

ORDINANCE NO. 2019-045

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA VACATING THE RIGHT-OF-WAY LOCATED ON EAST 28TH STREET, EAST OF 11 AVENUE, AND WEST OF THE RAILROAD TRACKS. **PROPERTY LOCATED ADJACENT TO 2801 EAST 11 AVENUE ON THE NORTH AND 2675 EAST 11 AVENUE ON THE SOUTH, HIALEAH, FLORIDA**, AND MORE PARTICULARLY DESCRIBED IN THE LOCATION SKETCH ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A"; 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 May 15, 2019 recommends approval of this Ordinance, and

WHEREAS, the right-of-way illustrated on the location sketch attached hereto as Exhibit "A" is hereby vacated as it no longer serves a public purpose; and

WHEREAS, any easements for utilities shall remain reserved within the right-of-way.

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

Section 1: The City of Hialeah, Florida hereby vacates the right-of-way located east of 28 Street, east of 11 Avenue, and west of the railroad tracks as more particularly described in the location sketch attached hereto and made a part hereof as "Exhibit A". Property located adjacent to 2801 East 11 Avenue on the north and 2675 East 11 Avenue on the south, Hialeah, Florida, and legally described as follows:

A portion of Right-Of-Way of E. 28th Street contiguous to Block 84-B and Block 85-B, of AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH according to the Plat thereof, as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1, of said Block 85-B; THENCE North 02°12'48" West, along the Northerly projection of the West Line of Lot 1 of said Block 85-B, for a distance of 60.00 feet to the Southwest corner of Lot 30 of said Block 84-B; THENCE North 87°42'58" East, along the South line of Lots 29 and 30 of said Block 84-B, for a distance of 85.21 feet to the Southeast corner of Lot 29 of said Block 84-B; THENCE South 02°05'59" East along the Southerly projection of the East line of Lot 29 of said Block 84-B, for a distance of 60.00 feet to the Northeast corner of Lot 2 of said Block 85-B; THENCE South 87°42'58" West, along the North line of Lots 1 and 2 of said Block 85-B, for a distance of 85.09 feet to the POINT OF BEGINNING.

Section 2: The City hereby reserves unto itself perpetual and exclusive access to maintain, repair and replace utilities or install utilities as may be necessary, and any easements for utilities shall remain reserved within the right-of-way.

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 convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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.

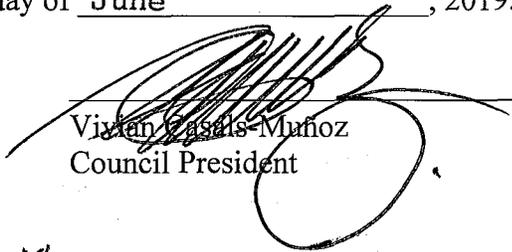
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

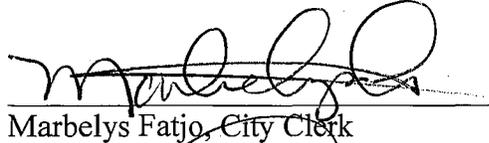
PASSED AND ADOPTED this 11 day of June, 2019.

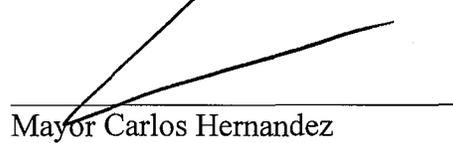
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vixian Casals-Munoz
Council President

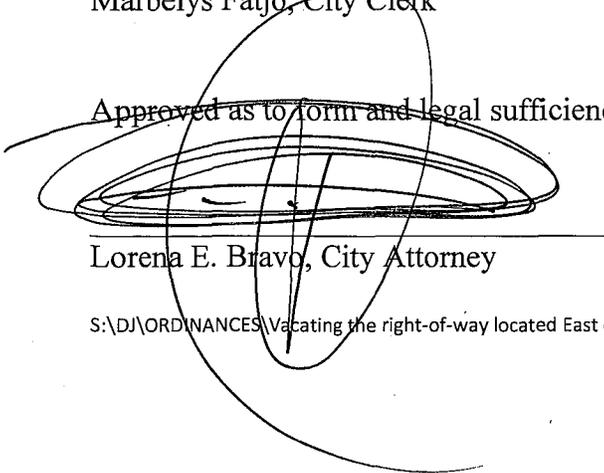
Attest:

Approved on this 11 day of June, 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 4-0-3 vote with Councilmembers, Zogby, Casals-Munoz, Garcia-Martinez, and Hernandez, voting "Yes" and with Councilmembers Caragol, Cue-Fuente, Lozano absent.

S:\DJ\ORDINANCES\Vacating the right-of-way located East of 28 Street, East of 11 Avenue, and west of the railroad tracks..docx

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

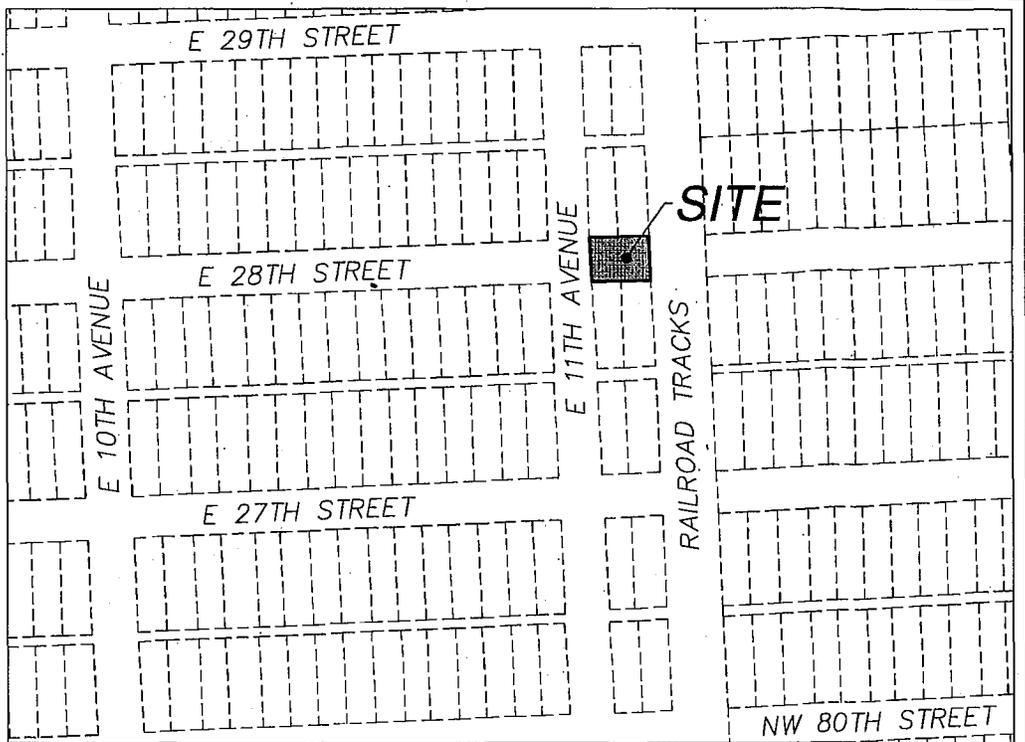
(E. 28th Street R/W)

EXHIBIT A



SYMBOLS AND ABBREVIATIONS:

- BEC = BISCAYNE ENGINEERING COMPANY
- COR = CORNER
- CLF = CHAIN LINK FENCE
- C&G = CURB AND GUTTER
- L = LENGTH
- NE = NORTHEAST
- NW = NORTHWEST
- SE = SOUTHEAST
- SW = SOUTHWEST
- S.F. = SQUARE FEET
- (P) = PER PLAT
- P.B. = PLAT BOOK
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- R = RADIUS
- R/W = RIGHT-OF-WAY
- RNG. = RANGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- Δ = DEFLECTION ANGLE
- ⊕ = CENTER LINE



**LOCATION SKETCH
CITY OF HIALEAH,
MIAMI-DADE COUNTY, FL.
NOT TO SCALE**

SURVEYOR'S NOTES:

- This is not a Survey.
- This Site lies in Section 8, Township 53 South, Range 41 East, City of Hialeah, Miami-Dade County Florida.
- Bearings shown hereon are referenced to the Center line of the E. 28th Street, having an assumed bearing of N87°42'58"E.
- Platted easements (if any) are not shown.
- Bearings and distances are calculated unless noted.
- This Sketch and Legal Description is valid only when all sheets are combined, forming the complete document.
- This Sketch to Accompany Legal Description is in compliance with the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors and Mappers, Referenced in Rule 5J-17 Florida Administrative code pursuant to Section 472.027, Florida Statutes.
- Reference: Boundary Survey by Biscayne Engineering Company, Drawing No DC-5978, Dated: 12/04/18.

SURVEYOR'S CERTIFICATE:

Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper.

THIS IS NOT A SURVEY

Biscayne Engineering Company, Inc.
529 West Flagler Street, Miami, FL 33130
Tel. (305) 324-7671 Fax (305) 324-0809
State of Florida Department of Agriculture
LB-0000129

Date: 05-14-2019

X Negrin, PSM, Professional Surveyor and Mapper No. 6987
State of Florida

REVISIONS:
05/14/19 - GENERAL REVISIONS

BEC REF. B.E.C. DRAWING DC-5978, ORDER NO. 03-86353

- Document is not complete without all 3 pages.

DRAWING: **2299-SS-01-R1**

CLIENT NAME: **MBM DEVELOPMENT GROUP, CORP.**

DATE: **12-19-2018**

BEC ORDER # **03-86353**

DRAWN BY **X.N.**

SHEET **1 OF 3**

BISCAYNE ENGINEERING COMPANY, INC.
529 WEST FLAGLER ST, MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(E. 28th Street R/W)

EXHIBIT A

LEGAL DESCRIPTION:

A portion of Right-Of-Way of E. 28th Street contiguous to Block 84-B and Block 85-B, of AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH according to the plat thereof as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

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DATE: **12-19-2018** BEC ORDER # **03-86353** DRAWN BY **X.N.** SHEET **2 OF 3**



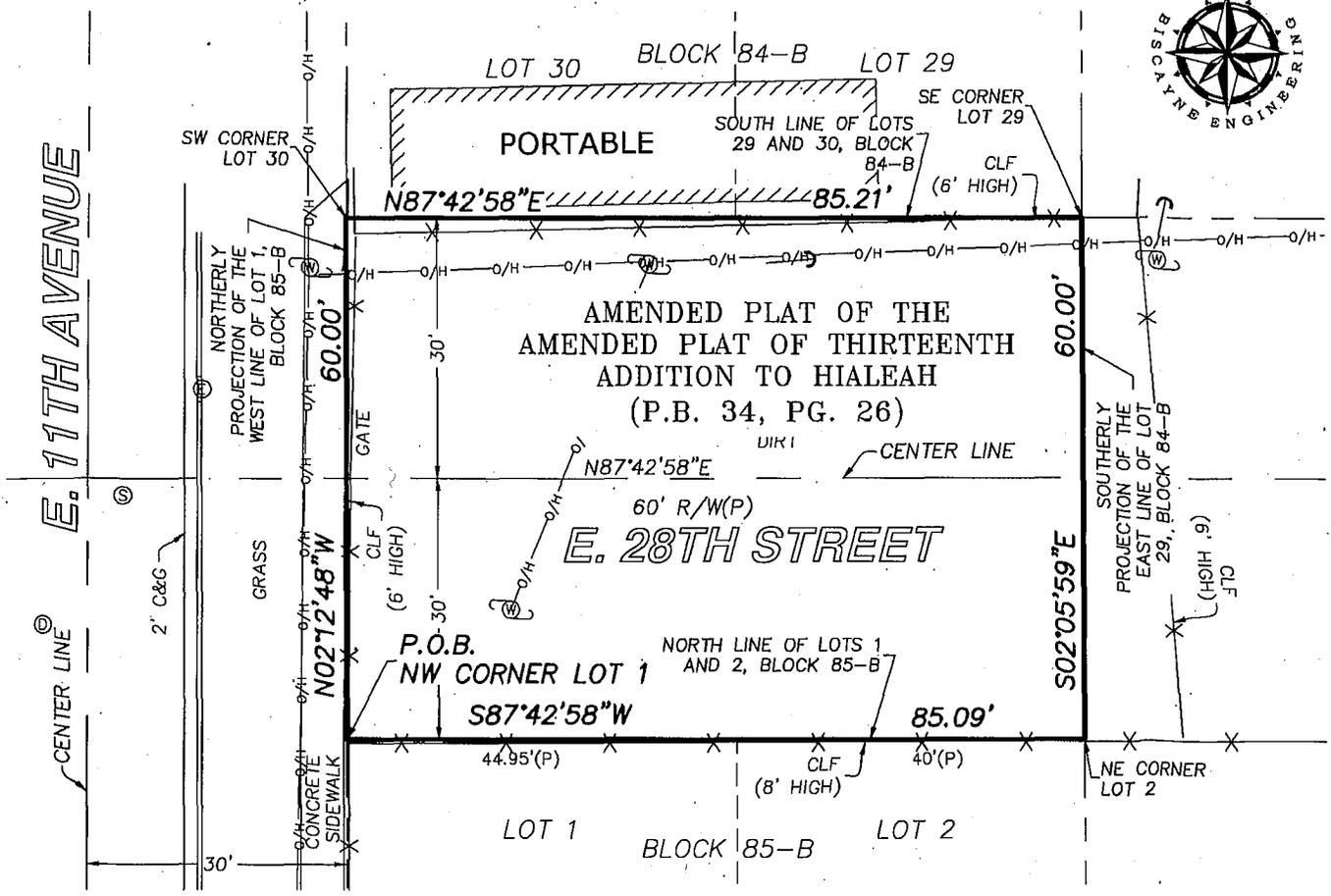
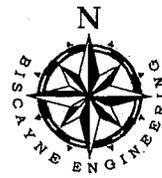
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SKETCH TO ACCOMPANY LEGAL DESCRIPTION

(E. 28th Street R/W)

EXHIBIT A

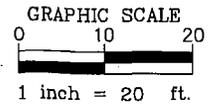


LINE TYPES

- BOUNDARY LINE
- R/W LINE
- CENTER LINE
- OVERHEAD WIRES
- CHAIN LINK FENCE
- BUILDING LIMITS

LEGEND

- WOOD POWER POLE
- GUY WIRE
- SANITARY MANHOLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE



REVISIONS:
05/14/19 - GENERAL REVISIONS

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DATE: **12-19-2018** BEC ORDER # **03-86353** DRAWN BY: **X.N.** SHEET **3 OF 3**

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