

ORDINANCE NO. 2018-003

ORDINANCE CLOSING, VACATING AND ABANDONING FOR PUBLIC USE THE WESTERN PORTION OF THE 12 FOOT ALLEY RUNNING EAST AND WEST, BETWEEN EAST 8TH AVENUE AND EAST 9TH AVENUE, EXTENDING EASTWARD APPROXIMATELY 235.54 FEET, MORE OF LESS, FROM EAST 8TH AVENUE, 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, the Planning and Zoning Board at its meeting of November 15, 2017 recommended approval of this ordinance; and

WHEREAS, the City finds that it is the best interest of the public that property may be vacated and closed for public use since the property owner abutting the alley on the north and south sides intends to redevelop the entire site with a commercial development including a commercial building and surface parking lot.

NOW, THEREFORE, BE IT ORDAINED 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 ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The western portion of the 12 foot alley running east and west, between East 8th Avenue and East 9th Avenue, extending eastward for approximately 235.54 feet, more or less, from East 8th Avenue, Hialeah, Florida, as further depicted on the map attached hereto and made a part hereof as Exhibit "1", is hereby closed, vacated and abandoned for public use, bearing the following legal description:

ALL OF THAT 12 FOOT ALLEY IN BLOCK 97-B, BOUNDED ON THE WEST BY THE WEST LINE OF SAID BLOCK 97-B AND BOUNDED ON THE EAST BY THE EAST LINE OF LOTS 6 AND 25, PROLONGATED, AS SHOWN ON RECORDED PLAT OF "AMENDED PLAT OF THE AMENDED PLAT OF 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.

SAID ALLEY AREA CONTAINING APPROXIMATELY 2,826.1 SQUARE FEET.

Section 3: The reversionary rights of the western portion of the 12 foot alley running east and west, between East 8th Avenue and East 9th Avenue, extending eastward approximately 235.54 feet, more or less, from East 8th Avenue, Hialeah, Florida, closed for public use hereof shall revert to the reversionary interests in the property, as determined by law.

Section 4: No Easement Reserved.

No easements shall be reserved within the alley area under any ordinance, including but not limited to this ordinance and Ordinance no. 94-07 recorded in Official Records Book 18608, Page 2227, of the Public Records of Miami-Dade County, Florida.

Section 5: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: 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 7: Severability Clause.

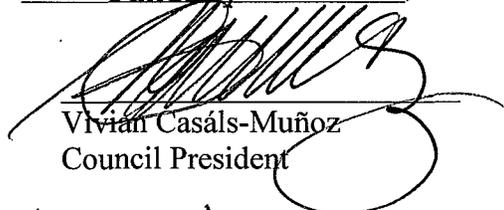
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 8: 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.

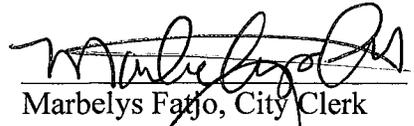
PASSED and ADOPTED this 23 day of January, 2018.

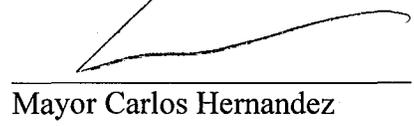
THE FOREGOING ORDINANCE
OF THE CITY OF WALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 163.041
PRIOR TO FINAL READING.


Vivian Casáls-Muñoz
Council President

Attest:

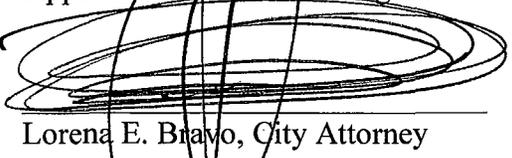
Approved on this 8 day of February, 2018.


Marbelys Fajó, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Ordinance was adopted by a (7-0) vote with Councilmembers, Caragol, Zogby, Casáls-Munoz, Cue-Fuente, Garcia-Martinez, Lozano and Hernandez voting "Yes".


Lorena E. Bravo, City Attorney