

**ORDINANCE NO. 2019-021**

ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING AN AMENDMENT TO THE DECLARATION OF RESTRICTIONS DATED APRIL 10, 2018 AS RECORDED IN OFFICIAL RECORDS BOOK 31070, PAGES 381-391, ON JULY 23, 2018 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA, **BINDING UPON THE PROPERTIES LOCATED AT SE CORNER OF NW 170 STREET AND NW 97 AVENUE, HIALEAH, FLORIDA** AS PROVIDED IN THE ATTACHED AMENDED DECLARATION OF RESTRICTIONS EXHIBIT "1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on December 16, 2016, pursuant to Ordinance No. 2016-91, the City Council and the Mayor of the City of Hialeah approved the rezoning from AU (Agricultural) to RDD (Residential Development District); and

**WHEREAS**, as part of this approval, Two lakes Lennar, LLC, a Florida limited liability company, executed the Declaration of Restrictions dated April 10, 2018 and recorded in Official Records Book 31070, pages 381-391 on July 23, 2018 of the public records of Miami-Dade County Florida (the "Declaration"); and

**WHEREAS**, paragraph 1 of the Declaration needs to be amended as the units identified therein will not be developed.

**WHEREAS**, the Planning and Zoning Board at its meeting of February 13, 2019 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The Declaration as amended as provided in the attached Exhibit "1" is hereby approved.

**Section 3: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This Ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of March, 2019.

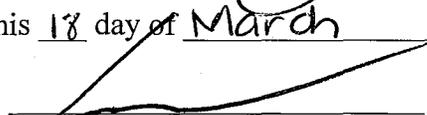
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest.

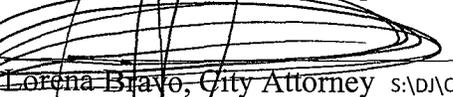
  
Marbelys Fatjo, City Clerk

  
Vivian Casals-Muñoz  
Council President

Approved on this 18 day of March, 2019.

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

S:\DJ\ORDINANCES\Amending Declaration Two Lakes Lennar NW 170 Street and NW 97 Ave.docx