

**ORDINANCE NO.** 2017-035

ORDINANCE APPROVING A FINAL PLAT OF AQUABELLA SECTION ONE; ACCEPTING ALL DEDICATION 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 BY AND DIRECTLY ADJACENT THERETO, ON THE NORTH BY THEORETICAL N.W. 162<sup>ND</sup> STREET, ON THE SOUTH BY N.W. 154<sup>TH</sup> STREET, ON THE EAST BY STATE ROAD #93/I-75 EXTENSION, AND ON THE WEST BY N.W. 97<sup>TH</sup> AVENUE, HIALEAH, FLORIDA.**

WHEREAS, the Planning and Zoning Board at its meeting of May 10, 2017, granted 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 ONE, submitted by Two Lakes Lennar LLC, a Delaware limited liability company, is hereby accepted. **Property bounded by and directly adjacent thereto, on the North by theoretical N.W. 162<sup>nd</sup> Street, on the South by N.W. 154<sup>th</sup> Street, on the East by State Road #93/I-75 extension, and on the West by N.W. 97<sup>th</sup> Avenue, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.**

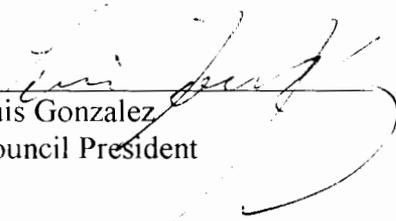
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

**Section 6: Effective Date.**

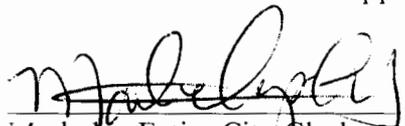
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

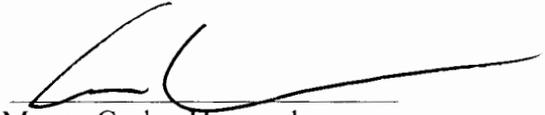
PASSED and ADOPTED this 13 day of June, 2017.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Luis Gonzalez  
Council President

Attest: Approved on this 24 day of June, 2017.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

S:\DJ\Ordinances\Acuabella Section I final plat.docx

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casals-Muñoz voting "Yes".

