

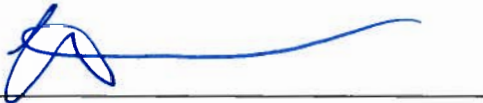


1 to allow for septic services to residential lots.

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

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

13 Form Approved:

14   
15 \_\_\_\_\_

16 Office of General Counsel

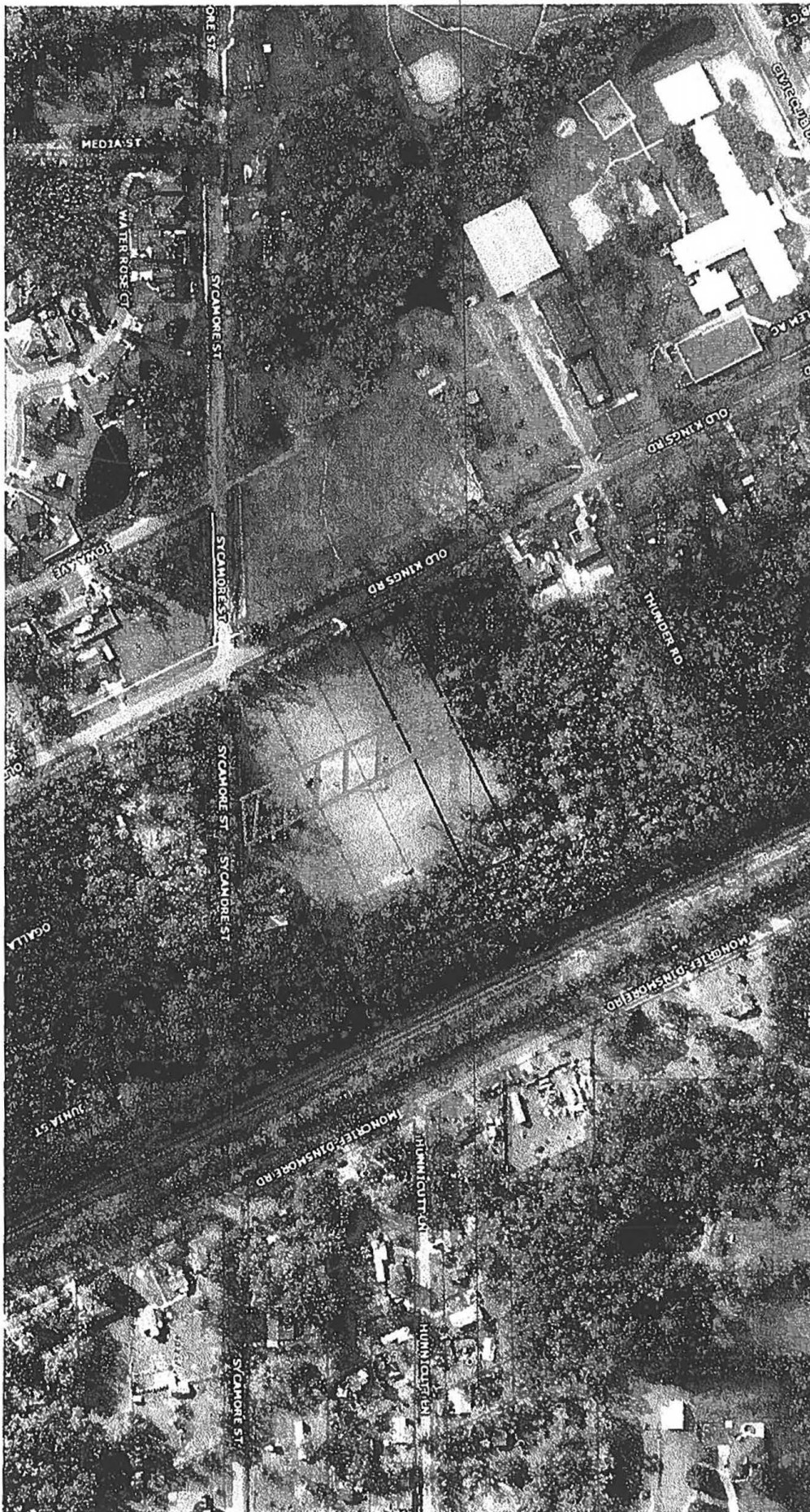
17 Legislation Prepared By: Harry M. Wilson, IV

18 GC-#1636391-v2-Ogalla\_Avenue\_ROW\_Closure\_.docx



Ogalla Ave Closure

004095-0005 (for location purposes)

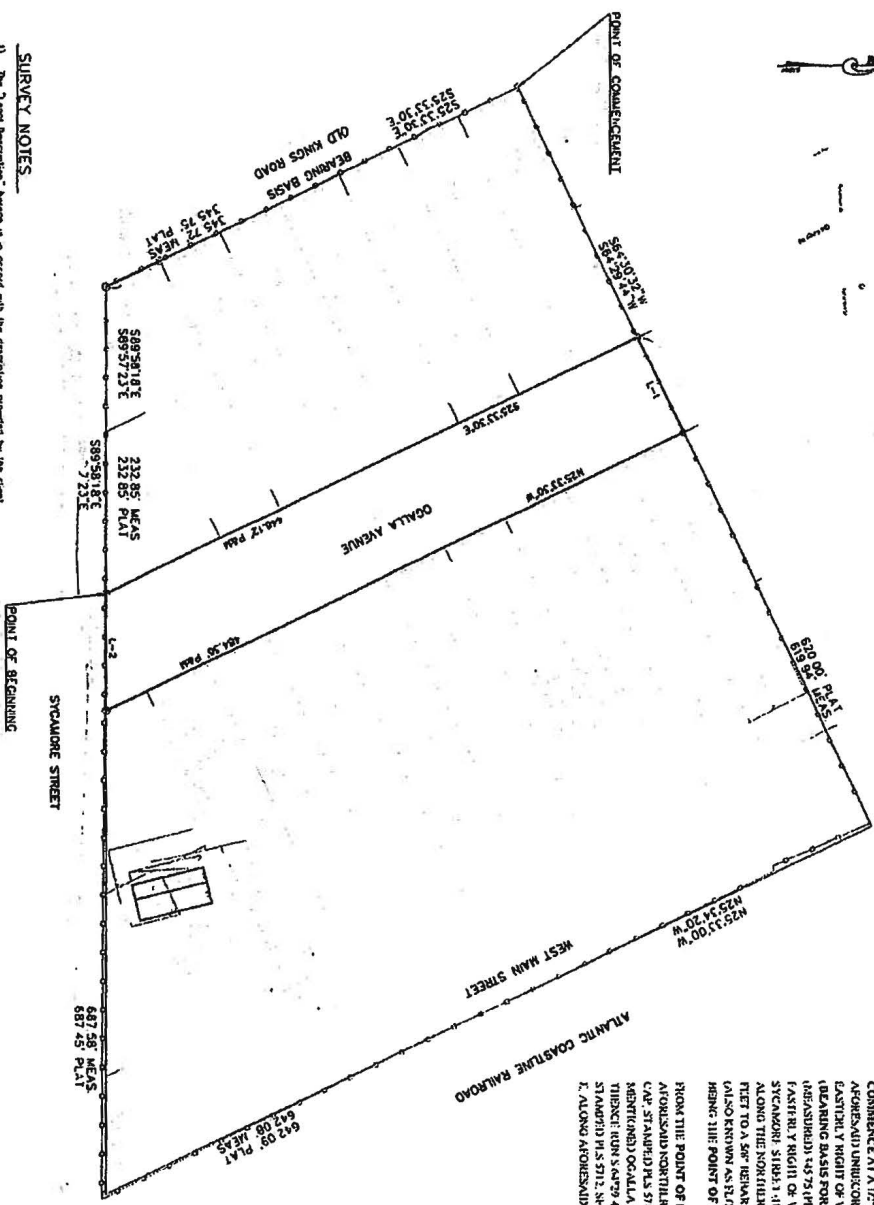


# MAP OF SPECIFIC PURPOSE SURVEY

## FOR OGALLA AVENUE ROAD CLOSURE

A PART OF OGALLA AVENUE, ALSO KNOWN AS B. GORDA AVENUE AND AN APPROXIMATE 10' WIDE STRIP EAST OF LOTS 1 THROUGH 3, BLOCK 19 AND WEST OF LOTS 1 THROUGH 11 AND 13 THROUGH 15 OF BLOCK 2, ACCORDING TO AN UNRECORDED MAP OF THE TOWNSHIP OF UNDEVELOPED AND UNINCORPORATED AREAS, PARCELS 10, 11, 12, 13, 14, 15 AND 16 OF SECTION 12, TOWNSHIP 1 SOUTH RANGE, 3 EAST TOWNSHIP 12, FLORIDA.

COMMENCE AT A 10' BEARING AND CAP STATIONED IN THE NORTHWEST CORNER OF LOT 13 OF RECORDS UNRECORDED MAP OF THE TOWNSHIP OF UNDEVELOPED AND UNINCORPORATED AREAS, PARCELS 10, 11, 12, 13, 14, 15 AND 16 OF SECTION 12, TOWNSHIP 1 SOUTH RANGE, 3 EAST TOWNSHIP 12, FLORIDA. BEARING AND CAP STATIONED IN THE NORTHWEST CORNER OF LOT 13 OF RECORDS UNRECORDED MAP OF THE TOWNSHIP OF UNDEVELOPED AND UNINCORPORATED AREAS, PARCELS 10, 11, 12, 13, 14, 15 AND 16 OF SECTION 12, TOWNSHIP 1 SOUTH RANGE, 3 EAST TOWNSHIP 12, FLORIDA. BEARING AND CAP STATIONED IN THE NORTHWEST CORNER OF LOT 13 OF RECORDS UNRECORDED MAP OF THE TOWNSHIP OF UNDEVELOPED AND UNINCORPORATED AREAS, PARCELS 10, 11, 12, 13, 14, 15 AND 16 OF SECTION 12, TOWNSHIP 1 SOUTH RANGE, 3 EAST TOWNSHIP 12, FLORIDA.



LINE BEARING  
 1-1 60.00' BEARS  
 1-2 60.00' PLAT  
 1-3 60.00' PLAT  
 1-4 60.00' PLAT  
 1-5 60.00' PLAT  
 1-6 60.00' PLAT  
 1-7 60.00' PLAT  
 1-8 60.00' PLAT  
 1-9 60.00' PLAT  
 1-10 60.00' PLAT  
 1-11 60.00' PLAT  
 1-12 60.00' PLAT  
 1-13 60.00' PLAT  
 1-14 60.00' PLAT  
 1-15 60.00' PLAT  
 1-16 60.00' PLAT

**APPROVED**  
 DESCRIPTION AGREES  
 WITH MAP

By SCC Date 5/24/13  
 PREPARED FOR  
 JOSE H. MORQUECHO

### SURVEY NOTES

- 1) The "Type Description" between is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Land shown herein were not affected by this office for easements, rights-of-way, encroachments or other encumbrances of record.
- 4) Bearings shown on N 253.330° W for Eastern Edge of Old Kings Road (ASQUARD).
- 5) Fences surrounding 4 parcels, has not been determined by this office. Fences are shown out of scale in order to approximate their relationship to property lines. Fences are not deemed to be encroachments unless otherwise shown to be so.
- 6) Utility lines shown are the original record plat of a Florida Licensed Surveyor and engineer. The map/record is for administrative purposes only and is not a utility map.
- 7) The property shown herein has been shown on a Florida Licensed Surveyor's map/record. The map/record is for administrative purposes only and is not a utility map.
- 8) The property shown herein has been shown on a Florida Licensed Surveyor's map/record. The map/record is for administrative purposes only and is not a utility map.
- 9) The survey has been performed according to the standards of care to achieve the following accuracy for the following survey: Survey Accuracy: 1 foot in 10,000 feet SPP Rate 31-17-2003 (a) (1) 1/3 S.P.

### LEGEND

GLASS LAND SURVEYING, LLC

THE INFORMATION SHOWN HEREON IS THE PROPERTY OF GLASS LAND SURVEYING, LLC. IT IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED IN THE INSTRUMENT TO WHICH IT IS REFERRED. ANY OTHER USE IS UNAUTHORIZED. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

GLASS LAND SURVEYING, LLC  
 10000 W. UNIVERSITY BLVD.  
 SUITE 100  
 TAMPA, FL 33613  
 (813) 973-1111

**EXHIBIT 2**

**HOLD HARMLESS COVENANT**

This **Hold Harmless Covenant** is hereby granted this \_\_\_\_ day of \_\_\_\_\_, 2023, by **Jose Morquecho**, whose address is **10525 Old Kings Road, Jacksonville, Florida 32219** ("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 2023-\_\_\_\_\_**, a copy of which is attached hereto and incorporated by reference (the "Ordinance"), located near **RE# 004095-0005** in Council District 8 and according to an unrecorded map of The Town of Dinsmore and Dinsmore Plots.

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:**

(Sign) \_\_\_\_\_

(Print) \_\_\_\_\_

(Sign) \_\_\_\_\_

(Print) \_\_\_\_\_

**GRANTOR:**

\_\_\_\_\_  
By: \_\_\_\_\_

Name:

Title:

**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 \_\_\_\_\_



## LEGISLATIVE FACT SHEET

DATE: 05/15/24

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

SPONSOR: Public Works/Real Estate in Councilmember Gaffney Jr'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 unopened and unimproved portion of Ogalla Avenue (also previously known as Florida Avenue), according to an unrecorded map of the Town of Dinsmore and Dinsmore Plots of Duval County, Florida. See maps attached and RE# 004095-0005 for location purposes.

The Applicant, Jose Morquecho, has requested the closure for private residential improvements or construction and to allow for septic services to residential lots. The applicant has paid the \$2,091.00 closure application fee. 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 \$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"/>	<p>Justification of Emergency: If yes, explanation must include detailed nature of emergency.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Federal or State Mandate?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Fiscal Year Carryover?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Note: If yes, note must include explanation of all-year subfund carryover language.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
CIP Amendment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.</p>
Contract / Agreement Approval?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Attachment &amp; 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?</p> <p>OGC has approved the hold harmless covenant template.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Related RC/BT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Attachment: If yes, attach appropriate RC/BT form(s).</p>
Waiver of Code?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Code Exception?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Related Enacted Ordinances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>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.</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></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? <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
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. <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: 5/15/24

Prepared By: Sandy Bond  
(signature)

Date: 5/15/24

**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 UNOPENED AND UNIMPROVED PORTION OF OGALLA AVENUE RIGHT-OF-WAY, ACCORDING TO AN UNRECORDED MAP OF THE TOWN OF DINSMORE AND DINSMORE PLOTS OF DUVAL COUNTY, FLORIDA IN COUNCIL DISTRICT 8 AT THE REQUEST OF JOSE MORQUECHO; 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 OGALLA AVENUE RIGHT-OF-WAY, ACCORDING TO AN UNRECORDED MAP OF THE TOWN OF DINSMORE AND DINSMORE PLOTS OF DUVAL COUNTY, FLORIDA IN COUNCIL DISTRICT 8 AT THE REQUEST OF JOSE MORQUECHO; 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