

ORDINANCE NO 2019-092

ORDINANCE REPEALING AND RESCINDING THE DECLARATION OF RESTRICTIVE COVENANTS RECORDED ON AUGUST 31, 2011 IN THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA IN OR BOOK 27811, PAGES 0023-26, PROVIDING ACCESS FOR EMERGENCY VEHICLES FOR A DAY CARE FACILITY THAT WAS DEMOLISHED AND HAS BEEN REPLACED BY A NAVARRO DISCOUNT PHARMACY CONSTRUCTED ON THE SITE. **PROPERTY LOCATED AT 2401 EAST 8 AVENUE, 801 EAST 24 STREET AND 802 EAST 25 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, a day care was located at 2401 East 8 Avenue, 801 East 24 Street And 802 East 25 Street, Hialeah, Florida, for which a Declaration of Restrictions was recorded on August 31, 2011 in the Public Records of Miami Dade County, Florida in OR Book 27811, Pages 0023-26; and

WHEREAS, the day care has since been demolished and a Navarro Pharmacy constructed on the site.

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

Section 1: The Declaration of Restrictive Covenants associated with the Day Care recorded in the Public Records of Miami Dade County, Florida on August 31, 2011 in OR Book 27811, Pages 0023-26 is hereby repealed and rescinded in its entirety. Property located at 2401 East 8 Avenue, 801 East 24 Street and 802 East 25 Street and legally described as follows in attached Exhibit "A".

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: 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 abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: 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 5: 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 22 day of October, 2019.

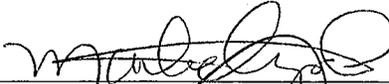
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Vivian Casals-Munoz
Council President

Attest:

Approved on this 29 day of October, 2019.



Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\repeat and rescind ordinance and DOR Navarro formerly Day Care.docx

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Ordinance was adopted by a 6-0-1 vote with Councilmembers, Caragol, Zogby, Hernandez, Casals-Munoz, Garcia-Martinez and Cue-Fuente voting "Yes" and with Councilmember Lozano absent.