

ORDINANCE NO. 2018-101

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT OF WAY DEED ATTACHED AS EXHIBIT "1" FROM ABOVE INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, CONVEYING VACANT LAND COMPRISED OF APPROXIMATELY 80,035 SQUARE FEET OR 1.0837 ACRES IN AREA FOR PUBLIC HIGHWAY PURPOSES AND ALL PURPOSES INCIDENTAL THERETO; 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 has embarked on the construction and improvements of a network of roads throughout the once barren northwestern park of the city; and

WHEREAS, this network of roads running about N.W. 97 Avenue to N.W. 107 Avenue, N.W. 102 Avenue, N.W. 138 Street to N.W. 145 Place and N.W. 165 Place to N.W. 170 Street among other thoroughfares and roadways shall facilitate the continuing development of commerce and industry, including the progress of the City, and other advances; and

WHEREAS, the dedication of a portion of the vacant land as depicted in the sketch attached to the proposed right-of-way deed, funded in part by the State of Florida Job Growth Grant Fund, shall advance and progress the City into the future.

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 the dedication of approximately 80,035 square feet of land or 1.0837 acres more or less in area for public highway purposes and all purposes incidental thereto, from Above Investments, LLC, for right-of-way purposes, as set forth in the Right-of-way Deed attached hereto and made a part hereof 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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: 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.

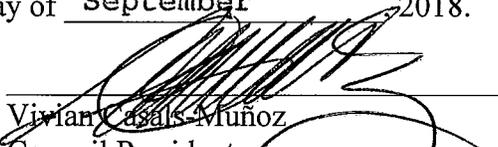
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

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.

Attest:


Marbelys Fatjo, City Clerk


Vivian Casals-Munoz
Council President

Approved on this 1 day of October, 2018.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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.

Instrument prepared by:

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

Property Appraiser's Parcel Identification (Folio)
Numbers: 04-2017-001-0130

**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA
FOR HIGHWAY PURPOSES**

THIS INDENTURE, made this 8th day of August, 2018, by and between FROM ABOVE INVESTMENTS, LLC, a Florida Limited Liability Company, whose address is 8627 Glencairn Terrace, Miami Lakes, FL 33016, party of the first part, and the CITY OF HIALEAH, a body corporate and a political subdivision of the State of Florida, and its successors in interest, whose address is c/o its City Attorney, 501 Palm Avenue, 4th Floor – Law Dept., Hialeah, FL 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 Highway and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

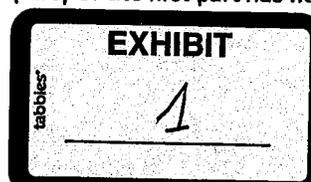
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is the intention of the party of the first part, by this instrument, to convey to said the City of Hialeah, 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.

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 successors, heirs and/or 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.



Signed, sealed and delivered
in the presence of:

Witness

Helen C. Costa
[Print Name]

Ana V. Pineda
Witness

Ana V. Pineda
[Print Name]

Ana V. Pineda
Witness

Ana V. Pineda
[Print Name]

Helen C. Costa
Witness

Helen C. Costa
[Print Name]

GRANTOR:

FROM ABOVE INVESTMENTS, LLC,
A Florida limited liability company)

By: [Signature]
Name: BARBARA ZAMBRANO
Title: as its Authorized Manager

By: [Signature]
Name: WILLIAM ZAMBRANO
Title: as its Authorized Manager

**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 BARBARA ZAMBRANO, as its Authorized Manager of FROM ABOVE INVESTMENTS LLC, a Florida Limited Liability Company, and that she is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, and I relied upon the following form of identification of the above-named person:

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

Witness my hand and official seal in the county and state last aforesaid this 8 day of April, 2018.



HELEN C. COSTA
MY COMMISSION # FF 222985
EXPIRES: April 25, 2019
Bonded Thru Budget Notary Services

[Signature]
Notary Signature

Typed/printed name
My commission No.:

Signed, sealed and delivered
in the presence of:

Witness

Helen C. Costa
[Print Name]

Wifredo Pineda
Witness

Ana V. Pineda
[Print Name]

Wifredo Pineda
Witness

Ana V. Pineda
[Print Name]

Helen C. Costa
Witness

Helen C. Costa
[Print Name]

GRANTOR:

FROM ABOVE INVESTMENTS, LLC,
A Florida limited liability company

By: [Signature]
Name: BARBARA ZAMBRANO
Title: as its Authorized Manager

By: [Signature]
Name: WILLIAM ZAMBRANO
Title: as its Authorized Manager

**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 BARBARA ZAMBRANO, as its Authorized Manager of FROM ABOVE INVESTMENTS LLC, a Florida Limited Liability Company, and that she is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, and I relied upon the following form of identification of the above-named person:

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

Witness my hand and official seal in the county and state last aforesaid this 8 day of April, 2018.

 **HELEN C. COSTA**
MY COMMISSION # FF 222985
EXPIRES: April 25, 2019
Bonded Thru Budget Notary Services

[Signature]
Notary Signature

Typed/printed name
My commission No.:

**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 **WILLIAM ZAMBRANO**, as its Authorized Manager of **FROM ABOVE INVESTMENTS, LLC**, a Florida Limited Liability Company, 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 person:

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

NOTARY SEAL



HELEN C. COSTA
MY COMMISSION # FF 222985
EXPIRES: April 25, 2019
Bonded Thru Budget Notary Services

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

Notary Signature

Typed/printed name
My Commission No.:

**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 **WILLIAM ZAMBRANO**, as its Authorized Manager of **FROM ABOVE INVESTMENTS, LLC**, a Florida Limited Liability Company, 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 person:

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

NOTARY SEAL



HELEN C. COSTA
MY COMMISSION # FF 222985
EXPIRES: April 25, 2019
Bonded Thru Budget Notary Services

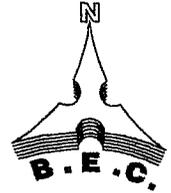
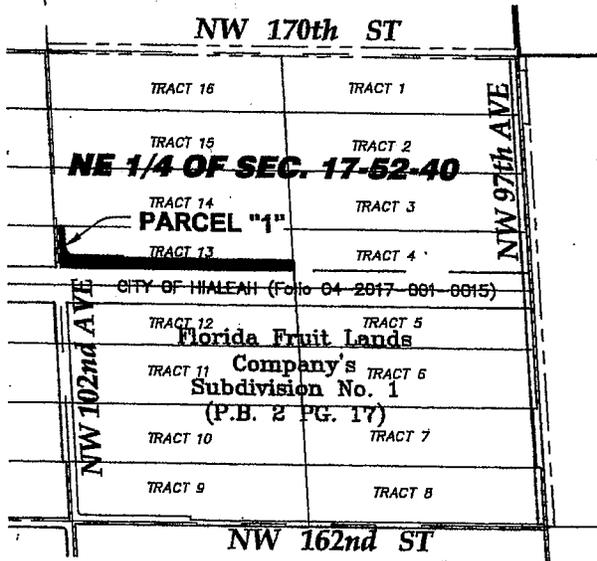
Witness my hand and official seal in the county and State last aforesaid this April day of April, 2018.

Notary Signature

Typed/printed name
My Commission No.:

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A" PARCEL "1"



LOCATION SKETCH
SCALE: 1"=1000'

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 80,035 square feet (1.837 Acres) more or less.
- Parent Tract Folio: 04-2017-001-0130
- 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: 05-10-2018

Mike J. Bartholomew 6-12-18

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

NOTE: THIS IS NOT A SURVEY

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

DATE: Jun 05, 2018 - 3:17pm EST FILE: \\BES-DC-02\Desktop\H\Hvaraz\Desktop\Projects\03-86124 - Hialeah NW 102nd Ave\DWG\Updated\03-86124_Parcel_D_M8.dwg

DRAWING: 2281-SS-25

CLIENT NAME: CITY OF HIALEAH

DATE: 05-11-18

BEC ORDER # 03-86124

DRAWN BY N.A.W.H.

SHEET 1 OF 4

 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 "1"

LEGAL DESCRIPTION

That portion of Tract 13 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 at Page 17 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:
Commence at the Northwest (NW) corner of the Northeast one-quarter (NE ¼) of said Section 17; thence South 02°41'10" East for a distance of 990.02 feet, to the point of intersection with the Westerly projection of the North line of said Tract 13; thence North 89°41'18" East, along said Westerly projection of the North line of said Tract 13 for a distance of 15.01 feet to a point on a line lying 15.00 feet East of , as measured at right angles to, the West line of said Northeast one-quarter (NE ¼) of Section 17, also being THE POINT OF BEGINNING of the hereinafter described parcel of land:
Thence North 89°41'18" East, along the said North line of Tract 13 for a distance of 25.02 feet; thence South 02°41'10" East, along a line lying 40.00 feet East of, as measured at right angles to, the West line of said Northeast one-quarter (NE ¼) of Section 17, for a distance of 112.09 feet to a point of curvature of a curve concave to the Northeast having a radius of 55.00 feet; thence Southerly, Southeasterly and Easterly along the arc of said curve through a central angle of 87°37'42" for an arc distance of 84.12 feet to a point of tangency; thence North 89°41'07" East, along a line lying 165.00 feet North of, as measured at right angles to, the south line of said Tract 13, for a distance of 272.23 feet; thence South 00°18'53" East at right angles to the last described course, for a distance of 10.00 feet; thence North 89°41'07" East, along a line lying 155.00 feet North of, as measured at right angles to, the south line of said Tract 13, for a distance of 956.33 feet; thence South 02°40'32" East, along the East line of said Tract 13 for a distance of 55.05 feet ; thence South 89°41'07" West, along a line lying 100.00 feet North of, as measured at right angles to the south line of said Tract 13, for a distance of 1,305.93 feet, thence North 02°41'10" West, along a line lying 15.00 feet East of , as measured at right angles to, the West line of said Northeast one-quarter (NE ¼) of Section 17, for a distance of 229.92 feet to THE POINT OF BEGINNING.

BEC REF.		NOTE: THIS IS NOT A SURVEY	
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DRAWING:	2281-SS-25	CLIENT NAME:	CITY OF HIALEAH
DATE:	05-11-18	BEC ORDER #	03-86124
		DRAWN BY	W.H./N.A.
		SHEET	2 OF 4
 BISCAYNE ENGINEERING COMPANY, INC. 529 WEST FLAGLER ST, MIAMI FL 33130		TEL (305) 324-7671, FAX (305) 324-1700 WWW.BISCAYNEENGINEERING.COM	

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DRAWING: **2281-SS-25**

CLIENT NAME: **CITY OF HIALEAH**

DATE: **05-11-18**

BEC ORDER # **03-86124**

DRAWN BY **W.H./N.A.**

SHEET **2 OF 4**

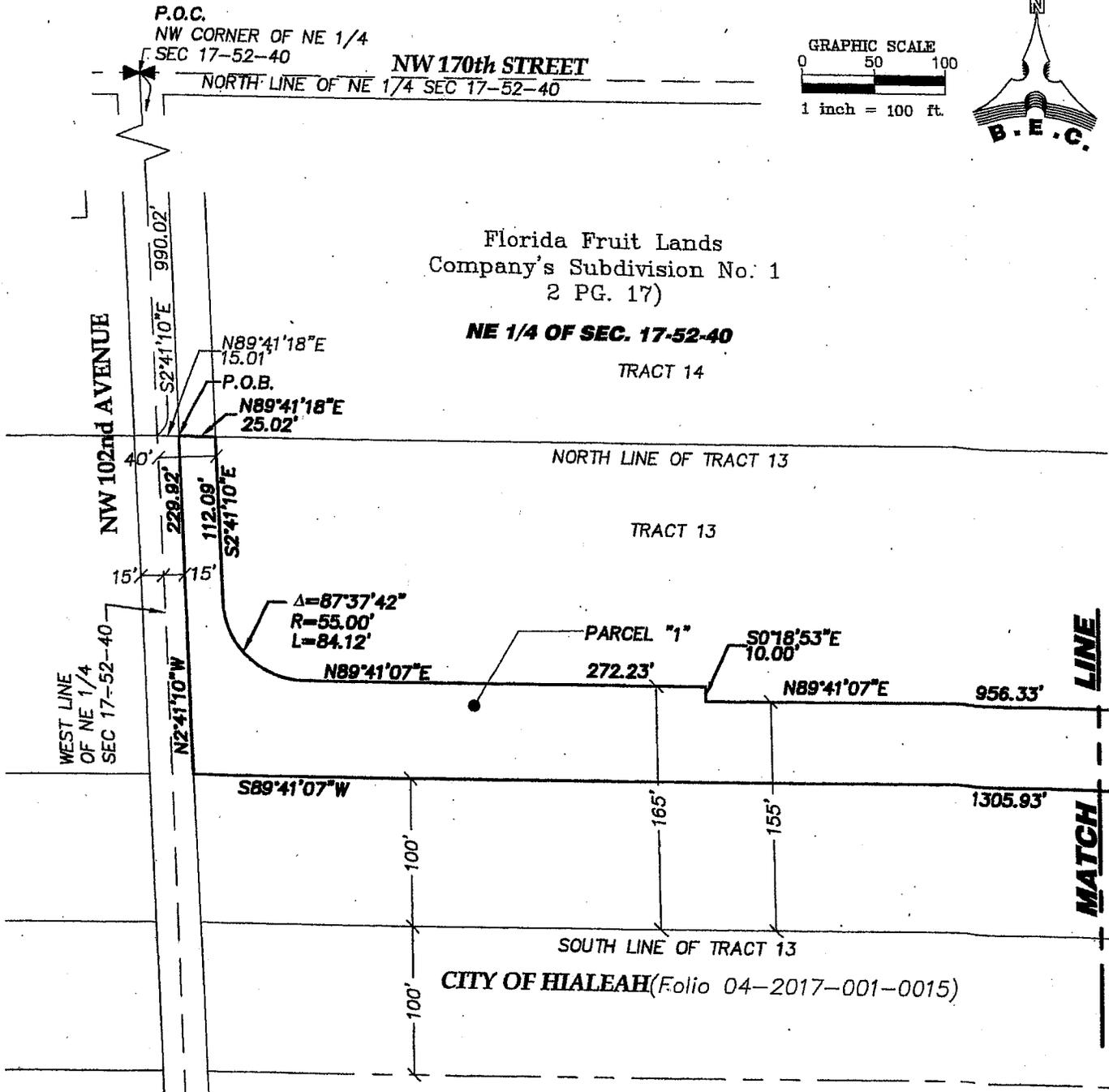


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SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A" PARCEL "1"



BEC REF.

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CLIENT NAME: **CITY OF HIALEAH**

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DRAWN BY **N.A.W.H.**

SHEET **3 OF 4**



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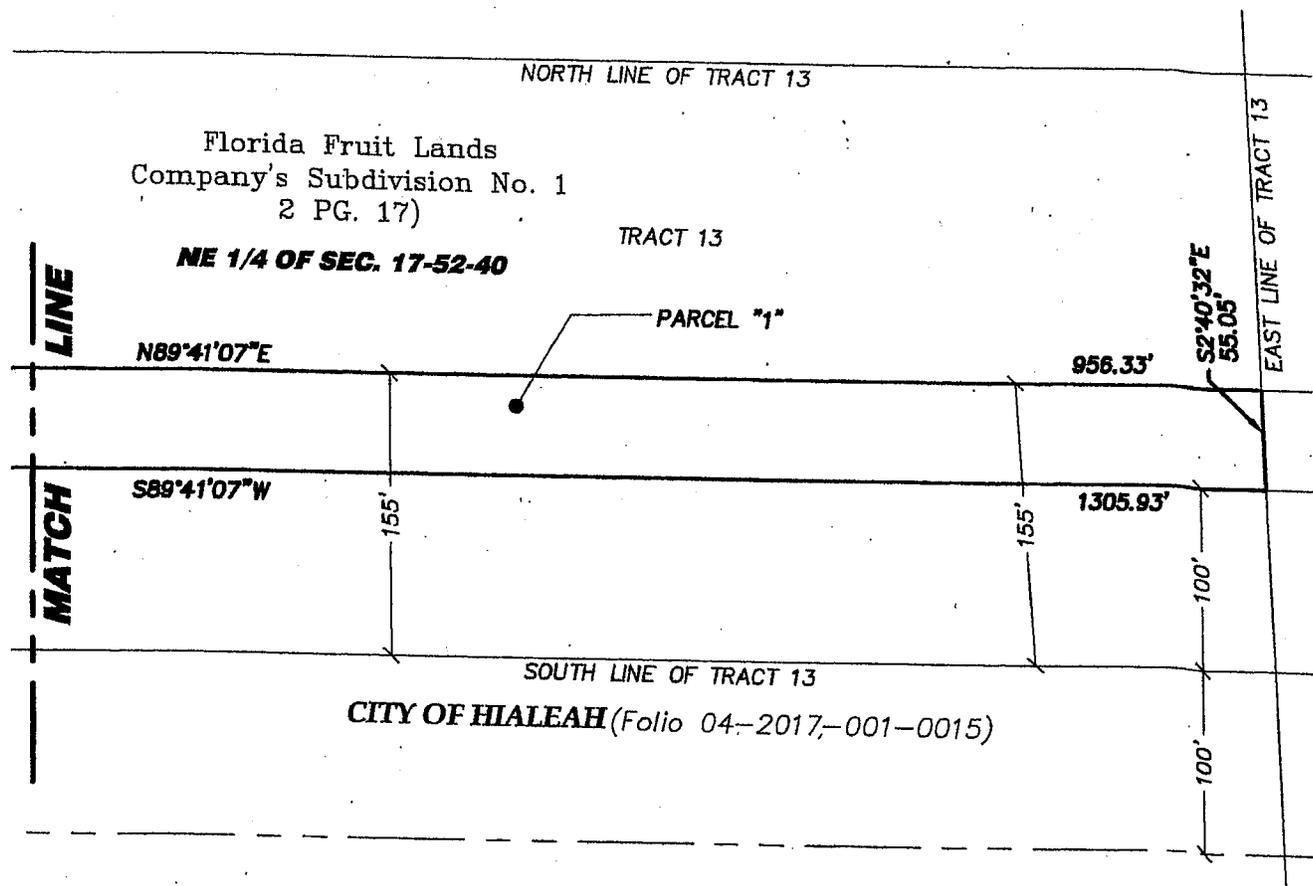
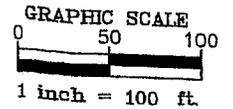
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EXHIBIT "A" PARCEL "1"

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.

DRAWING: **2281-SS-25**

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BEC ORDER# **03-86124**

DRAWN BY **N.A./W.H.**

SHEET **4 OF 4**



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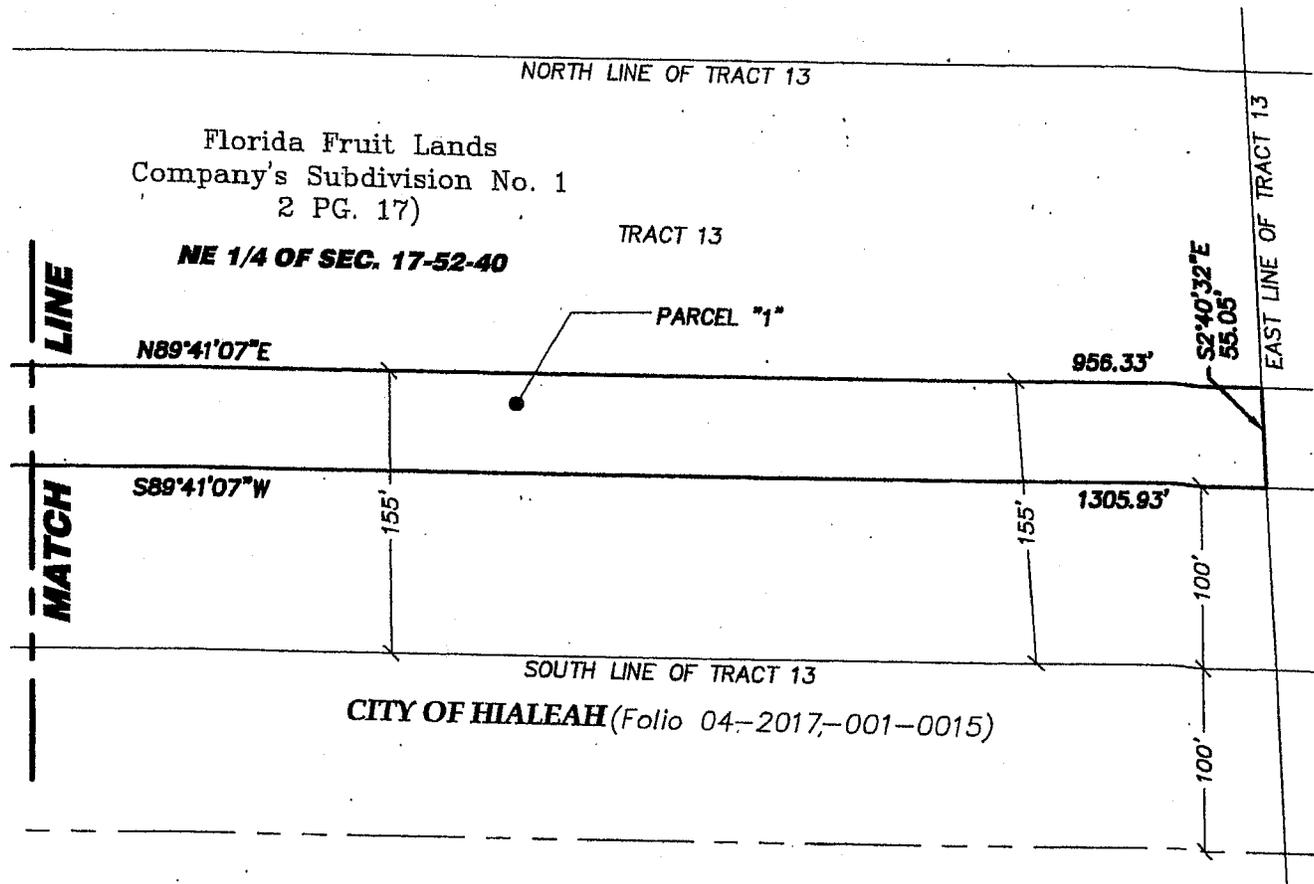
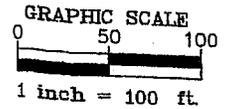
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		SHEET	4 OF 4



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