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

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#### ORDINANCE 2024-

AN ORDINANCE CLOSING AND ABANDONING AND/OR DISCLAIMING AN OPENED AND IMPROVED PORTION OF THE NORTH ENTRANCE ROAD (ALUMNI WAY) RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 3035, PAGE 41, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, LOCATED IN COUNCIL DISTRICT 3, AТ THE REQUEST OF THE UNIVERSITY OF NORTH FLORIDA BOARD OF TRUSTEES; SUBJECT ТО RESERVATION UNTO JEA OF AN ALL UTILITIES, FACILITIES AND ACCESS EASEMENT OVER THE CLOSURE PROVIDING FOR APPROVAL SUBJECT AREA; ΤO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

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

Closure and Abandonment. An opened and improved 19 Section 1. 20 portion of the North Entrance Road (Alumni Way) right-of-way, as recorded in Official Records Book 3035, Page 41, of the current public 21 records of Duval County, Florida, located in Council District 3, a 22 23 depiction and description of which is attached hereto as Exhibit 1 24 and incorporated herein by this reference, is hereby closed and 25 abandoned and/or disclaimed at the request of the University of North 26 Florida Board of Trustees (the "Applicant") with the approval of the 27 State of Florida Department of Environmental Protection, as agent for 28 and on behalf of, the Board of the Trustees of the Internal 29 Improvement Trust Fund of the State of Florida; provided however, 30 there is reserved unto JEA an all utilities, facilities and access easement on, over, under, through and across the closure area for 31

1 ingress and egress and for all utilities and facilities, so as to 2 provide JEA with continued access to repair and maintain its utilities 3 and facilities in the area.

The Applicant has paid the closure with encroachment application fee of \$2,607.00 and this sum has been deposited into the City's 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.

10 Section 2. Purpose. The Applicant is the lessee under a 11 sublease from the Board of Trustees of the Internal Improvement Trust 12 Fund of the State of Florida, the fee simple owner of the real 13 property on which the closure area is located (R.E. No. 167458-0020), 14 and has requested this closure to connect properties within this 15 parcel together for university educational, athletic and auxiliary 16 uses.

17 Section 3. Hold Harmless Covenant. The closure and 18 abandonment by the City of its interests in the right-of-way is 19 subject to Applicant's execution and delivery to the City of a Hold 20 Harmless Covenant, in substantially the same form attached hereto as Exhibit 2 and incorporated herein by this reference. Accordingly, the 21 22 closure and abandonment of the right-of-way shall not be recorded in 23 the public records until execution and delivery to the City by the 24 Applicant of the required Hold Harmless Covenant.

25 Section 4. Effective Date. This Ordinance shall become 26 effective upon signature by the Mayor or upon becoming effective 27 without the Mayor's signature.

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1	Form Approved:

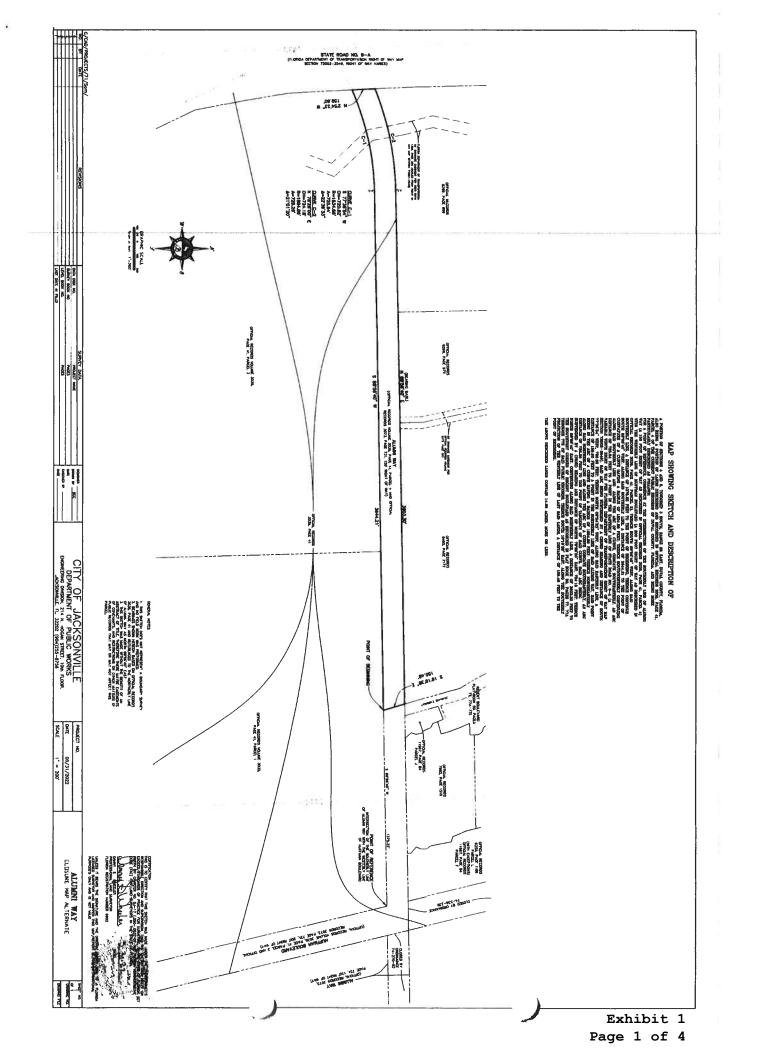
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4 Office of General Counsel

5 Legislation prepared by: Joelle J. Dillard

6 GC-#1615643-v2-Leg\_2024\_-\_North\_Entrance\_Road\_(Alumni\_Way)\_ROW.docx

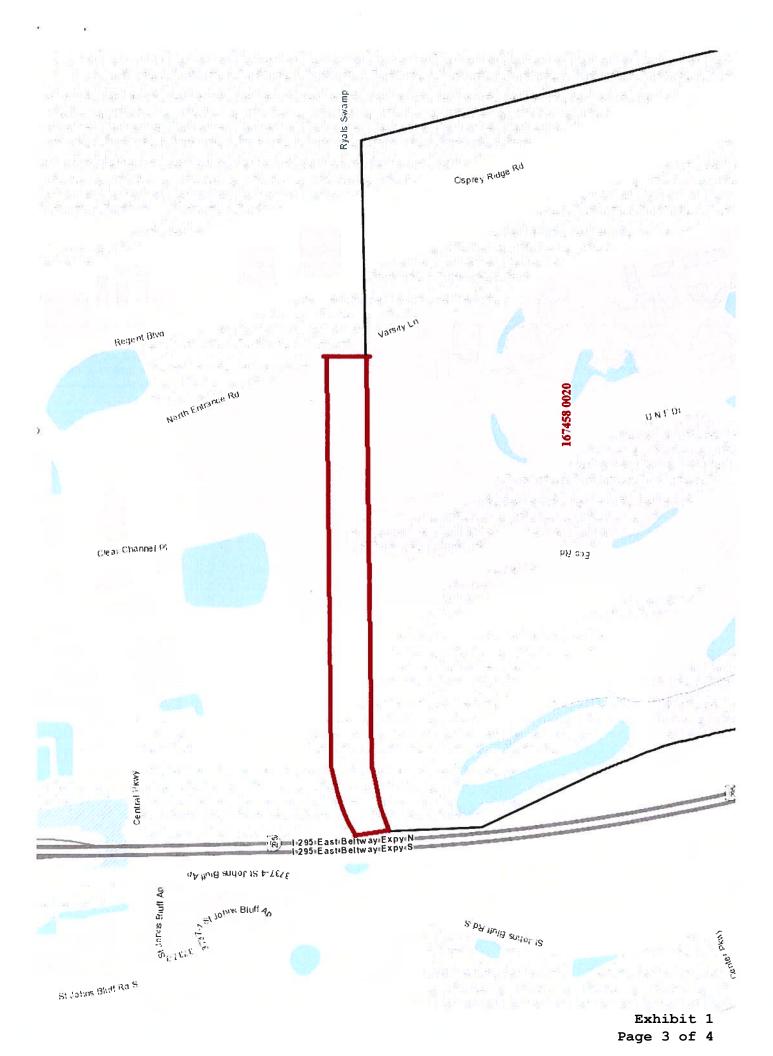


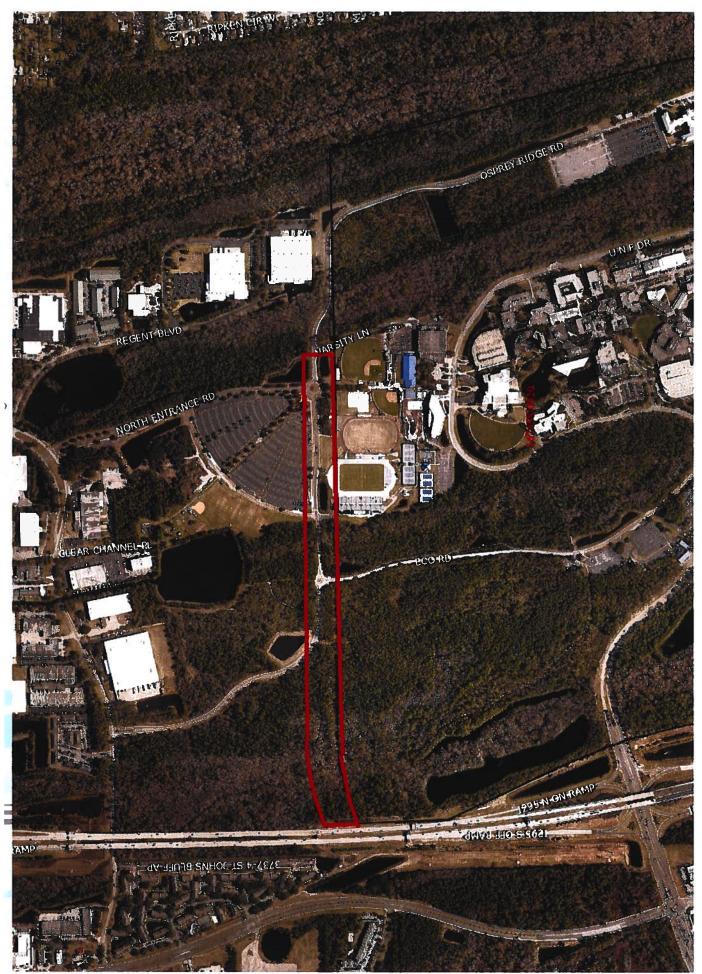
A PORTION OF SECTIONS 4 AND 5, TOWNSHIP 3 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, ALSO BEING A PORTION OF LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 3035, PAGE 41, PARCEL 4 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF ALUMNI WAY (A 150 FOOT RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS 3035, PAGE 41, PARCEL 4) WITH THE WESTERLY LINE OF HUFFMAN BOULEVARD (A 200 FOOT RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS 3035, PAGE 41, PARCEL 3); THENCE SOUTH 88°56'40" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1375.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°56'40" WEST. ALONG SAID SOUTHERLY LINE, A DISTANCE OF 3644.21 TO THE POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 1834.86 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID SOUTHERLY LINE AND ALONG THE ARC OF A CURVE, CONCAVE SOUTHEASTERLY, AN ARC DISTANCE OF 725.64 FEET TO A POINT IN THE EASTERLY LINE OF STATE ROAD NO. 9-A (A VARIABLE WIDTH RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 72002-2549), SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 77°36'54" WEST, 720.92 FEET; THENCE NORTH 02°54'23" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 159.60 FEET TO A POINT IN THE NORTHERLY LINE OF SAID ALUMNI WAY, SAID POINT BEING IN THE ARC OF A CURVE HAVING A RADIUS OF 1984.86 FEET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY LINE AND ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, AN ARC DISTANCE OF 726.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 78°26'00" EAST, 724.18 FEET; THENCE NORTH 88°56'40" EAST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 3603.30 FEET TO THE SOUTHWEST CORNER OF REGENT BOULEVARD AS RECORDED IN PLAT BOOK 50, PAGES 77, 77A THROUGH 77E OF SAID PUBLIC RECORDS; THENCE SOUTH 16°18'38" EAST, ALONG THE SOUTHERLY PROJECTION OF THE WESTERLY LINE OF LAST SAID LANDS, A DISTANCE OF 155.48 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 14.98 ACRES, MORE OR LESS.

APPR ()DESCR WITH MAP CITY ENGINEERICS OFFICE TOPO/SUR LY BRANCH By SCC Date 6/24





## HOLD HARMLESS COVENANT

This Hold Harmless Covenant is hereby granted this \_\_\_\_\_ day of \_\_\_\_\_\_, 202\_\_\_\_, by THE UNIVERSITY OF NORTH FLORIDA BOARD OF TRUSTEES, a public body corporate of the State of Florida, whose address is 1 UNF Drive, Jacksonville, Florida, and THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, a state agency, with delegated authority from, and on behalf of THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND ("Grantors") 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").

THE UNIVERSITY OF NORTH FLORIDA BOARD OF TRUSTEES is the lessee under a Sublease from the Board of Trustees of the Internal Improvement Trust Fund dated October 7, 1971, as amended, the term of which is scheduled to expire on October 6, 2070. The Board of Trustees of the Internal Improvement Trust Fund is the fee simple owner of the real property leased to Grantor that is affected by this closure and/or abandonment. Lessee does not have authority to bind to any obligation The Board of Trustees of the Internal Improvement Trust Fund or the State of Florida.

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# \_\_\_\_\_ in Council District \_\_\_\_\_ and established in the Official Public Records of Duval County, Florida at

If, but only if, and to the full extent permitted in compliance with Florida law, 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. For the full term of Grantor's leasehold interest, 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 the Jacksonville Electric Authority ("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, if, but only if, and to the full extent permitted in compliance with Florida law, 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 if and to the full extent permitted in compliance with Florida law.

Any representation, warranty, or assertion that Grantors have the legal authority to hold harmless, indemnify, or defend City is expressly denied and disclaimed by Grantors based upon the limitations imposed on indemnification by governmental entities by applicable Florida law, as interpreted by the Attorney General of the State of Florida.

> Exhibit 2 Page 1 of 5

By: Name: Scott Bennett
Title: Vice President, The University of North Florida
THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, a state agency, with delegated authority from, and on behalf of THE BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND
By: Name: Title
eans of $\Box$ physical presence or $\Box$ online notarization, this day of
[Signature of Notary Public-State of Florida] [Name of Notary Typed, Printed, or Stamped]

#### STATE OF FLORIDA COUNTY OF LEON

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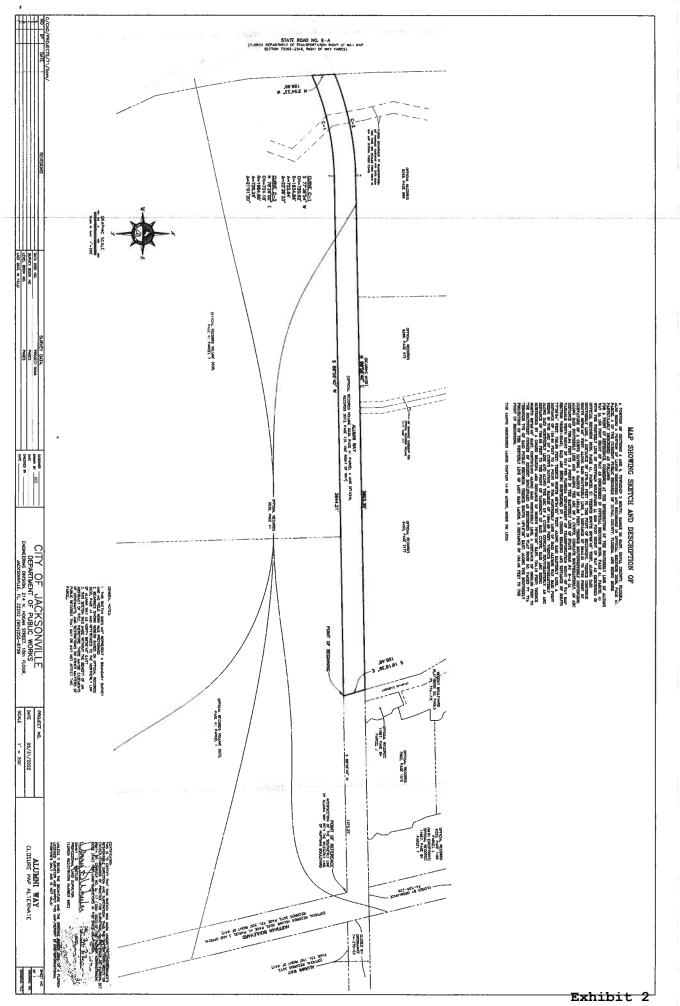
The foregoing instrument was acknowledged before me by means of  $\Box$  physical presence or  $\Box$  online notarization, this \_\_\_\_\_ day of

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 2 Page 3 of 5





A PORTION OF SECTIONS 4 AND 5, TOWNSHIP 3 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, ALSO BEING A PORTION OF LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 3035, PAGE 41, PARCEL 4 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF ALUMNI WAY (A 150 FOOT RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS 3035, PAGE 41, PARCEL 4) WITH THE WESTERLY LINE OF HUFFMAN BOULEVARD (A 200 FOOT RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS 3035, PAGE 41, PARCEL 3); THENCE SOUTH 88°56'40" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1375.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°56'40" WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 3644.21 TO THE POINT OF CURVATURE OF A CURVE HAVING A RADIUS OF 1834.86 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID SOUTHERLY LINE AND ALONG THE ARC OF A CURVE, CONCAVE SOUTHEASTERLY, AN ARC DISTANCE OF 725.64 FEET TO A POINT IN THE EASTERLY LINE OF STATE ROAD NO. 9-A (A VARIABLE WIDTH RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 72002-2549). SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 77°36'54" WEST, 720.92 FEET; THENCE NORTH 02°54'23" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 159.60 FEET TO A POINT IN THE NORTHERLY LINE OF SAID ALUMNI WAY, SAID POINT BEING IN THE ARC OF A CURVE HAVING A RADIUS OF 1984.86 FEET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY LINE AND ALONG THE ARC OF A CURVE CONCAVE SOUTHEASTERLY, AN ARC DISTANCE OF 726.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 78°26'00" EAST, 724.18 FEET; THENCE NORTH 88°56'40" EAST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 3603.30 FEET TO THE SOUTHWEST CORNER OF REGENT BOULEVARD AS RECORDED IN PLAT BOOK 50, PAGES 77, 77A THROUGH 77E OF SAID PUBLIC RECORDS; THENCE SOUTH 16°18'38" EAST, ALONG THE SOUTHERLY PROJECTION OF THE WESTERLY LINE OF LAST SAID LANDS, A DISTANCE OF 155.48 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 14.98 ACRES, MORE OR LESS.

APPE  $\sim 0$ DESCR.r REES WITH MAP CITY ENGINEERS OFFICE TOPO/SUR LY BRANCH 6y SCC Date 6/29

# LEGISLATIVE FACT SHEET

DATE:

02/14/24

BT or RC No:

#### SPONSOR: Public Works/Real Estate in Councilmember Will Lahnen's District 3

(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 North Entrance Road, as recorded in Official Records Book 3035, Page 41, of the Current Public Records of Duval County, Florida. See maps attached and RE# 167458-0020 for location purposes.

The Applicant, University of North Florida with the approval of The Florida Department of Environmental Protection/ The Board of the Trustees of the Internal Improvement Trust Fund (TIITF), has requested the closure to connect its adjacent properties together for university educational, athletic and auxiliary uses. The applicant has paid the \$2,607.00 closure with encroachment 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 JEA.

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:
, , , , , , , , , , , , , , , , ,	То:	Amount:
Name of State Funding Source(s):	From:	Amount:
g	То:	Amount:
Name of City of Jacksonville	From:	Amount:
Funding Source(s):	То:	Amount:
Name of In-Kind Contribution(s):	From:	Amount:

	То:	Amount:
Name & Number of Bond	From:	Amount:
Account(s):	То:	Amount:

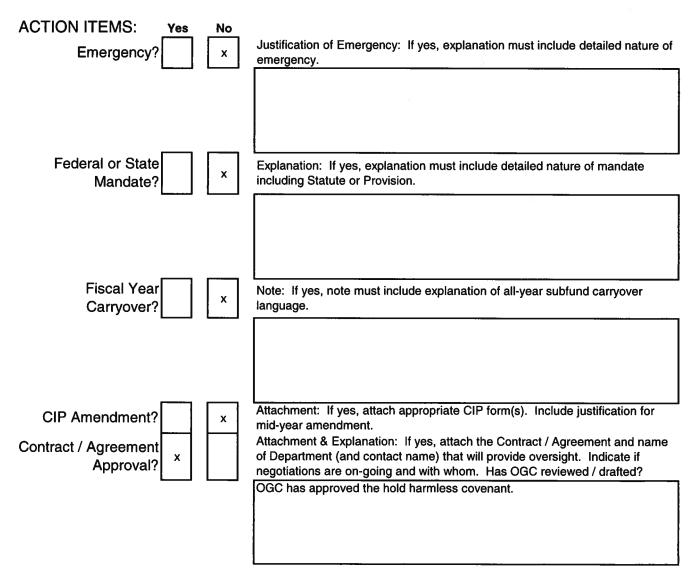
#### PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

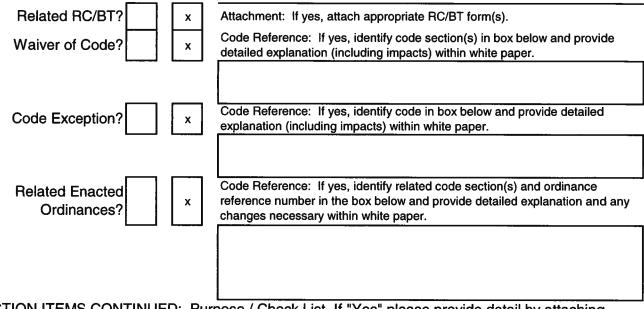
Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

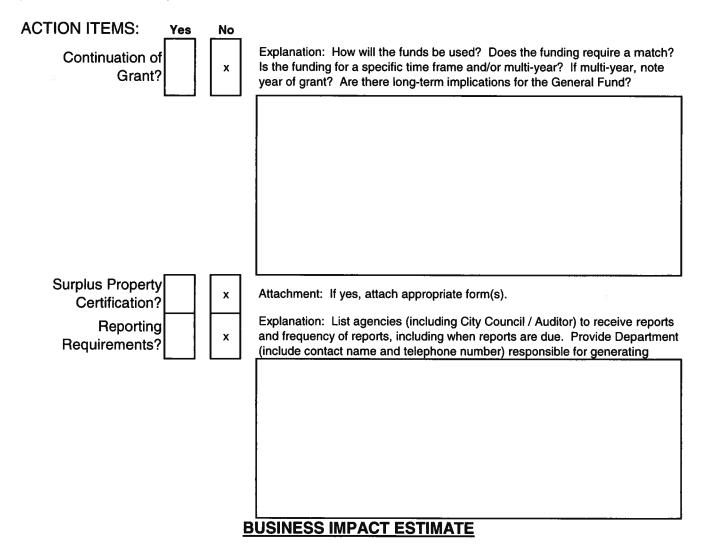
The applicant has paid the \$2,607.00 closure application fee which has been deposited in the General Fund 00111.152001.349070.000000.000000.00000.

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





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



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 x 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: <u>https://www.coj.net/departments/finance/budget/mayor-s-budget-review-committee</u>

Division Chief: Cenert funde	
(signature) Prepared By: Sanda Board	
$\left( \right)$	

Date: 2(|4|24)Date: 2||4|24

### **ADMINISTRATIVE TRANSMITTAL**

То:	MBRC, c/o the Budget Office, St. James Suite 325			
Thru:	Britany Norris, Director of Intergovernmental Affairs, Office of the Mayor			
	Phone: _	255-5000	E-mail:	bnorris@coj.net
From:	Nina Sickler, PE, Director of Public Works			
	•	epartment Representativ	•	
	Phone: _	255-8748	E-mail:	nsickler@coj.net
Primary Contact:	1.01.00.1.0	nter, Chief, Real Estat		
Contact.		epartment Representativ		
	Phone: _	255-8234	E-mail:	reneeh@coj.net
CC:	Britany No	rris, Director of Interge	overnmental Aff	airs, Office of the Mayor
	Phone:	255-5000	E-mail:	bnorris@coj.net
<u>COUN</u>		<u> BER / INDEPENDEI</u>	NT AGENCY /	CONSTITUTIONAL OFFICER TRANSMITTAL
То:	John Sav	vyer, Office of Gene	ral Counsel, S	t. James Suite 480
	Phone: _	904-255-5074	E-mail: js	awyer@coj.net
From:				
	Initiating Co	ouncil Member / Indepen	dent Agency / Co	onstitutional Officer
	Phone:		E-mail:	
Dia				
Primary Contact:				
Contact.	(Name, Job	Title, Department)		
	Phone:	<u> </u>	E-mail:	
CC:	Britany Norris, Director of Intergovernmental Affairs, Office of the Mayor			
-	on trom in g the legis	· •	s requires a re	solution from the independent Agency Board
Independ	dent Agen	cy Action Item: Y	es No	

Independent Agency Action Item: Yes

Boards Action / Resolution?

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

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## 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 NORTH ENTRANCE ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 3035, PAGE 41, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 3, AT THE REQUEST UNIVERSITY OF NORTH FLORIDA WITH CONSENT OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR APPROVAL SUBJECT TO CONDITIONS; PROVIDING AN EFFECTIVE DATE.

Summary of the proposed ordinance: AN ORDINANCE AS REQUIRED UNDER FLORIDA STATUTE 336.09 CLOSING AND ABANDONING AND/OR DISCLAIMING AN OPENED AND IMPROVED PORTION OF PORTION OF NORTH ENTRANCE ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 3035, PAGE 41, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN COUNCIL DISTRICT 3, AT THE REQUEST UNIVERSITY OF NORTH FLORIDA WITH CONSENT OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; 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