

ORDINANCE NO. 2018-070

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 RIGHT OF WAY DEED CONVEYING APPROXIMATELY 27,257 SQUARE FEET OR .626 ACRES OF LAND DESCRIBED IN THE RIGHT-OF-WAY 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; as a right-of-way and for all purposes incidental thereto.

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 right-of-way deed from SFACS Real Estate, LLC, a Florida Limited Liability Company, conveying approximately 27,257 square feet or .626 acres of land as described in the Right-of-Way Deed to the City of Hialeah, Florida for Public Right-of-Way 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

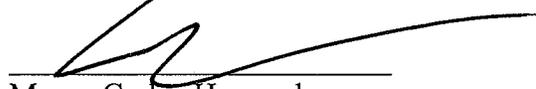
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 28 day of August, 2018.

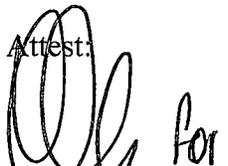
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

Approved on this 5 day of September, 2018.


Mayor Carlos Hernandez

Attest:


Marbelys Hatjo, City Clerk

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

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.

Instrument prepared by and
upon recording return to:

City of Hialeah, Florida
Law Department
Palm Avenue Hialeah,
Florida 33010

Property Appraiser's Parcel Identification (Folio)
04-2017-001-0085

CORRECTIVE RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA
FOR PUBLIC RIGHT-OF-WAY

*(To correct legal description in Right of Way Deed recorded in O.R. Book 31050 Page 3713 of the
Public Records of Miami-Dade County)*

THIS INDENTURE, made this _____ day of August, 2018, by and between SFACS Real Estate, LLC, a Florida limited liability company, of the County of Miami-Dade, in the State of Florida, party of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF.

It is the intention of the party of the first part, by this instrument, to convey to the party of the second part, and its successors in interest, the land above described for use of a public right-of-way and for all purposes incidental thereto.

It is expressly provided that if and when the said right-of-way shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its heirs and assigns, and such party shall have the right to repossess the same.

And the party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set our hands and seals the day and year first written above.

Signed, sealed and delivered in the presence of:

Glenn Pierce
Witness
Print Name: Glenn Pierce

Bindhu Hirian
Witness
Print Name: Bindhu Hirian

SFACS Real Estate, LLC
a Florida limited liability company,
by South Florida Autism Center, Inc., a Florida
not for profit corporation
Address: 18305 N.W. 75th Place
Hialeah, FL 33015

By: *Lawrence Popritkin*
Lawrence Popritkin, Chairman

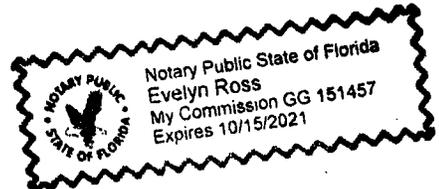
STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Lawrence Popritkin, as the Chairman of the Board of Directors of South Florida Autism Center, Inc., a Florida Not for Profit Corporation, as managing member of SFACS Real Estate, LLC, a Florida limited liability company, who is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed same, and: I relied upon the foregoing form of identification of the above-named person: Lawrence Popritkin or he is personally known to me and that oath was taken.

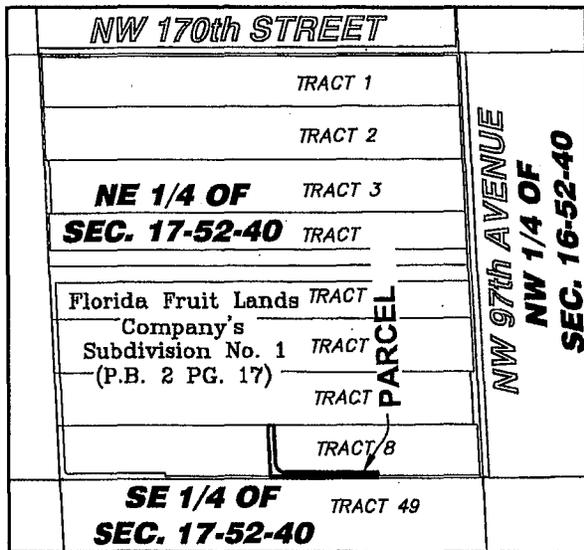
Witness my hand and official seal in the County And State aforesaid this 23rd day of Aug, 2018.

Evelyn Ross
Notary Signature
Typed Printed Name: Evelyn Ross
My Commission Expires:



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"



LOCATION SKETCH
NOT TO SCALE

SURVEYOR'S NOTES:

- This Site lies in the Northeast 1/4 of Section 17, Township 52 South, Range 40 East, Miami-Dade County Florida.
- This site contains an area of 27,251 square feet (0.626 acres) more or less.
- Parent Tract Folios: 04-2017-001-0085.
- Owner: SFACS Real Estate LLC
- Surveyor makes no statement as to ownership.

SURVEYOR'S CERTIFICATE:

I hereby certify that the attached "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" was prepared in accordance with the Standards of Practice for Surveying and Mapping, as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

THIS IS NOT A SURVEY

Biscayne Engineering Company, Inc.
529 West Flagler Street, Miami, FL. 33130
Tel. (305) 324-7671, Fax (305) 324-0809
State of Florida Department of Agriculture
LB-0000129
Date: 03-02-2018

Mike J. Bartholomew
Professional Surveyor and Mapper No. 5666
State of Florida

BEC REF. NOTE: THIS DOCUMENT IS VALID ONLY WHEN ALL THE SHEETS ARE COMBINED FORMING THE COMPLETE DOCUMENT

DATE: Aug 15, 2018 - 6:43pm EST FILE: \\BES-DC-02\Desktop\W Alvarez\Desktop\Projects\03-85773 - Hialeah NW 97th Ave\85773_Legals-Corrections.dwg

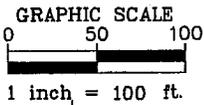
DRAWING: **2287-SS-22** CLIENT NAME: **CITY OF HIALEAH**

DATE: **08-15-2018** BEC ORDER # **03-86266** DRAWN BY **N.A.** SHEET **1 OF 3**

 **BISCAYNE ENGINEERING COMPANY, INC.** TEL (305) 324-7671, FAX (305) 324-1700
529 WEST FLAGLER ST, MIAMI FL 33130 WWW.BISCAYNEENGINEERING.COM

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

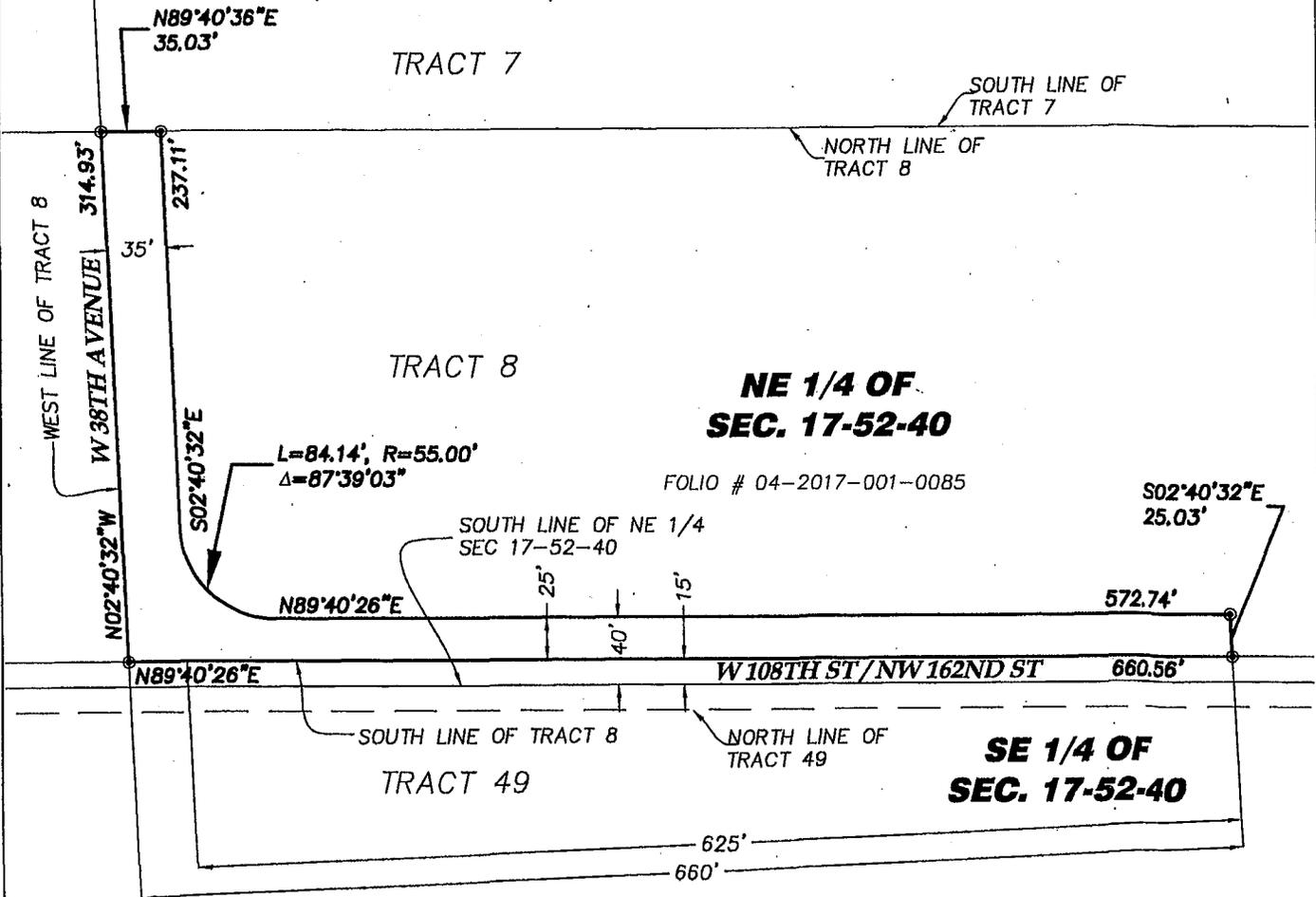
EXHIBIT "A"



Florida Fruit
Lands Company's
Subdivision No. 1
(P.B. 2 PG. 17)

SYMBOLS AND ABBREVIATIONS:

ESMT = EASEMENT
FP&L = FLORIDA POWER AND LIGHT
NE = NORTHEAST
NW = NORTHWEST
ORB = OFFICIAL RECORDS BOOK
P.B. - PLAT BOOK
PG. = PAGE
(R) = RECORD
R/W = RIGHT OF WAY
SE = SOUTHEAST
SEC = SECTION



BEC REF. NOTE: THIS IS NOT A SURVEY

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DRAWING: **2287-SS-22**

CLIENT NAME: **CITY OF HIALEAH**

DATE: **08-15-2018**

BEC ORDER # **03-86266**

DRAWN BY **N.A.**

SHEET **2 OF 3**



BISCAYNE ENGINEERING COMPANY, INC.
529 WEST FLAGLER ST, MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

PROPERTY ADDRESS:

FOLIO #: 04-2017-001-0085

SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST

OWNER: SFACS Real Estate LLC

LEGAL DESCRIPTION

The West 35 of Tract 8 in the Northeast one-quarter (N.E. $\frac{1}{4}$) of Section 17, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S 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.

TOGETHER WITH:

That portion of the East 625 feet of the West 660 of said Tract 8 in the Northeast one-quarter (N.E. $\frac{1}{4}$) of Section 17, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S 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 within the North 25 feet of the South 40 feet of said Northeast one-quarter (N.E. $\frac{1}{4}$) of Section 17.

TOGETHER WITH:

A portion of said Tract 8 in the Northeast one-quarter (N.E. $\frac{1}{4}$) of Section 17, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S 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, being all that external area formed by a 55 foot radius curve, concave to the Northeast and being tangent to a line that lies 35 feet East of and parallel with the West line said Tract 8, and being tangent to a line that lies 40 feet North of and parallel with the South line of said Northeast one-quarter (N.E. $\frac{1}{4}$) of Section 17.

Said described lands containing 27,251 square feet (0.626 Acres), more or less

BEC REF.

NOTE: THIS IS NOT A SURVEY

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DRAWING:

2287-SS-22

CLIENT NAME:

CITY OF HIALEAH

DATE:

08-15-2018

BEC ORDER #

03-86266

DRAWN BY

N.A.

SHEET

3 OF 3



BISCAYNE ENGINEERING COMPANY, INC.
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