

ORDINANCE NO. 2017-083

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING FROM ROYAL CONTAINER AND TRAILER REPAIRS, INC., A FLORIDA CORPORATION, A RIGHT OF WAY DEED CONVEYING APPROXIMATELY 12,862 SQUARE FEET OR .295 ACRES OF LAND DESCRIBED IN THE RIGHT-OF-WAY DEED ATTACHED AS EXHBIT "1"; 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 City of Hialeah finds it in its best interest to accept this offer of land and shall use the property for a public purpose as a right-of-way and for all purposes incidental thereto;

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

Section 1: The City of Hialeah, Florida hereby accepts a right-of-way deed from Royal Container and Trailer Repairs, Inc., a Florida Corporation, conveying approximately 12,862 square feet or .295 acres of land as described in the Right-of-Way Deed to the City of Hialeah, Florida for Public Right-of-Way attached as Exhibit "1".

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: 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

Return to:

City of Hialeah, Florida
Law Department
501 Palm Avenue
Hialeah, Florida 33010

Instrument prepared by:

George J. Lott, Esq.
Lott & Levine
8950 S V1174 Court, Suite
1711 Miami, Florida 33156

**RIGHT-OF-WAY DEED TO CITY OF HIALEAH,
FLORIDA FOR PUBLIC RIGHT-OF-WAY**

THIS INDENTURE, made this 27 day of March 2017, by and between Royal Container and Trailer Repairs, Inc., a Florida corporation, whose address is 13850 N.W. 105 Avenue, Hialeah, Florida 33016, party of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is the intention of the party of the first part, by this instrument, to convey to the party of the second part, and its successors in interest, the land above described for use a public right-of-way and for all purposes incidental thereto.

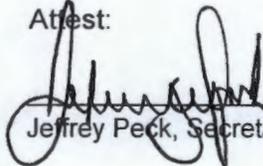
It is expressly provided that, if the party of the second part (i.e. City of Hialeah) fails to construct (and maintain) at its sole cost and expense the water and sewer lines along 107th Avenue parallel to the northern boundary of the property legally described on Exhibit "A" attached hereto AND if and when the said right-of-way shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its heirs and assigns, and such party shall have the right to repossess the same.

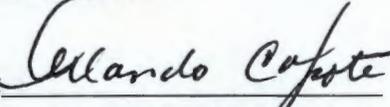


IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Royal Container and Trailer Repairs,
Inc. a Florida corporation
13850 N.W. 105 Avenue
Hialeah, Florida

Attest:

Jeffrey Peck, Secretary

By: 
Orlando Capote, President


Witness
Printed name: L. Robert Elias


Witness
Printed name: Tiffany Perera

STATE OF FLORIDA
COUNTY OF MIAMI-
DADE

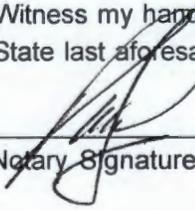
I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Orlando Capote, as President, and Jeffrey Peck, as Secretary, of Royal Container and Trailer Repairs, Inc., they are known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and I relied upon the following form of identification of the above-named persons:

_____ or are personally known to me and that an oath was taken.

NOTARY SEAL



Witness my hand and official seal in the county and State last aforesaid this 27th day of March ~~2016~~ 2017.


Notary Signature

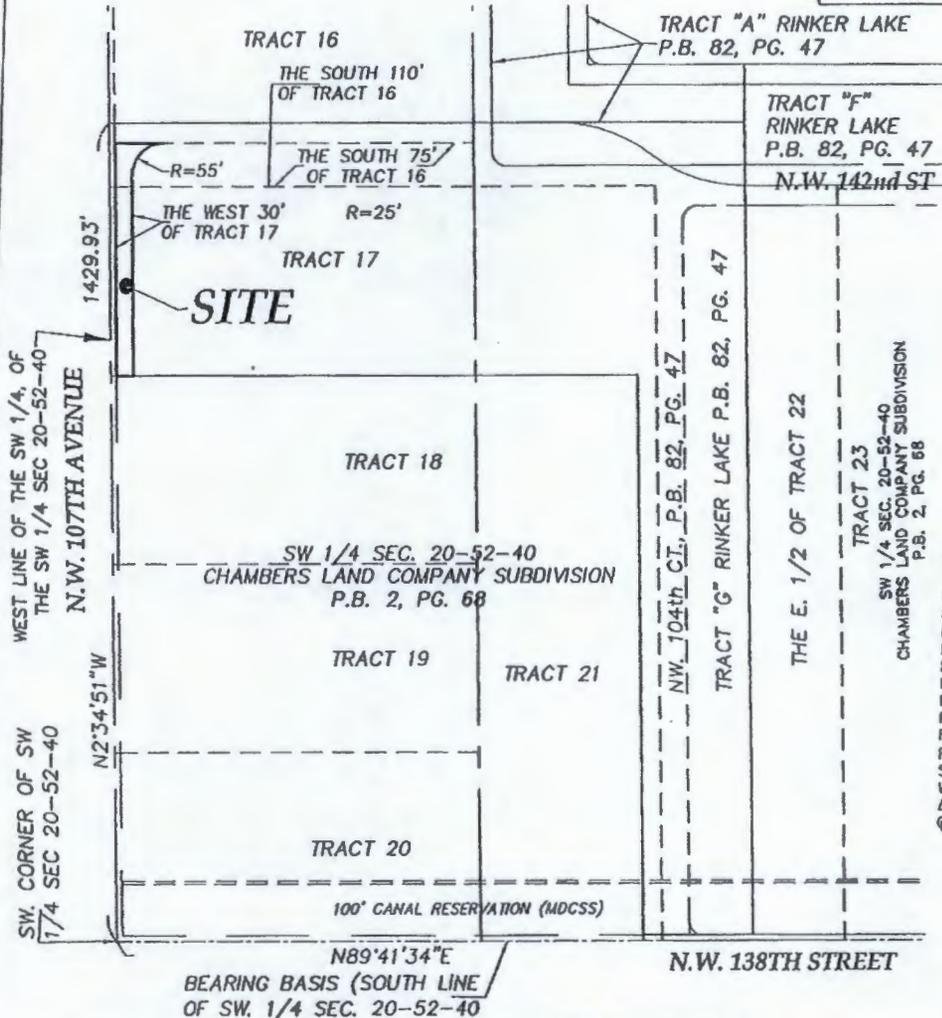
Typed/printed name

My commission no:

EXHIBIT

A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION EXHIBIT "A"



- SYMBOLS AND ABBREVIATIONS:**
- E = EAST
 - L = LENGTH (WHEN USED IN CURVE DATA)
 - N = NORTH
 - NE. = NORTHEAST
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - R = RADIUS
 - R/W = RIGHT OF WAY
 - S = SOUTH
 - W = WEST
 - Δ = DEFLECTION ANGLE
 - ⊕ = CENTER LINE

SURVEYOR'S NOTES:

- This Site lies in the Southwest 1/4 of Section 20, Township 52 South, Range 40 East, Miami-Dade County Florida.
- The bearings hereon are in reference to the South line of S.W. 1/4 Sec. 20-52-40.
- This site contains an area of 12,862 square feet or 0.295 acres more or less.
- Platted easements, if any, are not shown.
- This site was not abstracted for easements or Right-Of-Ways of record.
- Surveyor makes no statement as to ownership.

SURVEYOR'S CERTIFICATE:

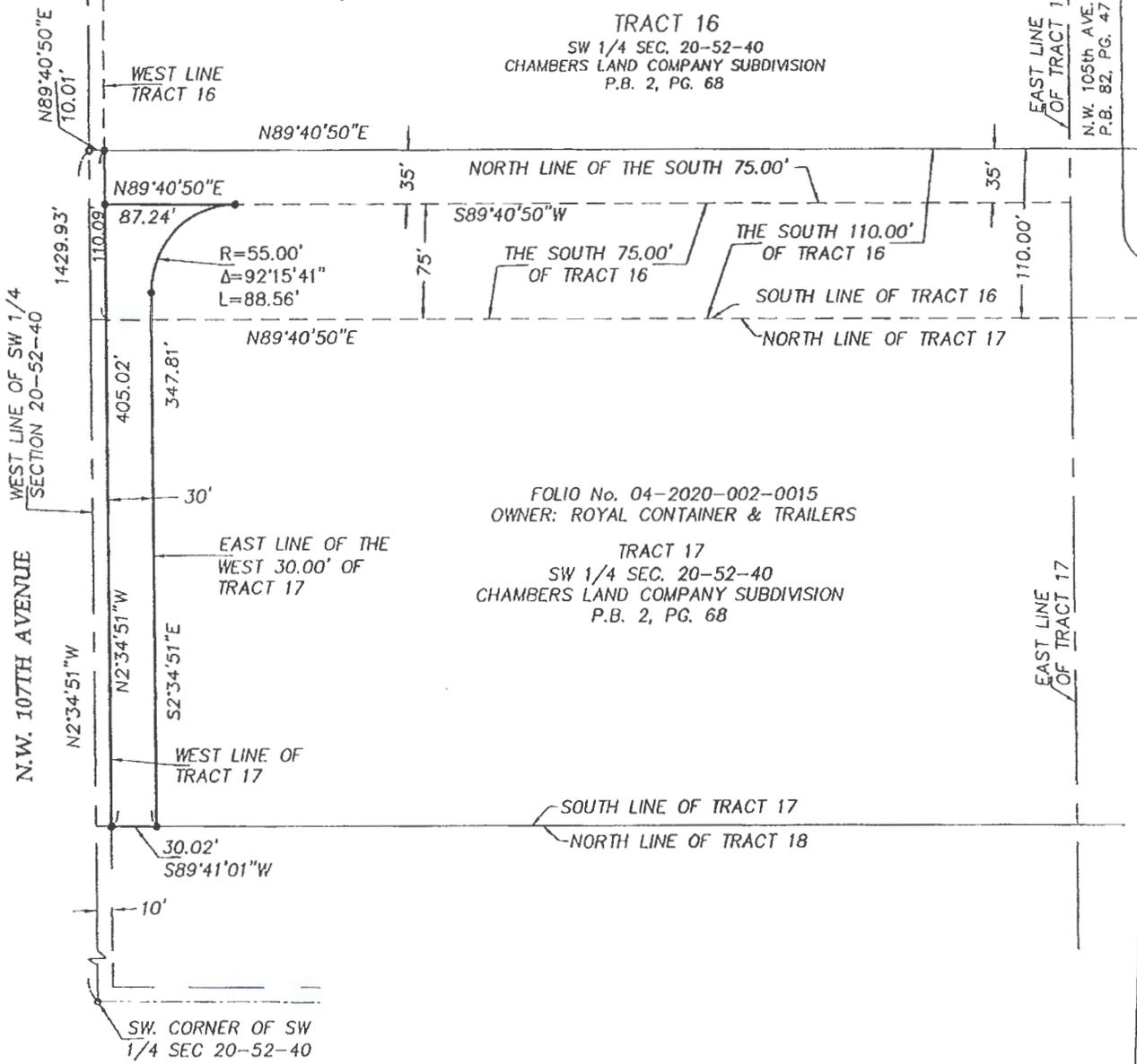
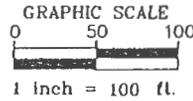
I hereby certify that the attached "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" was prepared in accordance with the Standards of Practice for Surveying and Mapping, as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

THIS IS NOT A SURVEY
Biscayne Engineering Company, Inc.
529 West Flagler Street, Miami, FL. 33130
Tel. (305) 324-7671, Fax (305) 324-0809
State of Florida Department of Agriculture
LB-0000129
Date: 07-21-16

Wolfgang S. Husck
Professional Surveyor and Mapper No. 6519
State of Florida

BEC REF. Boundary Survey for S. R/W Line, Drawing #DC-6691, Order # 03-85037, dated 07-28-16			
NOTE: THIS DOCUMENT IS VALID ONLY WHEN ALL THE SHEETS ARE COMBINED FORMING THE COMPLETE DOCUMENT			
DRAWING:	2223-SS-05	CLIENT NAME:	CITY OF HIALEAH
DATE:	07-21-16	BEC ORDER #	03-85443
		DRAWN BY	W.H.
		SHEET	1 OF 3
 BISCAYNE ENGINEERING COMPANY, INC. 529 WEST FLAGLER ST, MIAMI FL 33130		TEL (305) 324-7671, FAX (305) 324-1700 WWW.BISCAYNEENGINEERING.COM	

SKETCH TO ACCOMPANY LEGAL DESCRIPTION EXHIBIT "A"



BEC REF. Boundary Survey for S. R/W Line. Drawing #DC-6891, Order # 03-85037, dated 07-28-16

DRAWING: 2223-SS-05 CLIENT NAME: CITY OF HIALEAH

DATE: 07-21-16 BEC ORDER # 03-85443 DRAWN BY W.H. SHEET 2 OF 3

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
EXHIBIT "A"**

LEGAL DESCRIPTION:

A portion of Tracts 16 and 17 in the Southwest One-quarter (S.W. 1/4) of Section 20, Township 52 South, Range 40 East of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 68 of the Public Records of Miami-Dade County, being more particularly described as follows:

The West 30.00 feet of the South 75.00 feet of Tract 16 in the Southwest One-quarter (S.W. 1/4) of Section 20, Township 52 South, Range 40 East of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 68 of the Public Records of Miami-Dade County, Florida and that portion of said Tract 16 which lies within the external area formed by a 55.00 feet radius arc concave to the Southeast, tangent to the East line of the West 30.00 feet of said Tract 16 and tangent to the North line of the South 75.00 feet of said Tract 16.

AND

The West 30.00 feet of Tract 17 in the Southwest One-quarter (S.W. 1/4) of Section 20, Township 52 South, Range 40 East of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 68 of the Public Records of Miami-Dade County, Florida

All of the foregoing containing an area of 12,862 square feet or 0.295 acres more or less.

BEC REF. Boundary Survey for S. R/W Line. Drawing #DC-6691, Order # 03-85037, dated 07-28-16

DRAWING: 2223-SS-05 CLIENT NAME: CITY OF HIALEAH

DATE: 07-21-16 BEC ORDER # 03-85443 DRAWN BY W.H. SHEET 3 OF 3



BISCAYNE ENGINEERING COMPANY, INC.
529 WEST FLAGLER ST, MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM

offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: 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 5: 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.

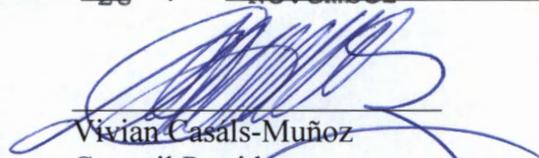
PASSED and ADOPTED this 28 day of November, 2017.

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

Attest:



Marbelys Fatjo, City Clerk



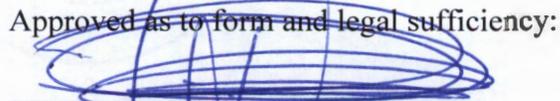
Vivian Casals-Muñoz
Council President

Approved on this 7 day of December, 2017.



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (5-0-2) vote with Councilmembers, Caragol, Zogby, Cue-Fuente and Casals-Muñoz voting "Yes". Councilmember Hernandez and Garcia-Martinez absent.