

ORDINANCE NO 2020-023

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REPEALING, RESCINDING AND VACATING THE INGRESS/EGRESS EASEMENT RECORDED ON AUGUST 12, 2011 IN THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, IN OR BOOK 27790, PAGES 4983-4984, PROVIDING AN EASEMENT FOR INGRESS/EGRESS FOR EMERGENCY VEHICLES FOR A DAY CARE FACILITY THAT WAS DEMOLISHED AND HAS BEEN REPLACED BY A NAVARRO DISCOUNT PHARMACY CONSTRUCTED ON THE SITE.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, THE LOCATION OF THE DEMOLISHED DAYCARE AND 802 EAST 25 STREET, THE LOCATION OF THE DEMOLISHED LATIN CAFÉ RESTAURANT, 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 a Latin Café Restaurant was located at 802 East 25 Street, Hialeah, Florida, and collectively shared ingress/egress with 802 E 25 Street for emergency vehicles, for which the Ingress/Egress Easement was recorded on August 12, 2011 in the Public Records of Miami Dade county, Florida in OR Book 27790, Pages 4983-4984, Miami-Dade County, Florida Public Records; and

WHEREAS, the Day Care and Latin Café Restaurant have since been demolished and a Navarro Pharmacy constructed on the site.

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

Section 1: The Ingress/Egress Easement associated with the demolished Day Care located at 2401 East 8 Avenue, 801 East 24 Street and the demolished Latin Café Restaurant that was located at 802 East 25 Street, Hialeah, Florida, which collectively shared ingress/egress with 802 E 25 Street for emergency vehicles, for which the Ingress/Egress Easement was recorded in Public Records of Miami Dade County, Florida on August 12, 2011 in OR Book 27790, Pages 4983-4984, attached as Exhibit "B", is hereby repealed, rescinded and vacated in its entirety. Property located at 2401 East 8 Avenue, 801 East 24 Street and 802 East 25 Street and legally described 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 14 day of July, 2020.

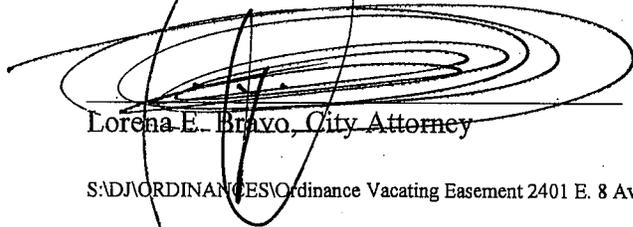

Paul B. Hernandez
Council President

Attest: Approved on this 21 day of July, 2020.


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, Cue-Fuente, De la Rosa, Hernandez, Garcia-Roves, Perez, Tundidor and Zogby, voting "Yes."

Exhibit A

Lots 28, 29 and 30, in Block 97-B, of AMENDED PLAT OF THE AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, Florida, LESS AND EXCEPT the West 10.00 feet of said Lot 30 and LESS AND EXCEPT the area bounded by the South line of said Lot 30 and bounded by a line that is 10.00 feet east of and parallel to the West line of said Lot 30, and bounded by a 25 foot radius are concave to the northeast, said arc being tangent to both the last described items.

Being the property conveyed by Miami Latin Grill Inc., a Florida corporation, to 4th Avenue Developer, LLC, a Florida limited liability company, pursuant to Warranty Deed dated January 16, 2018, recorded January 23, 2018 in OR Book 30383, Page 1251, Miami-Dade County, Florida, Public Records.

Prepare by CARLOS E. ALFARO
91 W 43 ST
Hialeah, FL 33012

CFN 2011R0541132
OR Bk 27790 Pgs 4983 - 4984 (2pgs)
RECORDED 08/12/2011 14:59:10
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

EXHIBIT "B"
INGRESS/EGRESS AGREEMENT

Know all men by these presents, that MIAMI LATIN GRILL WHOSE ADDRESSES ARE 2401 East 8th Avenue Hialeah, FL 33013 and 802 East 25th Street Hialeah, FL 33013 ("Grantor"), for and in consideration of One(\$1.00) Dollar, receipt and sufficiency is hereby acknowledged, hereby grants and conveys to the City of Hialeah Fire Department and Police Department an easement for the purpose of ingress and egress by emergency service providers in, over, upon and through the following described premises situated in 2401 East 8th Avenue Hialeah, FL 33013 "Hialeah Harvest Learning Center", to wit:

(See attached Exhibit A)

Grantor reserves for the benefit of the City and any emergency service agency the use of the above mentioned easement and/or easements. Said easement and /or easements shall be for the purposes of ingress and egress to provide, without limitation, fire and police protection, ambulances and rescue services and other lawful governmental or governmental authorized private emergency services to the premises, owners, occupants and invites thereof.

This instrument shall be binding and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns.

Dated this 12th day of August, 2011.

Signed by:

Owner: MIAMI LATIN GRILL

Printed Name: Manuel Costa

Signature: [Handwritten Signature]



STATE OF FLORIDA

COUNTY OF DADE

The foregoing instrument was acknowledged before me this 12 day of Aug., 20 11, by Manuel Costa on behalf of Miami Latin Grill

Notary Public [Handwritten Signature]

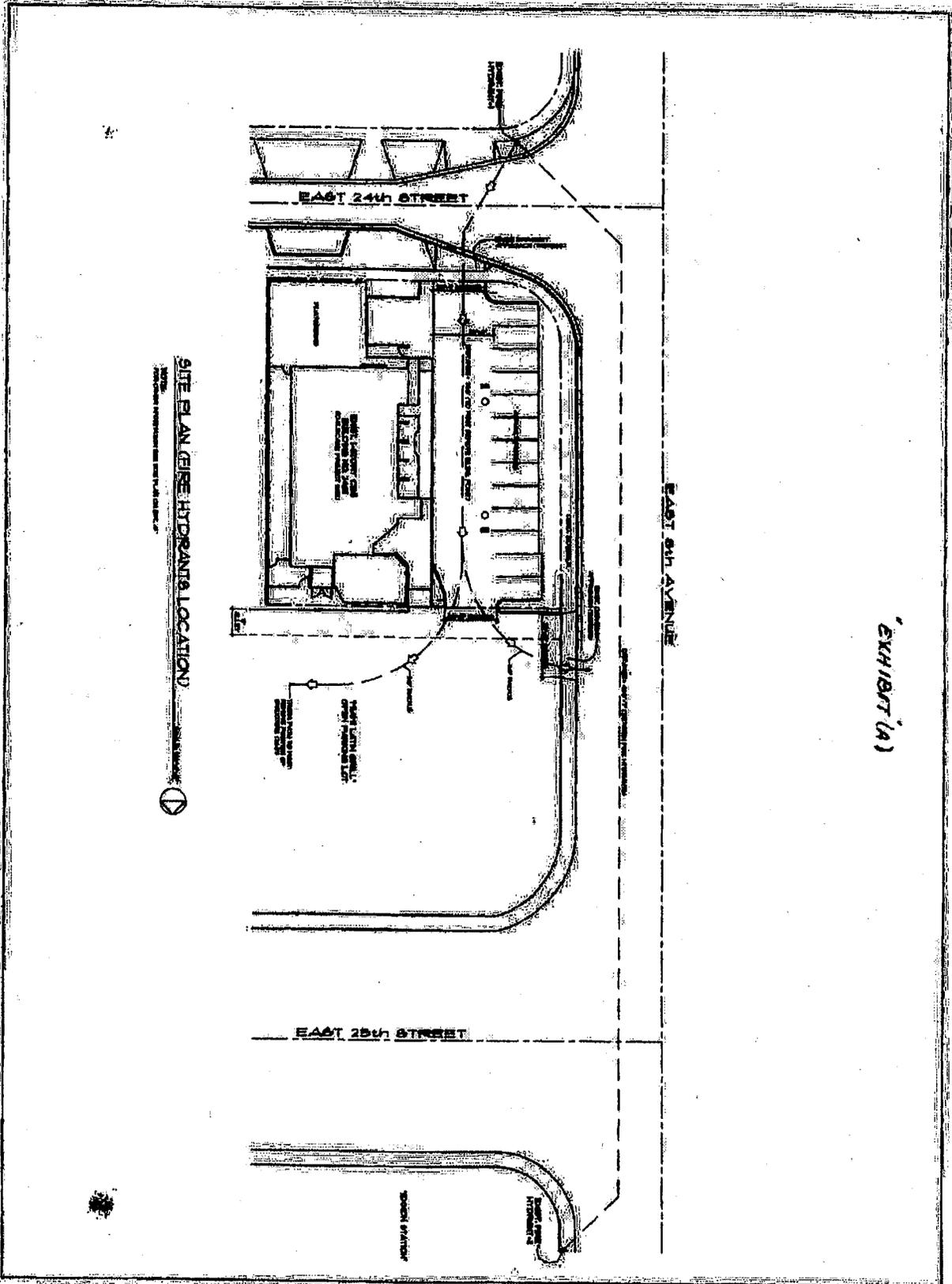


EXHIBIT (A)

Hialeah Harvest Learning Center 2401 E. 9th Avenue, Hialeah, FL 33013 Plot #		SHEET NO. 1 TOTAL SHEETS 1	DATE 11/11/2019	DRAWN BY robertloadvrje	CHECKED BY	APPROVED BY	TITLE
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