

ORDINANCE NO. 2018-099

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE DEDICATION OF APPROXIMATELY 7,006 SQUARE FEET OF LAND ABUTTING NW 97 AVENUE TO MIAMI-DADE COUNTY FOR RIGHT-OF-WAY PURPOSES; APPROVING THE TERMS OF THE DEDICATION IN SUBSTANTIAL CONFORMITY WITH THE DEED ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT 1; AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE THE RIGHT OF WAY DEED ON BEHALF OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City owns property abutting NW 97 Avenue improved with the reverse osmosis water treatment plant facilities jointly owned and operated with Miami-Dade County;

WHEREAS, as part of a Joint Participation Agreement with Miami-Dade County, the City is improving NW 97 Avenue and bears the obligation to obtain the necessary dedications to complete the roadway improvements as contemplated by the parties and proposed in the roadway design plans;

WHEREAS, the NW 97 Avenue roadway improvements require the dedication of a portion of the City's land as depicted in the sketch attached to the proposed right-of-way deed;

WHEREAS, the dedication serves a public purpose and protects the public's interest in that NW 97 Avenue will improve traffic circulation 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 City of Hialeah, Florida hereby approves the dedication of approximately 7,006 square feet of land, more or less, to Miami-Dade County for right-of-way purposes as set forth in the Right-of-way Deed, attached hereto and made a part hereof as Exhibit

1, and authorizes the Mayor and the City Clerk, as attesting witness, execute the Right-of-Way Deed on behalf of City of Hialeah.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

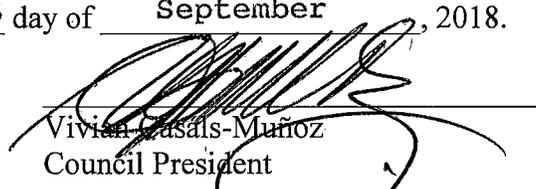
Section 3: Severability Clause.

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.

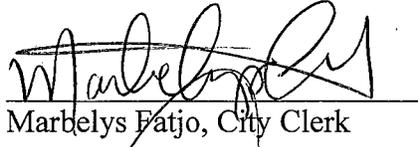
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

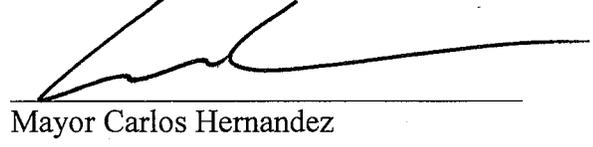
PASSED and ADOPTED this 25 day of September, 2018.
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Munoz
Council President

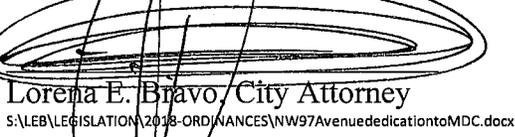
Attest:

Approved on this 1 day of October, 2018.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney
S:\LEB\LEGISLATION\2018-ORDINANCES\NW97AvenuededicationtoMDC.docx

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, Caragol, and Cuenca-Fuente voting "Yes" and Garcia-Martinez absent.

EXHIBIT "1"

Instrument prepared by:

George J. Lott, Esq.
Lott & Levine
8950 SW 74 Court, Suite 1711
Miami, Florida 33156

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-2017-001-0015

**RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY, FLORIDA
FOR HIGHWAY PURPOSES**

THIS INDENTURE, made this ____ day of _____, 2018, by and between City of Hialeah, 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 first part, and the County of Miami-Dade, a body corporate and a political subdivision of the State of Florida, and its successors in interest, whose address is c/o its County Attorney, Abigail Price-Williams, Stephen B. Clark Center, 111 N.W. 1st Street, Suite 2810, Miami, FL 33128, 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 Highway 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 said Miami-Dade, County, Florida, the party of the second part, and its successors in interest, the land above described for use a public Highway and for all purposes incidental thereto.

The Grantor, party of the first part, hereby releases all rights to automatic phosphate, metals, minerals and petroleum reservations it has, if any, by virtue of Section 270.11(1), Florida Statutes, so long as the above-described land is used as a public Highway.

It is expressly provided that, if and when the said Highway 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 it shall have the right to repossess the same.

And the said 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 its hand and seal the day and year first above written.

CITY OF HIALEAH,

Attest:

Marbelys Fatjo, City Clerk

By: _____
Carlos Hernandez, Mayor

____ day of _____, 2018

Approved as to form and legal sufficiency

By: _____
Lorena Bravo, City Attorney

____ day of _____, 2018

(CITY SEAL)

**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 acknowledgments, personally appeared Carlos Hernandez, as Mayor of the City of Hialeah., and that he is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and I relied upon the following form of identification of the above-named persons:

or is personally known to me and that an oath was taken.

NOTARY SEAL

Witness my hand and official seal in the county and State last aforesaid this __ day of _____, 2018

Notary Signature

Typed/printed name

My commission no:

EXHIBIT A

That portion of the South 100 feet of Tract 4 and that portion of the North 100 feet of Tract 5, in the Northeast one-quarter (NE. ¼) of Section 17, Township 52 South, Range 40 East, of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1, according to the Plat thereof, recorded in Plat Book 2, Page 17, Public Records Miami-Dade County, Florida, lying within the West 35.00 feet of the East 50.00 feet of said Northeast one-quarter (NE. ¼).

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A" PARCEL "E"

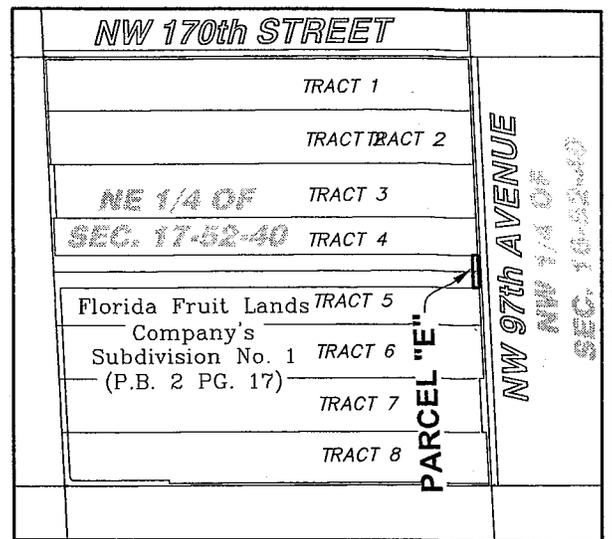


LEGAL DESCRIPTION PARCEL E

That portion of the South 100 feet of Tract 4 and that portion of the North 100 feet of Tract 5, in the Northeast one-quarter (NE. 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, at Page 17, of the Public Records of Miami-Dade County, Florida, lying within the West 35.00 feet of the East 50.00 feet of said Northeast one-quarter (NE. 1/4).

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 7,006 square feet more or less.
- Ownership and Encumbrance Report for the Parent Tract was prepared by Paramount Title Services, Inc., Search No.: 16-921-3, dated 04/18/17.
- Parent Tract Folio: 04-2017-001-0015
- Surveyor makes no statement as to ownership.



LOCATION SKETCH
NOT TO SCALE

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: 05-08-2017

Wolfgang S. Hueck
Professional Surveyor and Mapper No. 6519
State of Florida

SEE SHEET 3 FOR ENCUMBRANCE REPORT

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

DATE: May 26, 2017 - 11:26am EST FILE: F:\SURVEY\PROJECTS\85000\85773 CITY OF HIALEAH RW NW 97 AVE\DWG\85773.dwg

DRAWING: 2261-SS-21

CLIENT NAME: CITY OF HIALEAH

DATE: 05-08-17

BEC ORDER # 03-85773

DRAWN BY J.M.M.

SHEET 1 OF 3

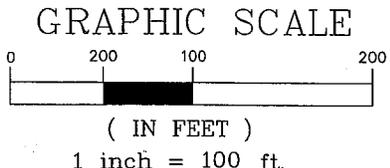
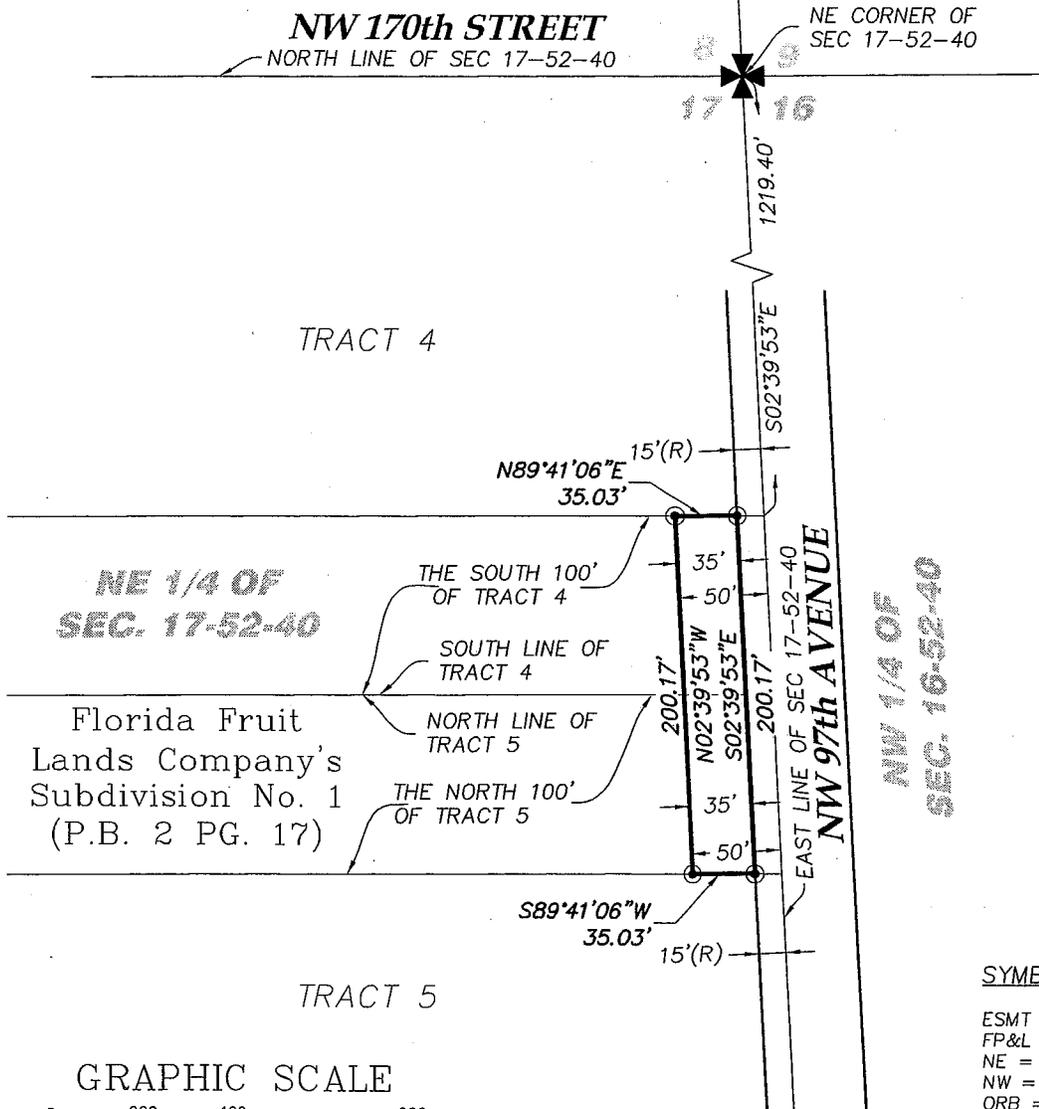
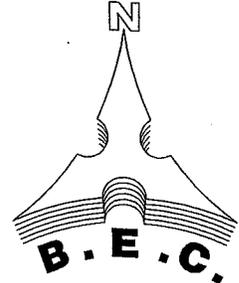


BISCAYNE ENGINEERING COMPANY, INC.
529 WEST FLAGLER ST, MIAMI FL 33130

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

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A" PARCEL "E"



- 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 | |
| NOTE: THIS DOCUMENT IS VALID ONLY WHEN ALL THE SHEETS ARE COMBINED FORMING THE COMPLETE DOCUMENT | | | |
| DRAWING: | 2261-SS-21 | CLIENT NAME: | CITY OF HIALEAH |
| DATE: | 05-08-17 | BEC ORDER # | 03-85773 |
| | | DRAWN BY | J.M.M. |
| | | SHEET | 2 OF 3 |