

ORDINANCE NO. 2018-044

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE RELEASE OF A DECLARATION OF USE AT 1200 E. 10TH AVENUE, HIALEAH, FLORIDA 33010 (FOLIO NO. 04- 3117-004-0360, COMPRISING LOT 14 OF BLOCK 23 OF SECTION FOUR SUN-TAN VILLAGE, AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 50, PAGE 24 OF THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, J.C.I.R. Realty Group, LLC (the "Owner") is the fee simple owner of 1200 E. 10th Avenue, Hialeah, Florida 33010, comprising Lot 14 of Block 23 of SECTION FOUR SUN-TAN VILLAGE (the "Property"), as shown on the plat thereof recorded in Plat Book 50, Page 24 of the Official Records of Miami-Dade County, Florida (the "Plat"); and

WHEREAS, the Property is subject to a Declaration of Use recorded in Official Records Book 17397, at Page 430, (the "Declaration"); and

WHEREAS, the Owner has requested that the City of Hialeah release the Declaration; and

WHEREAS, the Declaration was proffered as part of permit No. 96-7623 to allow for improvements as a single family residence with one kitchen to the Property; and

WHEREAS, pursuant to permit No. 97-4740 the Property was allowed to redevelop as a duplex, with more than one kitchen.

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

Section 1. The recitations and findings contained in the preamble to this Ordinance are hereby adopted by reference thereto and incorporated as if fully set forth herein.

Section 2. The City of Hialeah, Florida hereby approves and consents to the release of the Declaration as it affects the Property.

Section 3. The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as an attesting witness, to execute a Release of Declaration of Use in the form attached as **Exhibit "1"** to this Ordinance, in furtherance thereof, on the City's behalf.

Section 4. Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Penalties.

Every person convicted of a violation of any provision of the Code of Ordinances of the City of Hialeah, Florida 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 6. Severability Clause.

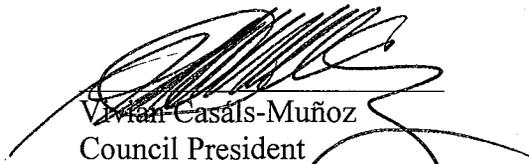
If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 7. 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 May 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.

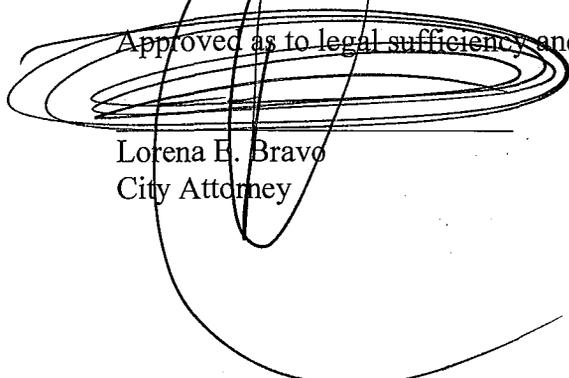

Vivian Casals-Munoz
Council President

Approved this 24 day of May 2018.

Attest:

for:
Marbelys Fatjo
City Clerk


Carlos Hernandez
Mayor


Approved as to legal sufficiency and form:
Lorena E. Bravo
City Attorney

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

EXHIBIT "1"

Form of Release

**Prepared by and
after recording return to:**

Lorena E. Bravo, Esq.
City of Hialeah
Office of the City Attorney
501 Palm Avenue, 4th Floor
Hialeah, FL 33010

RELEASE OF DECLARATION OF USE

This **RELEASE OF DECLARATION OF USE** (“Release”) is made this ___ day of _____ 2018, by the **CITY OF HIALEAH, FLORIDA**, a municipal corporation organized and existing under the laws of the State of Florida, with an address of 501 Palm Avenue, Hialeah, Florida 33010 (“City”).

WHEREAS, J.C.I.R. Realty Group, LLC (the “Owner”) is the fee simple owner of 1200 E. 10th Avenue, Hialeah, Florida 33010, comprising Lot 14 of Block 23 of SECTION FOUR SUN-TAN VILLAGE located at 1200 E. 10th Avenue, Hialeah Florida 33010, (the “Property”), as shown on the plat thereof recorded in Plat Book 50, Page 24 of the Official Records of Miami-Dade County, Florida (the “Plat”); and

WHEREAS, the Property is subject to a Declaration of Use recorded in Official Records Book 17397, at Page 430, (the “Declaration”); and

WHEREAS, the Owner has requested that the City of Hialeah release the Declaration; and

WHEREAS, pursuant to Ordinance No. _____, the City approved the release of the Declaration and the execution of this Release.

WHEREAS, the Declaration was proffered as part of permit No. 96-7623 to allow for improvements as a single family residence with one kitchen to the Property; and

WHEREAS, pursuant to permit No. 97-4740 the Property was allowed to redevelop as a duplex, with more than one kitchen.

NOW, THEREFORE, in consideration of the foregoing recitals, which are true and correct and are incorporated herein by this reference, the City hereby agrees as follows:

Section 1. Release of Declaration of Use.

The City, releases that Declaration of Use recorded in Official Records Book 17397, at Page 430 of the Public Records of Miami-Dade County, Florida.

Section 2. Recording. This Release shall be recorded in the Official Records of Miami-Dade County, Florida.

IN WITNESS WHEREOF, the City of Hialeah has caused this instrument to be executed by the respective officials thereunder duly authorized as of the date first above written.

WITNESSES:

CITY OF HIALEAH,
A Florida municipal corporation

Name: _____
(print or type name)

Carlos Hernandez
Mayor

Name: _____
(print or type name)

Attest:

Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:

Lorena E. Bravo, City Attorney

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by Carlos Hernandez, as Mayor of the City of Hialeah, a

Florida municipal corporation, and attested by Marbelys Fatjo, as City Clerk of the City of Hialeah, on behalf of the City of Hialeah. They are personally known to me or have produced _____ as identification and did (did not) take an oath.

Notary Public, State of Florida

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