

**ORDINANCE NO.** 2018-132

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 FDG BN EXPANSION LLC, A DELAWARE LIMITED LIABILITY COMPANY, CONVEYING RIGHTS-OF-WAY CONSISTING OF 40 FEET ALONG NW 102 AVENUE WITH AN AREA OF APPROXIMATELY 60,627 SQUARE FEET 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 on N.W. 102 Avenue to N.W. 170 Street on the north shall facilitate the continuing development of commerce and industry, among other improvements; and

**WHEREAS**, the dedication of a portion of the land as depicted in the sketch attached to the attached right-of-way deed shall allow for the public improvements necessary to improve the roadways, and facilitate traffic.

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 right-of-ways of 40 feet on N.W. 102 Avenue to N.W. 170 Street on the north of an area of approximately 60,627 square feet for public highway purposes and all purposes incidental

thereto, from FDG BN EXPANSION, LLC 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.**

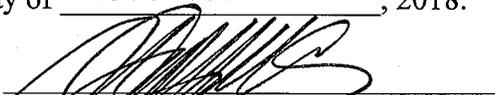
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 27 day of November, 2018.

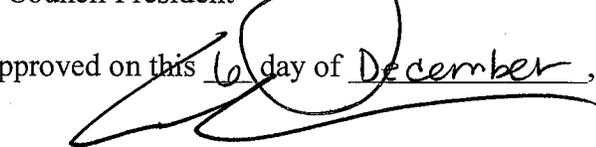
THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL HEADING.

Attest:

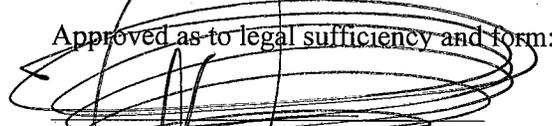
  
Marbelys Fatjo, City Clerk

  
Vivian Casals-Munoz  
Council President

Approved on this 6 day of December, 2018.

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lolena F. Bravo, City Attorney