

**ORDINANCE NO. 2017-071**

ORDINANCE ALLOWING THE PARTIAL RELEASE OF LOT 3 IN THE FORM ATTACHED AS EXHIBIT 1, FROM THE UNITY OF TITLE ON LOTS 1, 2, AND 3, RECORDED ON JULY 23 1986 IN OFFICIALS RECORDS BOOK 12962, AT PAGE 1983, TO ALLOW FOR THE SALE AND PURCHASE OF LOT 3 AND THE DEMOLITION OF THE EXISTING STRUCTURE THEREON AND ITS REDEVELOPMENT; **PROPERTY LOCATED AT 308 EAST 9<sup>TH</sup> STREET, 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 seller, Citrus Health Care Network, Inc., f/k/a Northwest Dade Community Mental Health Center, Inc., is the owner of lots 1, 2, and 3, properties located at 302, 306, and 308 East 9<sup>th</sup> Street, and in 1986 to obtain a building permit to allow for the development of a residential care and treatment facility on the property, agreed to sign a Unity of Title to address parking that was recorded on July 23 1986 in officials records book 12962, at page 1983; and

**WHEREAS**, the seller is selling the two story structure that is vacant on lot 3 (308 East 9<sup>th</sup> Street) to the buyer, Two One Plaza, LLC, and the buyer seeks approval by the City of a partial release of lot 3 from the Unity of Title to redevelop it, and the Buyer has agreed to the condition that it shall remain vacant, until such time that the structure is demolished and developed with approved conforming zoning and land-use; and

**WHEREAS**, to facilitate the closing of the purchase and sale of lot 3, it must be released from the Unity of Title, and the parties are desirous of facilitating same; and

**WHEREAS**, the buyer, Two One Plaza, LLC, has proffered the Unity of Title for 308, 330, and 342 East 9<sup>th</sup> Street, to which the City accepts.

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

**Section 1:** The foregoing recitals clauses are hereby incorporated herein. The buyer represents that the structure on lot 3 will remain vacant until such time that the structure is demolished, and this property is redeveloped pursuant to appropriate land-use and zoning, or reunified.

**Section 2:** The City hereby agrees to a partial release of lot 3 from the Unity of Title recorded on July 23 1986 in official records book 12962, at page 1983, in the form attached as Exhibit "1."

**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 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 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 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 14 day of November, 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.

  
Katharine E. Cue-Fuente  
Council Vice President

Attest:

Approved on this 28 day of November, 2017.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form:

  
Lorena E. Bravo, City Attorney

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