

ORDINANCE NO. 2018-048

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA VACATING AND ABANDONING FOR PUBLIC USE ALL OF THE 12 FOOT ALLEY LYING IN BLOCK 8E (PLAT BOOK 9-11), BOUNDED ON THE EAST BY THE EAST LINE OF SAID BLOCK 8E AND BOUNDED ON THE WEST BY THE WEST LINE OF LOT 23 PROLONGED UNTIL IT INTERSECTS WITH THE WEST LINE OF LOT 11, LOCATED ON THE EASTERN PORTION OF THE BLOCK BOUNDED BY EAST 9TH STREET TO THE SOUTH, EAST 5TH AVENUE TO THE EAST, EAST 10TH STREET TO THE NORTH AND EAST 4TH AVENUE TO THE WEST, HIALEAH, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND LOCATION SKETCH ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A"; 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 recommended approval of this ordinance at its regularly scheduled meeting of May 9, 2018; and

WHEREAS, the portion of the alley to be vacated, more particularly described and illustrated on the surveyor's legal description and location sketch attached hereto as Exhibit A, no longer serves a public purpose; and

WHEREAS, there are utilities presently located within the portion of the right-of-way proposed to be vacated and abandoned.

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

Section 1: The City of Hialeah, Florida hereby vacates and abandons the alley dedicated for public use and lying in all of the 12 foot alley lying in Block 8E (Plat Book 9-11), bounded on the east by the east line of said Block 8E and bounded on the west by the west line of lot 23 prolonged until it intersects with the west line of lot 11, located on the eastern portion of the block bounded by East 9th Street to the south, East 5th Avenue to the east, East 10th Street to the north and East 4th Avenue to the west, Hialeah, Florida, and more particularly described in the legal description and location sketch attached hereto and made a part hereof as Exhibit "A".

Section 2: The reversionary rights of the western portion of the 12 foot alley running east and west, between East 8th Avenue and East 9th Avenue, extending eastward approximately 235.54 feet, more or less, from East 8th Avenue, closed for public use hereof shall revert to the reversionary interests in the property, as determined by law.

Section 3: Easement Reserved.

An easement is reserved within the 12-foot alley, to install, maintain, repair and replace utilities.

Section 4: Repeal of Ordinances in Conflict.

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

Section 5: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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 6: 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 7: 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.

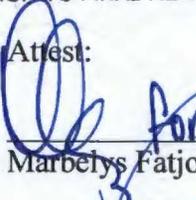
PASSED and ADOPTED this 12 day of June, 2018.

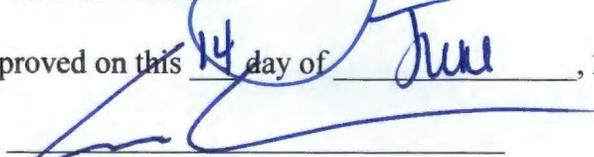
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

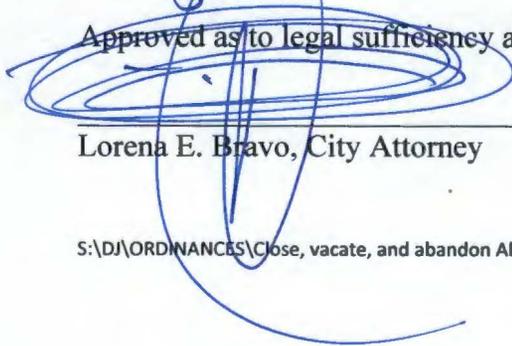
Attest:

Approved on this 14 day of June, 2018.


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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