

**ORDINANCE NO. 2013-40**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING HIALEAH, FLA., ORDINANCE 12-30 (MAY 24, 2012) THAT APPROVED THE OKEECHOBEE METRORAIL STATION TRANSIT-ORIENTED DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE CITY OF HIALEAH, FLORIDA FOR 99 YEARS TO INCREASE THE NUMBER OF SENIOR AFFORDABLE HOUSING UNITS FOR DEVELOPMENT, ANCILLARY USES AND PARKING, FROM 100 UNITS TO 180 UNITS, COMPRISING OF THREE PHASES OF 60 UNITS, WITH EACH PHASE TO BE COMPLETED IN SUCCESSIVE THREE-YEAR PERIODS, IN THE AMOUNT OF \$1.00; AND AUTHORIZING THE MAYOR AND THE ACTING CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO THE LEASE AGREEMENT BETWEEN THE CITY, AS TENANT, AND MIAMI-DADE COUNTY, FLORIDA, AS LANDLORD, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AND EXECUTE ANY AND ALL DOCUMENTS IN FURTHERANCE THEREWITH; 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 expressed its intent to enter into a Okeechobee Metrorail Station Transit Oriented Development Lease Agreement with Miami-Dade County, Florida, through its Office of Community and Economic Development, for 99 years for \$1.00 in consideration, leasing a parcel of land with development and air rights in proximity to the Okeechobee Metrorail Station in order to develop 100 Senior Affordable Housing Units with parking and ancillary uses; and

**WHEREAS**, subsequently, the City and Miami-Dade County entered into further negotiations, which resulted in an expansion of the development to 180 Senior Affordable Housing Units, in three phases of 60 units each, constructed in three-year intervals; and

**WHEREAS**, it is in the best interest of the health, safety and welfare of the Community to provide elderly affordable housing near the Metrorail Station to create strong access links to the Metrorail System and enhanced ridership and usage of the Metrorail System for both the residents, visitors and workers in the area.

NOW, THEREFORE, BE IT ORDAINED 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 Council of the City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 12-30 that approved the Okeechobee Metrorail Station Transit-Oriented Development Lease Agreement between Miami-Dade County, Florida and the City of Hialeah, Florida for 99 years, to increase the number of Senior Affordable Housing Units for development of 100 Senior Affordable Housing Units, ancillary uses and parking, from 100 Units to 180 Units, comprising of three phases of 60 Units, with each phase to be completed in successive three-year periods, in the amount of \$1.00.

**Section 3:** The City Council of the City of Hialeah, Florida hereby authorizes the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into the Lease Agreement between the City, as tenant, and Miami-Dade County, as landlord, in a form acceptable to the City Attorney, and execute and any all documents in furtherance therewith.

**Section 2: 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.

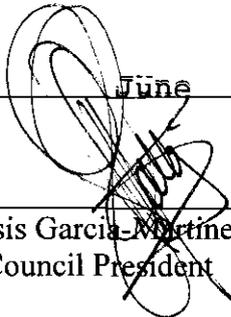
**Section 3: Severability Clause.**

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 4: Effective Date.**

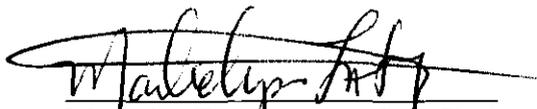
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 25 day of June, 2013.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

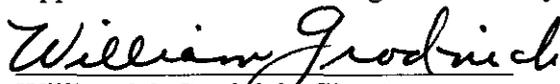
Attest:

Approved on this 28 day of June, 2013.

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

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

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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

**ORDINANCE NO. 12-30**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE OKEECHOBEE METRORAIL STATION TRANSIT-ORIENTED DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA AND THE CITY OF HIALEAH, FLORIDA FOR 99 YEARS LEASING A PARCEL OF LAND SITUATED AT THE LOCATION OF THE OKEECHOBEE METRORAIL STATION TOGETHER WITH ASSOCIATED DEVELOPMENT AND AIR RIGHTS, COMMENCING ON THE DATE THAT THE CITY TAKES POSSESSION OF THE DEMISED PREMISES, FOR DEVELOPMENT OF 100 SENIOR AFFORDABLE HOUSING, ANCILLARY USES AND PARKING, IN THE AMOUNT OF \$1.00; AND AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO THE LEASE AGREEMENT BETWEEN THE CITY, AS TENANT, AND MIAMI-DADE COUNTY, FLORIDA, AS LANDLORD, IN THE SUBSTANTIAL FORM AS ATTACHED HERETO AS EXHIBIT "1" AND EXECUTE ANY AND ALL DOCUMENTS IN FURTHERANCE THEREOF; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City desires to enter into a Okeechobee Metrorail Station Transit Oriented Development Lease Agreement with Miami-Dade County, Florida, through its Office of Community and Economic Development, for 99 years for \$1.00 in consideration, leasing a parcel of land with development and air rights in proximity to the Okeechobee Metrorail Station in order to develop 100 Senior Affordable Housing Units with parking and ancillary uses; and

**WHEREAS**, it is in the best interest of the health, safety and welfare of the Community to provide elderly affordable housing near the Metrorail Station to create strong access links to the Metrorail System and enhanced ridership and usage of the Metrorail System for both the residents, visitors and workers in the area.

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

ORDINANCE NO. 12-30

Page 2

**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 Council of the City of Hialeah, Florida hereby approves the Okeechobee Metrorail Station Transit-Oriented Development Lease Agreement between Miami-Dade County, Florida and the City of Hialeah, Florida for 99 years, leasing a parcel of land situated at the location of the Okeechobee Metrorail Station together with associated development and air rights, commencing on the date that the City takes possession of the demised premises, for development of 100 Senior Affordable Housing Units, ancillary uses and parking, in the amount of \$1.00.

**Section 3:** The City Council of the City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the Lease Agreement between the City, as tenant, and Miami-Dade County, as landlord, in the substantial form as attached hereto and made a part hereof as Exhibit "1".

**Section 2: 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 3: 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

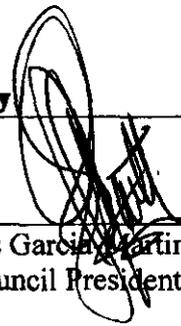
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 4: 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.

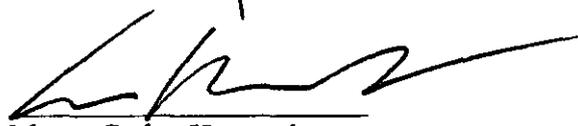
PASSED AND ADOPTED this 22nd day of May, 2012.

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

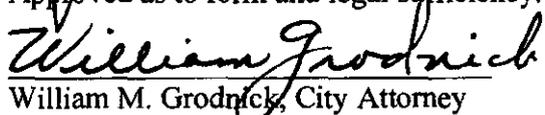
  
\_\_\_\_\_  
Isis Garcia Martinez  
Council President

Attest: Approved on this 24 day of May, 2012.

  
\_\_\_\_\_  
David Concepcion, City Clerk

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

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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