

ORDINANCE NO. 2018-068

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING FROM SFACS REAL ESTATE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, A SPECIAL WARRANTY DEED CONVEYING APPROXIMATELY 2,002 SQUARE FEET OR .045 ACRES OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED ATTACHED AS EXHIBIT "1"; 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 City of Hialeah finds it in its best interest to accept this offer of land and shall use the property for a public purpose; and

WHEREAS, the special warranty deed shall enable the City to perform any and all work needed to install a pump station and force main, inclusive of all inter-connecting piping, manhole, and appliances.

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

Section 1: The City of Hialeah, Florida hereby accepts a special warranty deed from SFACS Real Estate, LLC, a Florida Limited Liability Company, conveying approximately 2,002 square feet or .045 acres of land as described in the Special Warranty Deed to the City of Hialeah, Florida attached as Exhibit "1".

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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 described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation 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.

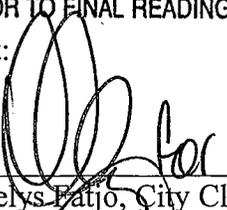
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council 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 28 day of August, 2018.

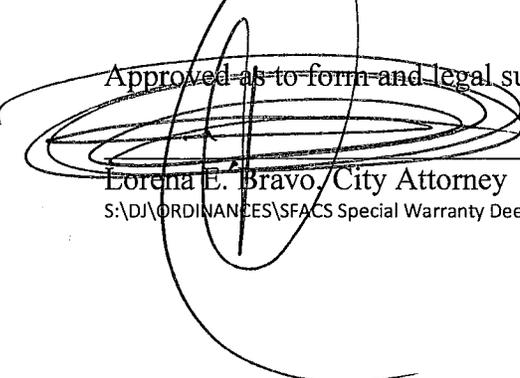
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:



Marbelys Patjo, City Clerk

Approved as to form and legal sufficiency:



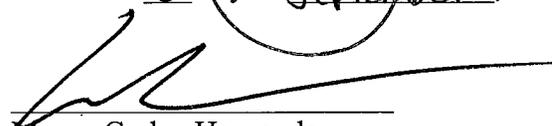
Lorena E. Bravo, City Attorney

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Vivian Casals-Muñoz
Council President

Approved on this 5 day of September, 2018.



Mayor Carlos Hernandez

Ordinance was adopted by a 4-0-3 vote with Councilmembers, Casals-Munoz, Hernandez, Caragol, and Cue-Fuente voting "Yes" and with Councilmembers Zogby, Lozano and Garcia-Martinez absent.

This instrument was prepared by:
L. MICHAEL OSMAN, ESQ.
L. MICHAEL OSMAN, P.A.
1474-A West 84th Street
Hialeah, Florida 33014

Parcel Identification No.: 04-2017-001-0085

SPECIAL WARRANTY DEED

THIS DEED, made this ___ day of April, 2018, between **SFACS REAL ESTATE, LLC**, a Florida limited liability company of the County of Miami-Dade, in the State of Florida, hereinafter called the "Grantor", and **CITY OF HIALEAH - DEPARTMENT OF PUBLIC WORKS**, a political subdivision of the State of Florida, hereinafter called the "Grantee", whose post office address is 3700 West 4 Avenue, Hialeah, Florida 33012. With the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors, and assigns where the context requires or permits.

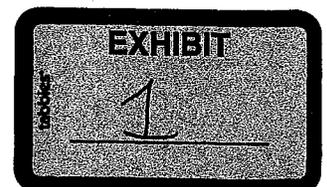
WITNESSETH THAT, THE GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, in hand paid by the Grantee, the receipt of which is hereby acknowledged, has by these presents granted, bargained, and sold to the Grantee, their heirs, and assigns forever, the following described land situate, lying and being in Miami-Dade County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION OF THE PROPERTY
BEING CONVEYED HEREIN.

SUBJECT TO: All taxes and assessments for the year 2017 and subsequent years.
All restrictions, reservations, easements, conditions, limitations, and zoning ordinances appearing of record. Reference to these restrictions and reservations shall not operate to reimpose the same.

TO HAVE AND TO HOLD the same unto the Grantee in fee simple forever.

AND THE GRANTOR DOES HEREBY COVENANT with the Grantee, except as above-noted, that, at the time of the delivery of this Deed, the premises were free from all encumbrances made by it, and that they will warrant and defend the same against the lawful claims and demands of all persons claiming by, through, or under it, but against none other.



IN WITNESS WHEREOF, grantors have hereunto set grantors' hands and seals the day and year first above written.

Signed, sealed, and delivered in our presence:

[Signature]
Witness signature
Nicolas Lozano
Printed name of witness

[Signature]
Witness signature
Viviana Castillo
Printed name of witness

SFACS REAL ESTATE, LLC,
a Florida limited liability company

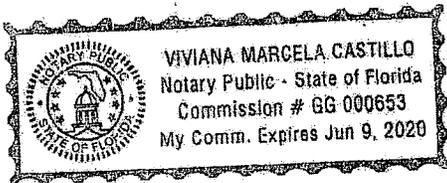
By: [Signature] (Seal)
Name: Glenn Pierce
Title: BO. CHAIR

STATE OF FLORIDA
COUNTY OF ~~MIAMI-DADE~~ Broward.

THE FOREGOING INSTRUMENT was acknowledged before me this 1 day of ~~April~~ ^{May}, 2018, by Glenn R. Pierce, as _____ of SFACS REAL ESTATE, LLC, a Florida limited liability company who acting on behalf of the company executed the above and () is personally known to me, or who (X) presented drivers licenses as identification, and who did not take an oath.

[Signature]
Notary Public
Printed name: Viviana Castillo

My commission expires: June, 9, 2020



INSTRUMENT PREPARED BY:



PHONE: 305-822-6082 * FAX: 305-827-9669
6175 NW 153rd STREET SUITE 321
MIAMI LAKE FL. 33014

SKETCH AND LEGAL DESCRIPTION LIFT STATION SITE



PROPERTY ADDRESS:

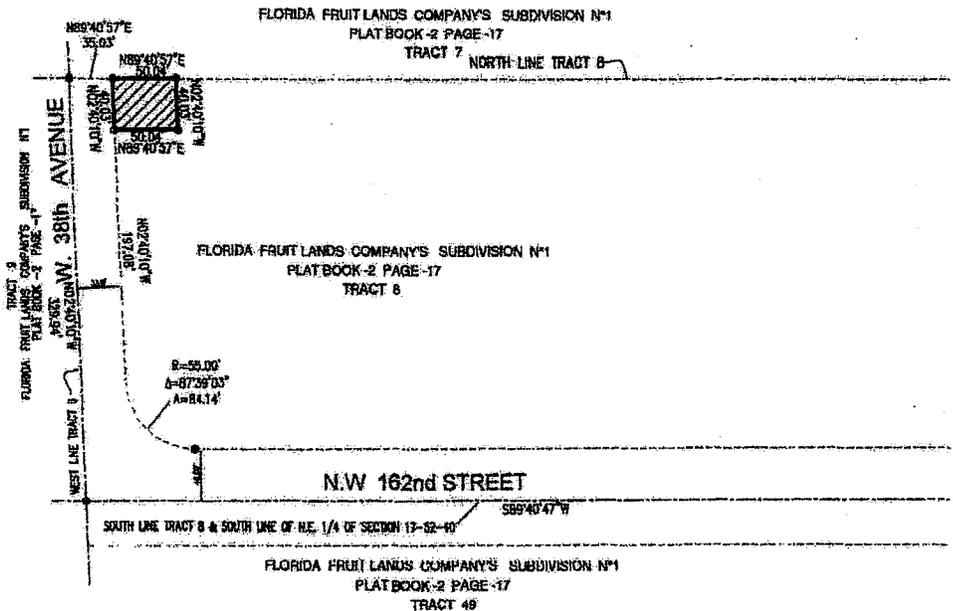
FOLIO # 04-2017-001-0085
SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST

SCALE: 1" = 100'

LEGAL DESCRIPTION:

The East 50 feet of the West 85 feet of the North 40 feet of Tract 8 of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" of Section 17, Township 52 South, Range 40 East, according to the Plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.

Said described land containing 2,002 square feet, more or less, as more particularly described below.



SURVEYOR'S NOTES:

- 1) This is not a BOUNDARY SURVEY, but only a GRAPHIC DEPICTION of the description shown hereon.
- 2) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to survey maps or reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.
- 3) There may be additional Restrictions not shown on this survey that may be found in the Public Records of this County. Examination of ABSTRACT OF TITLE will have to be made to determine recorded instruments, if any affecting this property.
- 4) No Title search has been performed to determine if there are any conflict existing or arising out of the creation of the Easements, Right of Ways, Parcel Descriptions, or any other type of encumbrance that the herein described legal may be utilized for.
- 5) The North arrow and bearings hereon are based on Miami-Dade County Sectional Maps.

SURVEYOR'S CERTIFICATE:

I Hereby Certify to the best of my knowledge and belief that this drawing is a true and correct representation of the SKETCH AND LEGAL DESCRIPTION of the real property described hereon.

I further certify that this survey was prepared in accordance with the applicable provisions of Chapter 5J-17, Florida Administrative Code.

Pablo J. Alfonso P.S.M.
Professional Surveyor & Mapper
State of Florida Reg. No. 5880
Dated: October 2, 2017