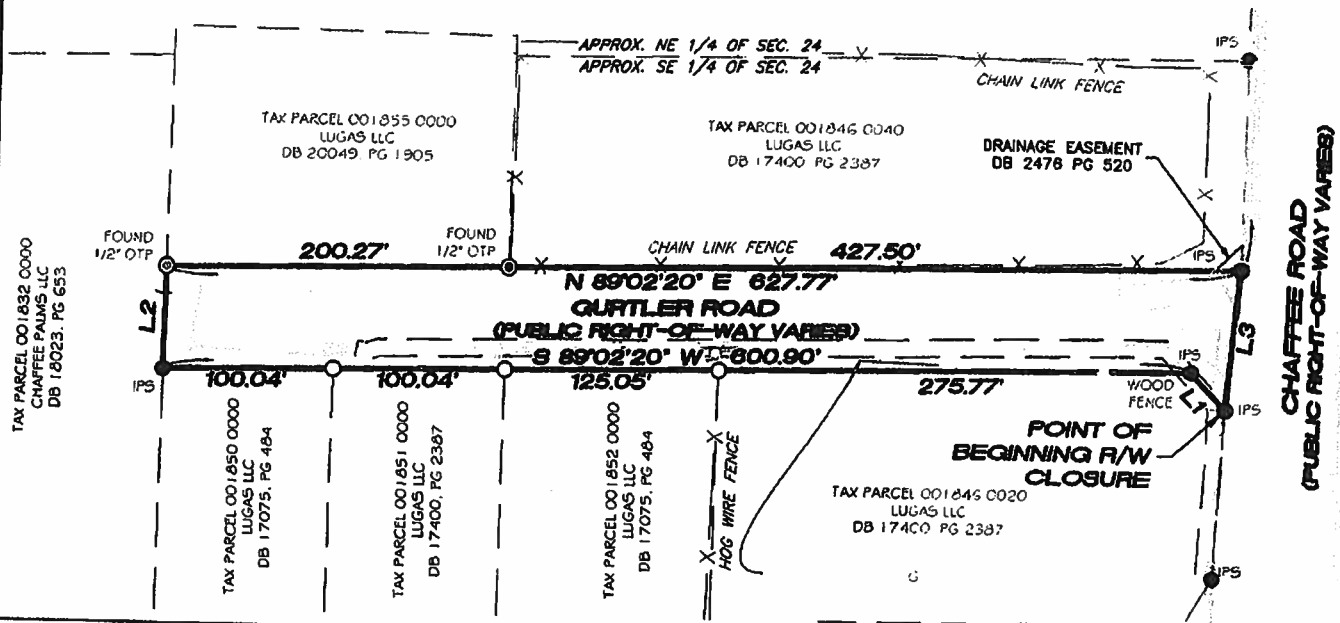
QUIKTRIP NO. 7287

SOUTHEAST 1/4, SECTION 24, TOWNSHIP 2 S, RANGE 24 E DUVAL COUNTY, FLORIDA



**PROPOSED
RIGHT-OF-WAY AREA
TO BE CLOSED:
37,783 SQ. FT.
0.867 ACRES**

LINE	BEARING	DISTANCE
L1	N 43°37'11" W	29.92'
L2	N 00°40'50" E	60.02'
L3	S 04°49'41" W	82.42'



I hereby certify that this survey, 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) and further certify that there are no visible encroachments upon the subject property except as shown.

Date of Survey: August 30, 2023

Drafted by: RG

Survey Scale: 1" = 100'

Reviewed by: FAA

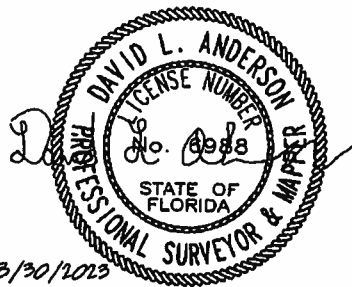
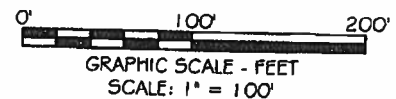
Field Bk/PG: N/A

Project No. 23028

Crew Chief: N/A

LEGEND

- EX. RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- IRON PIN FOUND
- COMPUTED POINT
- IRON PIN SET



08/30/2023

ALS ALLIANCE
LAND SURVEYING

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4525 SOUTH LEE STREET
BUFORD, GEORGIA 30518
678.828.9424 | www.ALIANCECO.com

SHEET
1 OF 2

RIGHT-OF-WAY CLOSURE EXHIBIT
QUIKTRIP NO. 7287
SE ONE-QUARTER, SECTION 24,
TOWNSHIP 2 S, RANGE 24 E
DUVAL COUNTY, FLORIDA

A parcel of land lying in the Southeast One-Quarter, Section 24, Township 2 South, Range 24 East, Duval County, Florida and being more particularly described as follows:

Begin at a set 5/8" capped rebar (L.B. 8365) lying at the southeastern end of the mitered corner intersection of the southerly right-of-way of Gurtler Road (variable right-of-way) and the westerly right-of-way of Chaffee Road (variable right-of-way); thence run North 43 degrees 37 minutes 11 seconds West along said mitered corner for a distance of 29.92 feet to a set 5/8" capped rebar (LB 8365); thence leaving said mitered corner run South 89 degrees 02 minutes 20 seconds West along said southerly right-of-way of Gurtler Road for a distance of 600.90 feet to a set 5/8" capped rebar (LB 8365); thence leaving said southerly right-of-way run North 00 degrees 40 minutes 50 seconds East for a distance 60.02 feet to a found 1/2" open top pipe lying on the northerly right-of-way of the aforementioned Gurtler Road; thence run North 89 degrees 02 minutes 20 seconds East for a distance 627.77 feet to a set 5/8" capped rebar (LB 8365) lying at the intersection of said right-of-way and the aforementioned westerly right-of-way of Chaffee Road; thence leaving said intersection run South 04 degrees 49 minutes 41 seconds West along said westerly right-of-way of Chaffee Road for a distance of 82.42 feet to the Point of Beginning.

Said parcel contains 37,783 square feet, or 0.867 acres.

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

By SCC Date 9/6/23

PROJECT #: 23028
DATE: 08/29/2023
DRAWN BY: RG
CHECKED BY: FAA

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SHEET
2 OF 2

HOLD HARMLESS COVENANT

This **Hold Harmless Covenant** is hereby granted this ____ day of _____, 2024, by **QuikTrip Corporation**, whose address is **4705 South 129th E. Ave, Tulsa, Oklahoma 74134** ("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__-_____**, a copy of which is attached hereto and incorporated by reference (the "Ordinance"), located near **RE# 001852-0100** in **Council District 12** and established in **Deed Book 1215 Page 96** of 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) _____

(Print) _____

By: _____

Name:

(Sign) _____

Title:

(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 _____ 202__, 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 _____

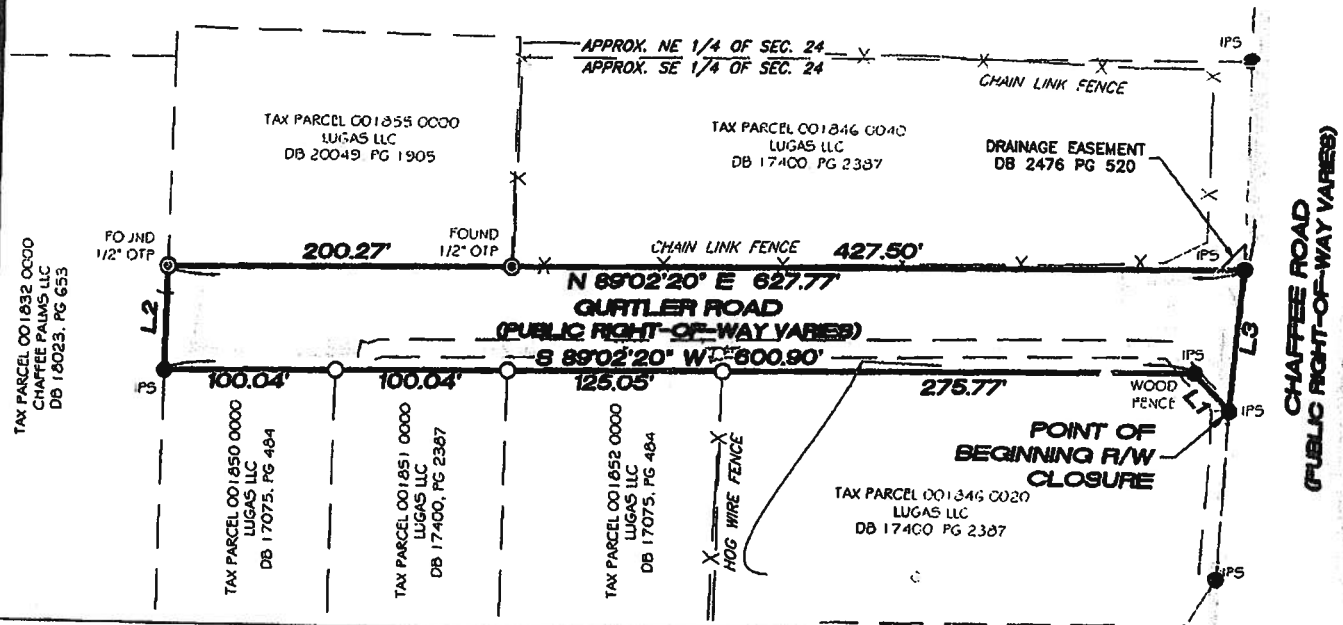
EXHIBIT "A"

RIGHT-OF-WAY CLOSURE EXHIBIT
 QUIKTRIP NO. 7287
 SOUTHEAST 1/4, SECTION 24,
 TOWNSHIP 2 S, RANGE 24 E
 DUVAL COUNTY, FLORIDA



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Date of Survey: August 30, 2023

Drafted by: RG

Survey Scale: 1" = 100'

Reviewed by: FAA

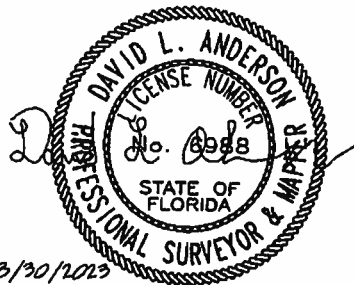
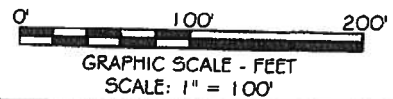
Field Bk/PG: N/A

Project No. 23028

Crew Chief: N/A

LEGEND

- EX. RIGHT-OF-WAY LINE
- - - ADJACENT PROPERTY LINE
- ⊙ IRON PIN FOUND
- COMPUTED POINT
- IPS IRON PIN SET



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SHEET
 1 OF 2

RIGHT-OF-WAY CLOSURE EXHIBIT
QUIKTRIP NO. 7287
SE ONE-QUARTER, SECTION 24,
TOWNSHIP 2 S, RANGE 24 E
DUVAL COUNTY, FLORIDA

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By SCC Date 9/6/23

PROJECT #: 23028
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SHEET
2 OF 2

LEGISLATIVE FACT SHEET

DATE: 10/24/24

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

SPONSOR: Public Works/Real Estate in Councilmember Randy White's District 12
(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 improved portion of Gurtler Road, as recorded in Deed Book 1215 page 96 of the Former Public Records of Duval County, Florida. See maps attached and RE# 001852-0100 for location purposes.

The Applicant, Qulktrip Corporation, has requested the closure to construct a fuelling station with convenience store. The applicant has paid the \$2,091.00 closure application fee. 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 the City.

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 \$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. <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. <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
Contract / Agreement Approval?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
Related RC/BT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attachment: If yes, attach appropriate RC/BT form(s). <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>
Waiver of Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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>
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 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 style="border: 1px solid black; height: 20px; margin-top: 5px;"></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"/>	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attachment: If yes, attach appropriate form(s).
Reporting Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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.

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.coi.net/departments/finance/budget/mayor-s-budget-review-committee>

Division Chief: Renee Hunter
(signature)

Date: 10/24/24

Prepared By: Sandra Boyd
(signature)

Date: 10/24/24

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:

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 (2023-____) title of ordinance AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING AN OPENED AND IMPROVED PORTION OF PORTION OF GURTLER ROAD RIGHT-OF-WAY, ESTABLISHED IN DEED BOOK 1215, PAGE 96 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 12, AT THE REQUEST OF QUIKTRIP CORPORATION.; 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 PORTION OF GURTLER ROAD RIGHT-OF-WAY, ESTABLISHED IN DEED BOOK 1215, PAGE 96 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 12, AT THE REQUEST OF QUIKTRIP CORPORATION.; 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