

**ORDINANCE NO. 2018-021**

ORDINANCE APPROVING A FINAL PLAT OF AQUABELLA SECTION TWO; ACCEPTING ALL DEDICATIONS OF AVENUES OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; 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. **PROPERTY BOUNDED AND DIRECTLY ADJACENT THERETO, ON THE NORTH BY A NOT SUBDIVIDED PORTION OF THE N.W. ¼ OF SECTION 16-52S-40 E. AND THE SOUTH LINE OF THE N.W. ¼ OF SECTION 16-52S-40 AND; ON THE SOUTH BY WEST 104<sup>TH</sup> STREET, WEST 35<sup>TH</sup> LANE, WEST 34<sup>TH</sup> TERRACE AND WEST 104<sup>TH</sup> TERRACE, ON THE EAST BY STATE ROAD #93/1-75 EXTENSION, AND ON THE WEST BY WEST 36<sup>TH</sup> AVENUE (A.K.A N.W. 97<sup>TH</sup> STREET), HIALEAH, FLORIDA.**

**WHEREAS**, the Planning and Zoning Board at its meeting of January 24, 2018 recommended approval of this ordinance.

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

**Section 1:** The final plat of AQUABELLA SECTION TWO, submitted by Two Lakes Lennar LLC, a Delaware limited liability company, is hereby accepted. **Property bounded and directly adjacent thereto, on the North by a not subdivided portion of the N.W. ¼ of Section 16-52S-40 E. and the South line of the N.W. ¼ of Section 16-52S-40 and; on the South by West 104<sup>th</sup> Street, West 35<sup>th</sup> Lane, West 34<sup>th</sup> Terrace and West 104<sup>th</sup> Terrace, on the East by State Road #93/1-75 extension, and on the West by West 36<sup>th</sup> Avenue (a.k.a**

N.W. 97<sup>th</sup> Street), Hialeah, Florida, zoned Residential Development District (RDD) and classified under the Future Land Use Map as low-medium density residential, and legally described in the attached Exhibit "A".

**Section 2:** All dedication of avenues or other public ways together with all existing and future plantings of trees and shrubbery are hereby accepted.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

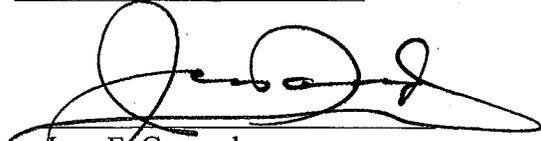
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah 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 27 day of February, 2018.

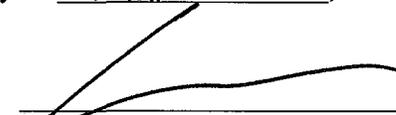
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 168.041  
PRIOR TO FINAL READING.

  
Jose F. Caragol  
Council Vice-President

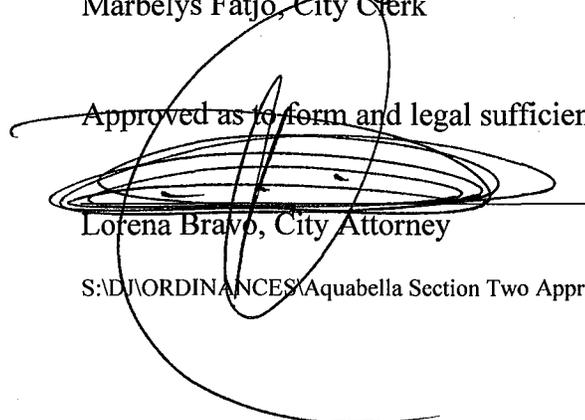
Attest:

Approved on this 5 day of March, 2018.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Zogby, Lozano, Cue-Fuente, and Hernandez voting "Yes" and Casáls-Munoz and Garcia-Martinez being absent.

**EXHIBIT "A"**

A PORTION OF THE WEST 1/2 OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE N89°34'43"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16 FOR A DISTANCE OF 970.16 FEET; THENCE N00°25'17"W FOR A DISTANCE OF 90.46 FEET; THENCE N02°37'29"W FOR A DISTANCE OF 49.58 FEET TO A POINT ON A LINE 140.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16; THENCE N89°34'43"E, ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1194.36 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 93 (I-75) AS SHOWN ON THE F.D.O.T. RIGHT-OF-WAY MAP SECTION 87075-2401, SHEET 1 THRU 9; THENCE N02°38'26"W, ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1437.76 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE S87°21'47"W FOR A DISTANCE OF 114.07 FEET; THENCE N02°38'13"W FOR A DISTANCE OF 50.06 FEET; THENCE S87°21'47"W FOR A DISTANCE OF 136.41 FEET; THENCE N01°33'55"W FOR A DISTANCE OF 1.50 FEET; THENCE S89°30'28"W FOR A DISTANCE OF 159.97 FEET; THENCE S00°29'32"E FOR A DISTANCE OF 3.15 FEET; THENCE S89°30'28"W FOR A DISTANCE OF 146.66 FEET; THENCE N00°29'32"W FOR A DISTANCE OF 2.30 FEET; THENCE S89°30'28"W FOR A DISTANCE OF 508.61 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE NORTHWEST, A RADIAL LINE FROM SAID POINT BEARS N89°43'42"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 89°14'10", FOR AN ARC DISTANCE OF 23.36 FEET TO A POINT OF TANGENCY; THENCE S89°30'28"W FOR A DISTANCE OF 407.02 FEET; THENCE S00°29'32"E FOR A DISTANCE OF 58.50 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, A RADIAL LINE FROM SAID POINT BEARS S00°29'32"E; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 145°23'37", FOR AN ARC DISTANCE OF 38.06 FEET TO A POINT OF TANGENCY; THENCE S54°54'05"W FOR A DISTANCE OF 105.92 FEET; THENCE S89°30'28"W FOR A DISTANCE OF 378.49 FEET; THENCE N60°10'31"W FOR A DISTANCE OF 173.71 FEET; THENCE S87°21'48"W FOR A DISTANCE OF 20.00 FEET TO A POINT ON A LINE 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16; THENCE N02°38'12"W, ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1096.07 FEET; THENCE N02°39'53"W, ALONG A LINE 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16 FOR A DISTANCE OF 173.28 FEET; THENCE N87°20'07"E FOR A DISTANCE OF 20.00 FEET; THENCE S45°00'00"E FOR A DISTANCE OF 126.23 FEET; THENCE EAST FOR A DISTANCE OF 85.70 FEET; THENCE N62°15'36"E FOR A DISTANCE OF 214.41 FEET; THENCE N00°26'48"W FOR A DISTANCE OF 64.27 FEET; THENCE N89°30'28"E FOR A DISTANCE OF 33.27 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, A RADIAL LINE FROM SAID POINT BEARS N89°29'58"E; THENCE SOUTHERLY, SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 90°40'20" FOR AN ARC DISTANCE OF 56.97 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 52.00 FEET, THROUGH A CENTRAL

ANGLE OF 79°56'35" FOR AN ARC DISTANCE OF 72.55 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 79°15'45" FOR AN ARC DISTANCE OF 49.80 FEET TO A POINT OF TANGENCY; THENCE N89°30'28"E FOR A DISTANCE OF 142.95 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 89°59'08" FOR AN ARC DISTANCE OF 56.54 FEET TO A NON TANGENTIAL LINE; THENCE N89°29'52"E FOR A DISTANCE OF 52.02 FEET TO ITS INTERSECTION WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST, A RADIAL LINE FROM SAID POINT BEARS N89°30'28"E; THENCE SOUTHERLY, SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 36.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" FOR AN ARC DISTANCE OF 56.55 FEET TO A POINT ON A NON TANGENTIAL LINE; THENCE S00°29'32"E FOR A DISTANCE OF 33.08 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, A RADIAL LINE FROM SAID POINT BEARS S05°04'48"E; THENCE WESTERLY, SOUTHWESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 85°24'44" FOR AN ARC DISTANCE OF 37.27 FEET TO A POINT OF TANGENCY; THENCE S00°29'32"E FOR A DISTANCE OF 85.00 FEET; THENCE N89°30'28"E FOR A DISTANCE OF 327.42 FEET; THENCE N02°02'36"E FOR A DISTANCE OF 0.87 FEET; THENCE N89°30'28"E FOR A DISTANCE OF 897.31 FEET; THENCE S02°36'13"E FOR A DISTANCE OF 14.62 FEET; THENCE N87°21'47"E FOR A DISTANCE OF 114.00 FEET TO ITS INTERSECTION WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 93 (I-75) AS SHOWN ON THE F.D.O.T. RIGHT-OF-WAY MAP SECTION 87075-2401, SHEET 1 THRU 9; THENCE S02°38'26"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1049.01 FEET TO THE POINT OF BEGINNING.