

ORDINANCE NO. 2019-014

ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 12-70 (NOVEMBER 5, 2012), THAT ALLOWED A MEDICAL RESEARCH LABORATORY ON PROPERTY AND REPEALING AND RESCINDING IN ITS ENTIRETY THE DECLARATION OF RESTRICTIONS RECORDED IN OR BOOK 228315 AT PAGE 0166 IN THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, PROPERTY ZONED M-1, (INDUSTRIAL DISTRICT). **PROPERTY LOCATED AT 122 WEST 23 STREET, HIALEAH, FLORIDA;** 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, the Planning and Zoning Board at its meeting of September 12, 2012 recommended approval of an ordinance to site the referenced facility; and

WHEREAS, in conjunction with Hialeah, Florida Ord. 12-70, the developer signed a declaration of restrictions recorded in OR Book 228315 at Page 0166 of the Public Records of Miami-Dade County, Florida.

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

Section 1: Hialeah, Fla. Ordinance 12-70 (November 5, 2012) is hereby repealed and rescinded in its entirety.

Section 2: The declaration of restrictions recorded in OR Book 228315 at Page 0166 is hereby repealed and rescinded in its entirety, and released of record.

Section 3: Property located at 122 West 23 Street, Hialeah Florida, and legally described as follows:

LOTS 9 AND 10, BLOCK 150, OF TWELFTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK, 8, PAGE 127 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 6: 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 7: 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.

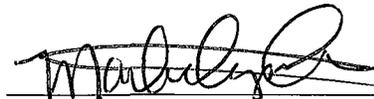
PASSED and ADOPTED this 12 day of March, 2019.

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



Vivian Casals-Munoz
Council President

Attest: Approved on this 18 day of March, 2019.

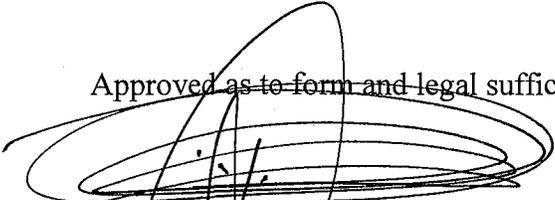


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez, Caragol and Cue-Fuente voting "Yes".

2/19/2019 11:37 AM



CFN 2012R0735903
Of Bk 28315 Pgs 0166 - 1677 (2pgs)
RECORDED 10/16/2012 13:27:23
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by and return to:
City of Hialeah
Planning Division
501 Palm Avenue, Second Floor
Hialeah, FL 33010

DECLARATION OF RESTRICTIVE COVENANTS

We, Antonio Perez and Nilda Perez, joint and severally,

being the owners of lands more particularly described as

Lots 9 and 10, in Block 150, of Twelfth Addition to Hialeah, according to the Plat thereof, as recorded in Plat Book 8, at Page 127, of the Public Records of Miami-Dade County

having a folio number of 04-3107-006-0660 and a street address of 122 West 23 Street, Hialeah, Florida,

make the following Declaration of Restrictive Covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida.

In connection with the operation of a medical research laboratory thereon, the undersigned covenant, represent and agree as follows:

1. There shall be a maximum of 10 persons working at the laboratory at any one time, including doctors, nurses, technicians, and other supporting medical staff, executive, managerial or administrative employees and any other employee or independent contractor irrespective of his/her duties.
2. All patients must be transported to and from the facility by a shuttle bus. All available parking spaces will be reserved for the use of the staff, employees, or agents of the laboratory. Any patients or prospective test participants driving to the facility will be allowed to park on site so long as there are spaces available and parking on site will not be an impediment to the free flow of traffic in to or out of the facility, will not impede emergency vehicle access to the facility, will not create parking or traffic congestion on site or spillover offsite and will not disrupt the free flow of traffic off site.
3. No patients or prospective test participants will be allowed to congregate outside the building for any purpose related to the operation of the medical research laboratory including attending appointments or responding to calls for evaluation, analysis, or participation in medical research testing.
4. There shall be a maximum of 40 patient beds available for overnight stays.
5. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, their

*Ord.
12-70*

heirs, successors and assigns until such time as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same is also approved by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.

- 6. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

IN WITNESS WHEREOF, We have hereunto set our hands and seals at Miami-Dade County, Florida, this 28 day of September, 2012.

[Signature]
Witness
Typed/Printed Name: TIGEO P. MARTINEZ

[Signature]
Antonio Perez

[Signature]
Witness
Typed/Printed Name: SANTA MARTIN

[Signature]
Nilda Perez

The foregoing instrument was acknowledged before me on this 28th day of September, 2012 by Antonio Perez and Nilda Perez. They are personally known to me or have produced the following KNOWN TO ME as identification and did (did not) take an oath and attest to the truth and accuracy of the representations contained herein.

This document was prepared by the City of Hialeah, Florida.

[Signature]
Notary Public
Typed/Printed Name: ADDYS STEWART

Commission No.:

