

ORDINANCE NO. 2013-71

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, INITIATING AND REQUESTING A PROPOSED BOUNDARY CHANGE OF THE CITY OF HIALEAH, FLORIDA, IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN COMPOSITE EXHIBIT "1"; AUTHORIZING THE MAYOR AND THE ACTING CITY CLERK AND OTHER PROPER CITY OFFICERS AND OFFICIALS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGE TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE ACTING CITY CLERK TO TRANSMIT COPIES OF THIS ORDINANCE TO THE CLERK OF THE COUNTY COMMISSION; 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 Planning and Zoning Board at its meeting of August 28, 2013 recommended approval of this proposed annexation; and

WHEREAS, pursuant to state law, municipalities within the boundaries of Miami-Dade County shall follow the annexation methods established by Miami-Dade County; and

WHEREAS, pursuant to section 6.04 of the Miami-Dade County Home Rule Charter and section 20-3 of the Code of Miami-Dade County, Florida, the City of Hialeah may initiate, by ordinance, a proposed boundary change where there are 250 or fewer registered electors within the proposed Annexation Area; and

WHEREAS, the City of Hialeah finds that the foregoing threshold requirements for a city-initiated proposed boundary change are satisfied; and

WHEREAS, the City of Hialeah conducted duly noticed and advertised public hearings coinciding with the first reading and second reading 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 recitations and facts contained in the preamble to this resolution are hereby adopted and incorporated by reference thereto as if fully set forth herein.

Section 2: The Mayor and the City Council of the City of Hialeah, hereby approves the changes, extension and enlargement of the municipal boundaries of the City of Hialeah, Florida, and the amendment of the Charter of the City of Hialeah, Florida, to effect such change, by the annexation to the City of Hialeah of property shown on an accompanying map and legally described in Composite Exhibit "1", attached hereto and made a part hereof.

Section 3: The City Council of the City of Hialeah, Florida, hereby requests that the Board of County Commissioners of Miami-Dade County, Florida, adopt an ordinance changing, extending, and enlarging the City's municipal boundaries as approved by the City of Hialeah and as described in the legal description set forth in Composite Exhibit "1".

Section 4: The Mayor and the Acting City Clerk and all such other City officials and officers are hereby authorized and directed to take all action and to execute such certificates, documents and agreements as may be deemed necessary or desirable in connection with the submission of the request for such boundary change to the Board of County Commissioners of Miami-Dade County, Florida, for approval.

Section 5: The Acting City Clerk is hereby authorized and directed to transmit three certified copies of the Ordinance, together with proof of compliance of notice procedures to the Clerk of the County Commission, accompanied by the attachments as required by Section 20-3 of the Code of Miami-Dade County, Florida.

Section 6: Repeal of Ordinances in Conflict.

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

Section 7: 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 described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 8: Severability Clause.

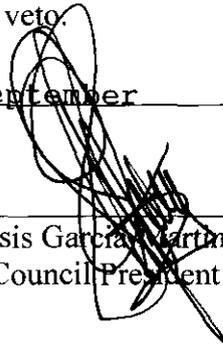
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 9: 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.

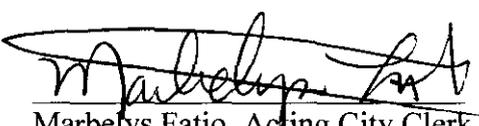
PASSED and ADOPTED this 24 day of September, 2013.



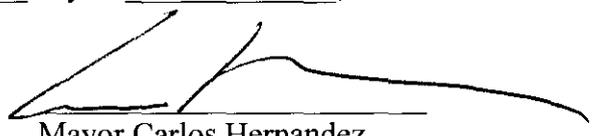
Isis Garcia Martinez
Council President

Attest:

Approved on this 24 day of September, 2013.

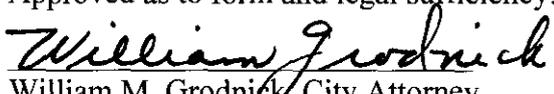


Marbelys Fatjo, Acting City Clerk



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".

COMPOSITE EXHIBIT "1"

LEGAL DESCRIPTION

AND

MAP

A portion of "CHAMBERS LAND COMPANY SUBDIVISION" in the Southwest 1/4 of Section 4, Township 52 South, Range 40 East, as recorded in Plat Book 2 at Page 27; together with a portion of "CHAMBERS LAND COMPANY SUBDIVISION", in Section 8, Township 52 South, Range 40 East, as recorded in Plat Book 2 at Page 68; also together with: A portion of "FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1" in Sections 7 and 9, Township 52 South, Range 40 East, as recorded in Plat Book 2 at Page 17, all of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of said Section 9; thence Westerly, along the South line of the said Southwest 1/4 of said Section 9, for 471.03 feet to the Point of Beginning of the following more particularly described parcel; such point being the Point of Intersection of the said South line of the said Southwest 1/4 of said Section 9 with the Southerly prolongation of the Westerly Limited Access right-of-way line of Interstate 75 (State Road No.93) as shown on the State of Florida Department of Transportation Right-of-Way Map Section 87075-2402, Approved July 5, 1977, last revised December 1, 1978 (Sheets 1 through 10); thence North 02 degrees 37 minutes 10 seconds East, along the said Westerly Limited Access Right-of-Way line of said Interstate 75 and its Southerly prolongation for 5118.10 feet; thence South 89 degrees 37 minutes 11 seconds West for 839.47 feet; thence North 00 degree 22 minutes 49 seconds West for 1064.13 feet; thence South 89 degrees 37 minutes 11 seconds West for 218.07 feet to the Point of Intersection with the Southeasterly Limited Access Right-of-Way line of State Road No. 821 (Homestead Extension of the Florida Turnpike) as shown on the State of Florida Department of Transportation Right-of-Way Map Section 87005 Contract 2313, Approved September, 1970, last revised November 1, 1971, (Sheets 1 through 5); said last described three courses being coincident with the Limited access Right-of-Way line of said Interstate 75; thence South 47 degrees 27 minutes 37 seconds West through portions of said Sections 4, 9 and 8, respectively, for 7376.18 feet to a Point of Curvature; thence Southeasterly, along the arc of a circular curve to the left, having a radius of 4365.66 feet for an approximate arc distance of 1554 feet to the Point of Intersection with the South line of the said Southeast 1/4 of said Section 7; said last described two courses being along the said Southeasterly Limited Access Right-of-Way line of said State Road No. 821 and its Southwesterly prolongation; thence Easterly, along the said South line of the said Southeast 1/4 of said Section 7 to the Southwest corner of the Southwest 1/4 of said Section 8; thence Easterly, along the South line of the said Southwest 1/4 of said Section 8 to the Southwest corner of the Southeast 1/4 of said Section 8; thence Easterly, along the South line of the said Southeast 1/4 of said Section 8 to the Southwest corner of the Southwest 1/4 of said Section 9; thence Easterly, along the South line of the said Southwest 1/4 of said Section 9 to the Point of Beginning; all lying and being in Miami-Dade County, Florida.



NOTICE OF PUBLIC HEARING

SEPTEMBER 10, 2013

PROPOSED ANNEXATION

(Continued)

Commence at the Southeast corner of the Southwest 1/4 of said Section 9; thence Westerly, along the South line of the said Southwest 1/4 of said Section 9, for 471.03 feet to the Point of Beginning of the following more particularly described parcel; such point being the Point of Intersection of the said South line of the said Southwest 1/4 of said Section 9 with the Southerly prolongation of the Westerly Limited Access right-of-way line of Interstate 75 (State Road No.93) as shown on the State of Florida Department of Transportation Right-of-Way Map Section 87075-2402, Approved July 5, 1977, last revised December 1, 1978 (Sheets 1 through 10); thence North 02 degrees 37 minutes 10 seconds East, along the said Westerly Limited Access Right-of-Way line of said Interstate 75 and its Southerly prolongation for 5118.10 feet; thence South 89 degrees 37 minutes 11 seconds West for 839.47 feet; thence North 00 degree 22 minutes 49 seconds West for 1064.13 feet; thence South 89 degrees 37 minutes 11 seconds West for 218.07 feet to the Point of Intersection with the Southeasterly Limited Access Right-of-Way line of State Road No. 821 (Homestead Extension of the Florida Turnpike) as shown on the State of Florida Department of Transportation Right-of-Way Map Section 87005 Contract 2313, Approved September, 1970, last revised November 1, 1971, (Sheets 1 through 5); said last described three courses being coincident with the Limited access Right-of-Way line of said Interstate 75; thence South 47 degrees 27 minutes 37 seconds West through portions of said Sections 4, 9 and 8, respectively, for 7376.18 feet to a Point of Curvature; thence Southeasterly, along the arc of a circular curve to the left, having a radius of 4365.66 feet for an approximate arc distance of 1554 feet to the Point of Intersection with the South line of the said Southeast 1/4 of said Section 7; said last described two courses being along the said Southeasterly Limited Access Right-of-Way line of said State Road No. 821 and its Southwesterly prolongation; thence Easterly, along the said South line of the said Southeast 1/4 of said Section 7 to the Southwest corner of the Southwest 1/4 of said Section 8; thence Easterly, along the South line of the said Southwest 1/4 of said Section 8 to the Southwest corner of the Southeast 1/4 of said Section 8; thence Easterly, along the South line of the said Southeast 1/4 of said Section 8 to the Southwest corner of the Southwest 1/4 of said Section 9; thence Easterly, along the South line of the said Southwest 1/4 of said Section 9 to the Point of Beginning; all lying and being in Miami-Dade County, Florida.

All interested parties are invited to attend this hearing and be heard. Anyone desiring to appeal any decision of the City Council must arrange for a verbatim record of the proceedings, including testimony and evidence upon which any appeal may issued (F.S. 286.0105).

Copy of the annexation ordinance and a legal description can be obtained from the Office of the City Clerk. Due to the process of numbering ordinances consecutively, the number of the annexation ordinance will be assigned upon adoption.

IF ANY PERSON DECIDES TO APPEAL IN ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK FOR ASSIUSTANCE, NO LATER THAN SEVEN (7) DAYS PRIOR TO THER PROCEEDING AT (305)883-5820; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS (800) 955-8771 (TDD)OR (800) 955-8770 (VOICE).

Marbelys Fatjo
City Clerk



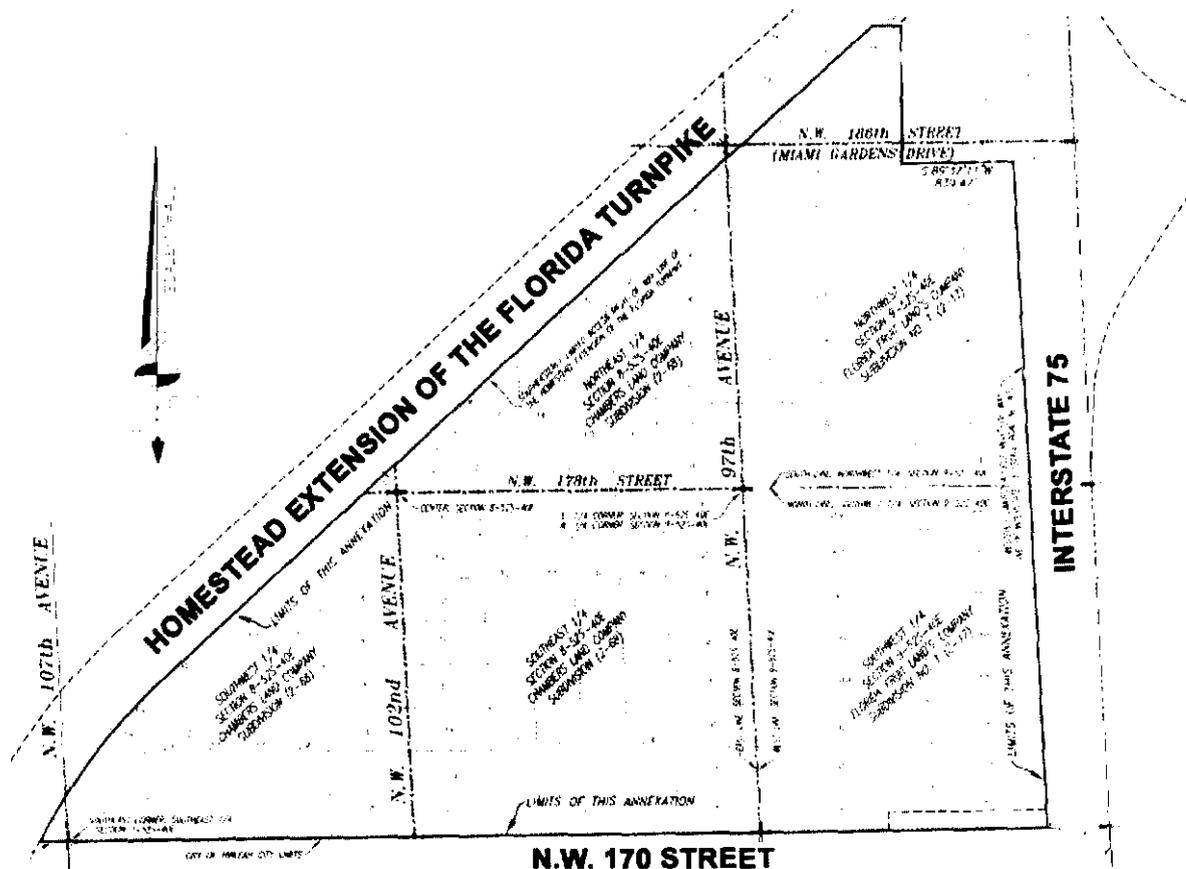
NOTICE OF PUBLIC HEARING

SEPTEMBER 10, 2013

PROPOSED ANNEXATION

Notice is hereby given that a Public Hearing of the City Council of the City of Hialeah, Florida will be held on Tuesday, September 10, 2013, at 7:00 p.m. in the Council Chamber located at City Hall, 501 Palm Avenue, 3rd Floor, Hialeah, Florida. At the hearing, the City Council will consider the proposed ordinance for first reading of the City of the Hialeah to annex certain lands legally described below and also designated as the "Proposed Annexation Area." The subject Proposed Annexation Area has the following boundaries and is shown on the map below:

- North Boundary-Homestead Extension of the Florida Turnpike
- West Boundary- Homestead Extension of the Florida Turnpike
- South Boundary- NW 170 Street
- East Boundary- Interstate 75 Expressway



A portion of "CHAMBERS LAND COMPANY SUBDIVISION" in the Southwest 1/4 of Section 4, Township 52 South, Range 40 East, as recorded in Plat Book 2 at Page 27; together with a portion of "CHAMBERS LAND COMPANY SUBDIVISION", in Section 8, Township 52 South, Range 40 East, as recorded in Plat Book 2 at Page 68; also together with: A portion of "FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1" in Sections 7 and 9, Township 52 South, Range 40 East, as recorded in Plat Book 2 at Page 17, all of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

PLANNER'S RECOMMENDATION FOR VARIANCE

MEETING: **AUGUST 28, 2013**

ITEM # 9

APPLICANT: City of Hialeah

LOCATION: Sections 08, 09 and 04 lying west of I-75 and south of the Florida Turnpike Homestead Extension

SIZE: 0.92 square miles

EXISTING ZONING: Agricultural (MDC)

EXISTING LAND USE:

SURROUNDING LAND USE AND ZONING:

NORTH: Agriculture

EAST: Residential

SOUTH: Industrial and Office

WEST: Agriculture

LAND USE PLAN:

BUILDING VIOLATIONS: None

CODE VIOLATIONS: None

FIRE VIOLATIONS: None

FLOOD INFORMATION: FIRM zone: N/A. Base flood elevation: N/A; Finished floor elevation: N/A. Flood criteria must be met prior to building permit.

REQUEST:

The City of Hialeah proposed to annex the area within the following boundaries: **NORTH:** Florida Turnpike Homestead Extension (HEFT). **EAST:** I-75 Expressway. **SOUTH:** NW 170 Street. **WEST:** Florida Turnpike Homestead Extention (HEFT). Area is also described as portions of sections 08, 09, and 04 lying west of I-75 and south of the Florida Turnpike Homestead Extension (HEFT).

Planner's Recommendation

APPLICANT: City of Hialeah

MEETING: AUGUST 28, 2013

LOCATION: Sections 08, 09 and 04 lying west of I-75 and south of the Florida Turnpike Homestead Extension

ITEM#: 9

RECOMMENDATION: Approval

City of Hialeah



LOBBYIST REGISTRATION FORM

Lobbyist means a person employed, paid or retained by a principal, who seeks to influence a decision of the mayor, city council, city board or committee or attempts to obtain the good will of a city official or employee. A lobbyist is not a person who merely appears before the mayor, city council, city board or committee in an individual capacity for the purpose of representing himself or others without compensation to support or oppose any ordinance, resolution, decision or action of the mayor, city council, city board or committee. A lobbyist includes paid consultants retained by an applicant or third party, attorneys, surveyors, architects or other people representing an applicant or third party before the city council or board. See Hialeah Code § 26-66.

Principal means the person who has employed or retained a lobbyist. See Hialeah Code § 26-66.

Lobbyist Information

Lobbyist Name: Felix M. Lasarte

Mailing Address: 3250 NE 1st Avenue, #334
Miami, FL 33137

Business Telephone: 305-594-2877 Fax Number: 305-594-2878

E-mail: felix@lasartelaw.com

Principal Information

Name, address and telephone number of the principal: (i.e., person, business entity, governmental entity, religious organization, non-profit corporation, or association whose interest you represent or by whom you are employed.)

Name: John Morgan

Mailing Address: 8355 NW 12th Street
Doral, FL 33126

Telephone Number: 305-477-8700 Fax Number: _____

(OVER)

If the principal is a corporation, partnership or trust, please list:

- The name of the chief officer, partner, or beneficiary: _____
- All persons holding, directly or indirectly, a 5% or more ownership interest in such corporation, partnership or trust: _____

Specific Issue Employed to Lobby

Describe the specific issue on which you have been employed to lobby. Make sure to specify any city department, office, agency, board, committee, task force, employee or elected official that you intend to lobby.

Hialeah Annexation Issues

Prior Employment or Relationship

- Have you been employed by the City of Hialeah in the last two years?

Yes No

If yes, state the position you held: _____

Note, no person shall appear in representation of any third party for compensation before the city council or other city board, commission or agency for a period of two years after the officer, official or employee has left city service or terminated city employment, unless employed by another governmental entity. See Hialeah Code § 26-33(b).

- Describe the extent of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city council, city board, or committee before whom the lobbyist lobbies or intends to lobby. See Hialeah Code § 26-67(b). _____
- _____
- _____

Notice

Separate Lobbyist Registration Forms must be completed for each principal and/or issue for which the lobbyist will be representing any principal.

OATH

UNDER PENALTY OF PERJURY, I AFFIRM THAT ALL OF THE FOREGOING FACTS ARE TRUE AND CORRECT, AND THAT I HAVE READ OR AM FAMILIAR WITH THE PROVISIONS CONTAINED IN HIALEAH CODE § 26-66 AND 26-67.

Signature of Reporting Lobbyist

Date

1-28-13

OFFICE OF THE CITY CLERK
Attn: David Concepcion
CITY OF HIALEAH
501 PALM AVENUE, 3RD FLOOR
HIALEAH, FL 33010

City of Hialeah



LOBBYIST REGISTRATION FORM

Lobbyist means a person employed, paid or retained by a principal, who seeks to influence a decision of the mayor, city council, city board or committee or attempts to obtain the good will of a city official or employee. A lobbyist is not a person who merely appears before the mayor, city council, city board or committee in an individual capacity for the purpose of representing himself or others without compensation to support or oppose any ordinance, resolution, decision or action of the mayor, city council, city board or committee. A lobbyist includes paid consultants retained by an applicant or third party, attorneys, surveyors, architects or other people representing an applicant or third party before the city council or board. See Hialeah Code § 26-66.

Principal means the person who has employed or retained a lobbyist. See Hialeah Code § 26-66.

Lobbyist Information

Lobbyist Name: Jorge L. Navarro

Mailing Address: 3250 NE 1st Avenue, #334
Miami, FL 33137

Business Telephone: 305-594-2877 Fax Number: 305-594-2878

E-mail: jorge@lasartelaw.com

Principal Information

Name, address and telephone number of the principal: (i.e., person, business entity, governmental entity, religious organization, non-profit corporation, or association whose interest you represent or by whom you are employed.)

Name: John Morgan

Mailing Address: 8355 NW 12th Street
Doral, FL 33126

Telephone Number: 305-477-8700 Fax Number: _____

(OVER)

If the principal is a corporation, partnership or trust, please list:

- The name of the chief officer, partner, or beneficiary: _____
- All persons holding, directly or indirectly, a 5% or more ownership interest in such corporation, partnership or trust: _____

Specific Issue Employed to Lobby

Describe the specific issue on which you have been employed to lobby. Make sure to specify any city department, office, agency, board, committee, task force, employee or elected official that you intend to lobby.

_____ **Hialeah Annexation Issues** _____

Prior Employment or Relationship

- Have you been employed by the City of Hialeah in the last two years? Yes No

If yes, state the position you held: _____

Note, no person shall appear in representation of any third party for compensation before the city council or other city board, commission or agency for a period of two years after the officer, official or employee has left city service or terminated city employment, unless employed by another governmental entity. See Hialeah Code § 26-33(b).

- Describe the extent of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city council, city board, or committee before whom the lobbyist lobbies or intends to lobby. See Hialeah Code § 26-67(b). _____

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Signature of Reporting Lobbyist

Date

8-28-13

OFFICE OF THE CITY CLERK
Attn: David Concepcion
CITY OF HIALEAH
501 PALM AVENUE, 3RD FLOOR
HIALEAH, FL 33010

