

ORDINANCE NO. 2016-25

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING A MUTUAL TERMINATION OF OKEECHOBEE METRORAIL STATION TRANSIT ORIENTED DEVELOPMENT LEASE AGREEMENT WITH MIAMI-DADE COUNTY, AND AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE THE MUTUAL TERMINATION OF OKEECHOBEE METRORAIL STATION TRANSIT ORIENTED DEVELOPMENT LEASE AGREEMENT ATTACHED HERETO IN SUBSTANTIAL FORM, AND MADE A PART HEREOF AS EXHIBIT "1"; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Ordinance 12-30 (May 24, 2012) the City approved the Okeechobee Metrorail Station Transit-Oriented Development Lease Agreement ("Lease") between Miami-Dade County, Florida, as landlord, and the City of Hialeah, as tenant, Florida, for 99 years, for consideration of \$1.00;

WHEREAS, pursuant to the Lease, the City is required to develop certain land owned and operated by Miami-Dade County, located adjacent to the Okeechobee Metrorail Station ("Premises") as a transit oriented development including the construction of affordable housing units for the elderly;

WHEREAS, over the span of four years the City and the County have cooperated to design mixed use commercial and residential buildings to comply with the County's transit oriented development regulations within the physical limitations of the site; and

WHEREAS, the City and the County now agree to mutually terminate the Lease in order to allow Miami-Dade County to proceed expeditiously with the development of affordable housing at the Premises.

NOW, THEREFORE, BE IT RESOLVED 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 City of Hialeah, Florida hereby approves a Mutual Termination of Okeechobee Metrorail Station Transit Oriented Development Lease Agreement with Miami-Dade County, and authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Mutual Termination of Okeechobee Metrorail Station Transit Oriented Development Lease Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1".

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 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 or suspension 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.

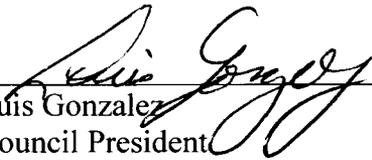
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida 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 10 day of May, 2016.

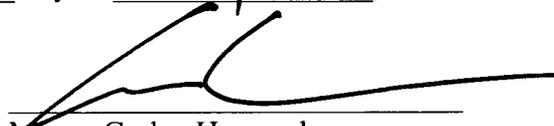
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Luis Gonzalez
Council President

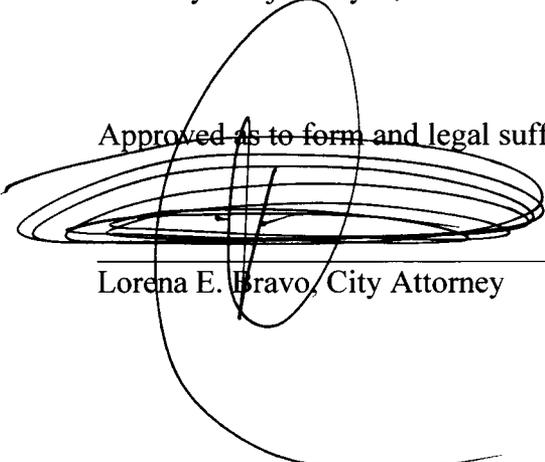
Attest:

Approved on this 23 day of May, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers , Caragol, Cue-Fuente, Garcia-Martinez, Gonzalez, Lozano, and Casals-Muñoz voting "Yes" and Councilman Hernandez absent.