

ORDINANCE NO. 2018-119

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA RELEASING AND VACATING THE RIGHT OF WAY AT 7615 WEST 8 AVENUE, HIALEAH FLORIDA THAT TRAVERSES LAND BOUNDED ON THE NORTH BY WEST 77 STREET AND ON THE SOUTH BY WEST 76 STREET, LEGALLY DESCRIBED AS A PORTION OF WEST 76 STREET, LYING SOUTHERLY AND ADJACENT TO LOT 2, BLOCK 1, KELLY'S OAKS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 106 AT PAGE 61, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED WITHIN SECTION 25, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, CONSISTING OF APPROXIMATELY 4301 SQUARE FEET; AS DEPICTED IN EXHIBIT "1", RESERVING UNTO THE CITY A 10 FOOT WIDE UTILITY EASEMENT OF APPROXIMATELY 1,189 SQUARE FEET LEGALLY DESCRIBED AS THE SOUTH 10.00 FEET ALONG THE WEST 76 STREET, LYING SOUTHERLY AND ADJACENT TO LOT 2, BLOCK 1, KELLY'S OAKS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 106 AT PAGE 61, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED WITHIN SECTION 25, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, AS DEPICTED IN EXHIBIT "2"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Hialeah, Florida, (“City”), holds a “Right of Way” at 7615 West 8 Avenue, Hialeah, Florida consisting of approximately 4301 square feet as depicted and legally described in the sketch attached as Exhibit “1”; and

WHEREAS, except for and the City reserving the south 10 feet of the Right of Way of approximately 1,189 square feet as depicted and legally described in the sketch attached as Exhibit “2”, the City of Hialeah hereby does release the Right of Way as depicted in Exhibit “1”; and

WHEREAS, the Right of Way is no longer of any use to the City, except for the South 10 feet of the Right of Way as there are exiting utilities therein.

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

Section 1. The recitations and findings contained in the preamble to this Ordinance are hereby adopted by reference thereto and incorporated as if fully set forth herein.

Section 2. The City of Hialeah, Florida hereby approves and consents to the release of the Right of Way as depicted in Exhibit “1” attached, except for and as depicted in the attached Exhibit “2”, reserves the South 10 feet as a utilities easement.

Section 3. The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as an attesting witness, to execute the release of the Right of Way in the form attached as Exhibit “3” to this Ordinance.

Section 4. Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Penalties.

Every person convicted of a violation of any provision of the Code of Ordinances of the City of Hialeah, Florida 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 13 day of November 2018.

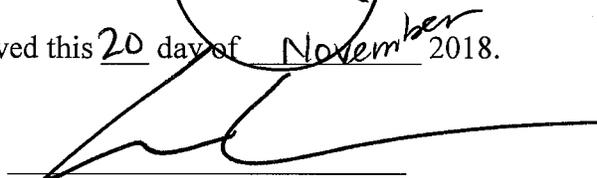
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Viviana Casals-Munoz
Council President

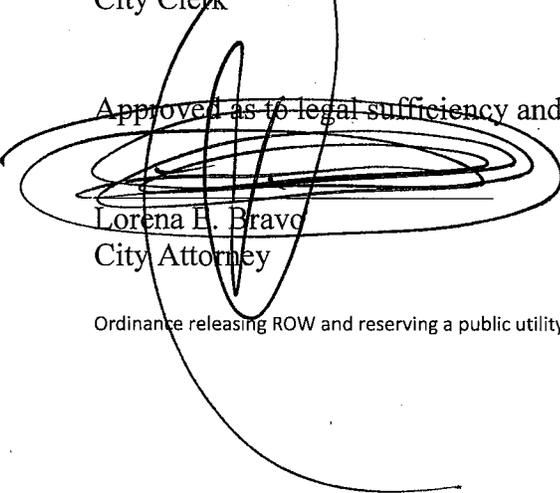
Attest:

Approved this 20 day of November 2018.


Marbelys Fajó
City Clerk


Carlos Hernandez
Mayor

Approved as to legal sufficiency and form:


Lorena H. Bravo
City Attorney

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

Ordinance releasing ROW and reserving a public utility easement 7615 West 8 Avenue