

**ORDINANCE NO. 2015-23**

ORDINANCE APPROVING A FINAL PLAT OF BONTERRA, ACCEPTING ALL DEDICATION OF AVENUES, STREETS, ROADS 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 IS A VACANT PARCEL, LOCATED AT THE NORTH SIDE OF WEST 92<sup>ND</sup> STREET (NORTHWEST 146 STREET), BETWEEN WEST 36 AVENUE (NORTHWEST 97 AVENUE) AND I-75 (STATE ROAD 93), HIALEAH, FLORIDA.**

**WHEREAS**, the Planning and Zoning Board at its meeting of April 22, 2015, recommended 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 Bonterra, submitted by Hialeah Communities, LLC, Bonterra Multifamily Real Estate, LLC, Bonterra Single-family Real Estate, LLC and Bonterra Single-Family TIC., LLC, by and through its duly authorized managing members, James Wright and Andrew Meran, respectively, is hereby accepted. Property, a vacant parcel, located at the north side of west 92<sup>nd</sup> street (Northwest 146 street), between West 36 Avenue (Northwest 97 Avenue) and I-75 (state road 93), Miami-Dade County,

**Section 6: 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.

PASSED and ADOPTED this 26 day of May, 2015.

  
\_\_\_\_\_  
Isis Garcia-Munoz  
Council President

Attest:

Approved on this 03 day of June, 2015.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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

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

Florida, zoned RDD (Residential Development District), and classified under the Future Land Use Map as Low and Medium Density Residential, and legally described as follows:

See attached as Exhibit "A".

**Section 2:** All dedication of avenues or other public ways together with all existing and future planting, trees, shrubbery and fire hydrants thereon 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 section of this ordinance.

**LEGAL DESCRIPTION**

Tracts 17, 18, 19, 20, 21, 22, 23, 24, less all Right-of-Way of Record and less Right-of-Way for State Road 93 (I-75), and Tracts 25, 26, 27, 28, 29, 30, 31 and 32, less all Right-of-Way of Record, of FLORIDA FRUIT LAND'S COMPANY SUBDIVISION NO. 1, according to the Plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying in Section 21, Township 52 South, Range 40 East and being more particularly described as follows:

Commence at the Northwest corner of said Section 21, thence N89°34'43"E, along the North line of said Section 21, for a distance of 15.01 feet; thence S02°37'55"E along a line 15.00 feet East of and parallel with the West line of the Northwest 1/4 of said Section 21, for a distance of 15.01 feet to the POINT OF BEGINNING of the hereinafter described parcel of land, thence N89°34'43"E along a line 15.00 feet South of and parallel with the North line of the Northwest 1/4 of said Section 21, for a distance of 954.40 feet, the next five (5) courses and distances being along the Right-of-Way line of State Road No. 93 (I-75) as shown on the F.D.O.T. Right-of-Way map Section 87075-2401, Sheet 1 thru 9; 1) thence S00°25'17"E for a distance of 125.00 feet; 2) thence N89°34'43"W for a distance of 1203.20 feet; 3) thence S02°35'43"E for a distance of 2171.78 feet; 4) thence S89°36'25"W for a distance of 30.02 feet; 5) thence S02°35'43"E for a distance of 315.26 feet to its intersection with a line 15.00 feet North of and parallel with the South line of the Northwest 1/4 of said Section 21; thence S89°36'40"W along the last described line, for a distance of 2086.19 feet to its intersection with a line 50.00 feet East of and parallel with the West line of the Northwest 1/4 of said Section 21, said line also being the Easterly line of a 50.00 feet Right-of-Way dedication as recorded in Official Records Book 28042, page 1650 of the Public Records of Miami-Dade County, Florida; thence N02°37'55"W along the last described line for a distance of 315.11 feet to its intersection with the North line of said Tract 25; thence S89°36'25"W, along said North line for a distance of 35.03 feet to its intersection with a line 15.00 feet East of and parallel with the West line of the Northwest 1/4 of said Section 21; thence N02°37'55"W along the last described line for a distance of 660.25 feet to its intersection with the South line of said Tract 28; thence N89°35'56"E, along said South line of Tract 28 for a distance of 25.02 feet to its intersection with a line 40.00 feet East of and parallel with the West line of the Northwest 1/4 of said Section 21, said line also being the Easterly line of a 5.00 feet Right-of-Way dedication as recorded in Official Records Book 15247, page 2357 of the Public Records of Miami-Dade County, Florida; thence N02°37'55"W along the last described line for a distance of 330.13 feet to its intersection with the North line of said Tract 28; thence S89°35'41"W, along the North line of said Tract 28 for a distance of 25.02 feet to its intersection with the said line 15.00 feet East of and parallel with the West line of the Northwest 1/4 of said Section 21; thence N02°37'55"W, along the last described line for a distance of 1305.49 feet to the POINT OF BEGINNING

