

ORDINANCE NO. 2019-111

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA VACATING AND ABANDONING FOR PUBLIC USE THE 12 FOOT ALLEY EXTENDING APPROXIMATELY 140 FEET EAST OF AN EXISTING CLOSED ALLEY CLOSED BY ORDINANCE 2018-003, RUNNING NORTH OF THE **PROPERTIES LOCATED AT 853 EAST 24 STREET AND 859 EAST 24 STREET AND RUNNING SOUTH OF THE PROPERTIES LOCATED AT 840 EAST 25 STREET, 860 EAST 25TH STREET AND 879 EAST 25 STREET;** 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 October 23, 2019 recommended approval of this ordinance.

WHEREAS, the alley to be vacated, more particularly described and illustrated on the surveyor's legal description and location sketch attached hereto as Exhibit "A", no longer serves a public purpose; and

WHEREAS, there are utilities presently located within the portion of the right-of-way proposed to be vacated and abandoned; the City hereby reserves a perpetual and exclusive easement to allow access to maintain, repair and replace utilities or install utilities as may be necessary.

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 and abandons the alley dedicated for public use of the 12 foot alley extending approximately 140 feet east of an existing

closed alley closed by ordinance 2018-003, running north of the properties located at 853 East 24 Street and 859 East 24 street and running south of the properties located at 840 East 25 street, 860 East 25th Street and 879 East 25 street; properties located at 480 East 25 Street, 860 East 25 Street and 879 East 25 Street, Hialeah, Florida, and more particularly described in the legal description and location sketch attached hereto and made a part hereof as Exhibit "A".

Section 2: Easement Reserved.

The City hereby reserves a perpetual and exclusive easement to allow access to maintain, repair and replace utilities or install utilities as may be necessary.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 26 day of November, 2019.

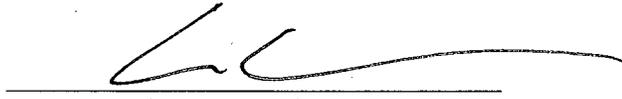
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL HEADING.


Katharine Cue-Fuente
Council President Pro Tem

Attest:

Approved on this 5 day of December, 2019


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

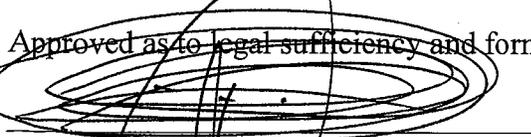
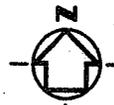

Lorena E. Bravo, City Attorney

EXHIBIT "A"

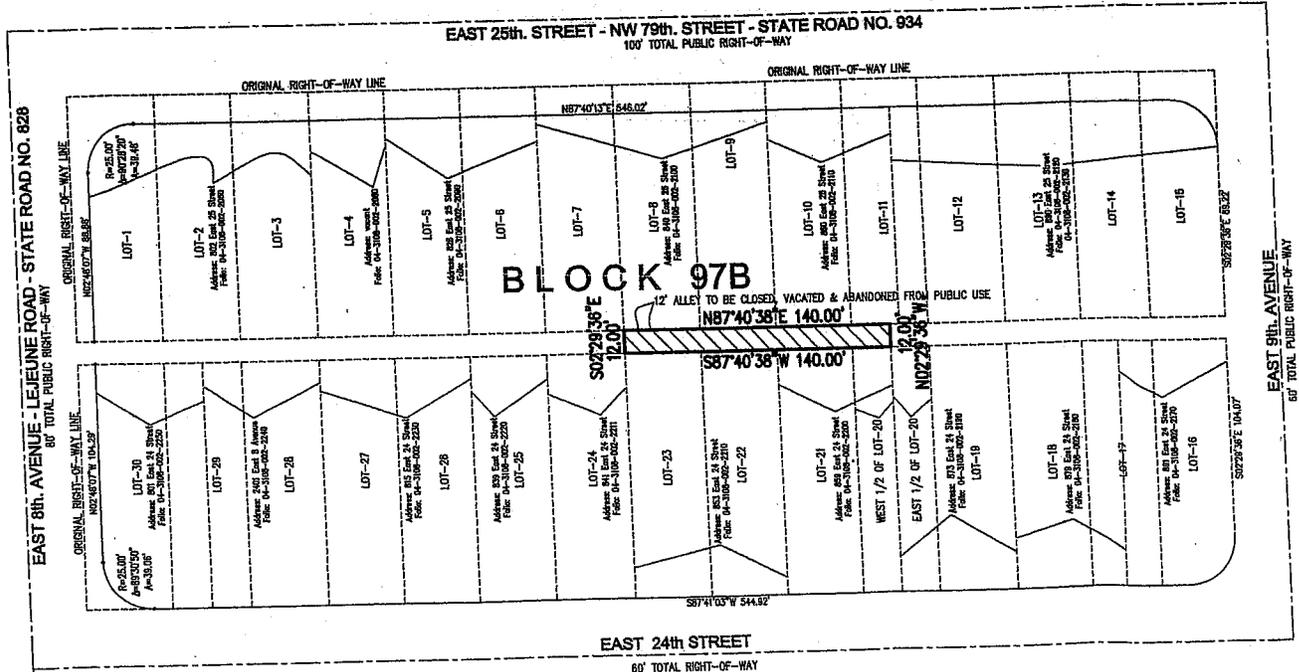
SKETCH AND LEGAL DESCRIPTION
FOR ALLEY CLOSURE

INSTRUMENT PREPARED BY:
ROYAL POINT
 LAND SURVEYORS, INC.
 LB# 7282
 PHONE: 305-822-5662 • FAX: 305-827-5669
 675 NW 153rd STREET SUITE 321
 MIAMI LAKE, FL 33074
 JOB NUMBER: RP18-0183



SCALE: 1" = 60'

LEGEND
 --- Centerline
 [Hatched Box] = AREA OF ALLEY CLOSURE



18 VERMONT EAST 21 STREET, SECTION AND TOWNSHIP 18, 2018