

**RESOLUTION NO. 2021-116**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA EXPRESSING ITS INTENT TO APPROVE AND ADOPT A TEXT AMENDMENT TO THE CITY OF HIALEAH 2015-2025 COMPREHENSIVE PLAN TO INCORPORATE A NEW ELEMENT, THE PROPERTY RIGHTS ELEMENT; OBJECTIVE 1.1., POLICY 1.1.1 THROUGH 1.1.4; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Hialeah hereby initiates this request for a text amendment to the City of Hialeah 2015-2025 Comprehensive Plan to incorporate a new element, the Property Rights Element, that was recommended for approval by the Planning and Zoning Board, sitting as the local land planning agency at a public meeting on August 11, 2021; and

**WHEREAS**, the City intends to adopt and implement the text amendment; and

**WHEREAS**, the proposed text amendment is hereby approved for transmittal by the City Council, and shall be subject to comments through the expedited state review process by the Florida Department of Economic Opportunity or as otherwise provided in section 163.3184, Florida Statutes.

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

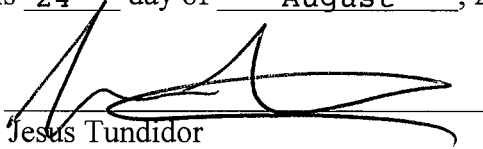
**Section 1:** The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** It is the intent of the City Council that the City of Hialeah 2015-2025 Comprehensive Plan be amended to incorporate a new element, the Property Rights Element and after appropriate comment and public hearing, the Comprehensive Plan shall be amended as per

attached Exhibit "A", which is made a part hereof for all purposes, shall be on the file in the Office of the City Clerk.

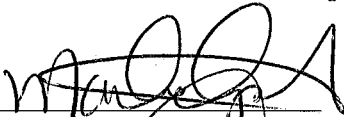
**Section 3: Effective Date.** This Resolution shall become effective until 31 days after approval of the Florida Department of Economic Opportunity, the state planning agency, pursuant to Chapter 163, Part II, Florida Statutes, or as otherwise provided in section 163.3184, Florida Statutes.

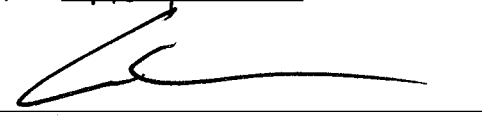
PASSED AND ADOPTED this 24 day of August, 2021.

  
Jesus Tundidor  
Council President

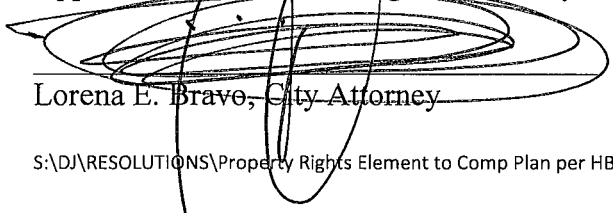
Attest:

Approved on this 30 day of August, 2021.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Resolution was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Hernandez absent.

## EXHIBIT "A"

### CITY OF HIALEAH COMPREHENSIVE PLAN PROPERTY RIGHTS ELEMENT

In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making. Accordingly, the City of Hialeah is hereby proposing to adopt a Property Rights Element into its Comprehensive Plan.

**GOAL:** Ensure that the City of Hialeah, in its local decision making, respects judicially acknowledged and constitutionally protected private property rights.

**Objective 1.1 Property Rights.** Adopt a statement of rights as provided in House Bill 59, approved on June 29, 2021.

**Policy 1.1.1:** The City of Hialeah, in its local decision making shall consider the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

**Policy 1.1.2:** The City of Hialeah, in its local decision making shall consider the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

**Policy 1.1.3:** The City of Hialeah, in its local decision making shall consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

**Policy 1.1.4:** The City of Hialeah, in its local decision making shall consider the right of a property owner to dispose of his or her property through sale or gift.