

ORDINANCE NO. 2018-131

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 COUNTYLINE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, CONVEYING 40 FEET RIGHTS-OF-WAY ALONG NW 102 AVENUE 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 approximately 40 feet of right-of-ways for public highway purposes and all purposes incidental thereto, from FDG COUNTYLINE, 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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.

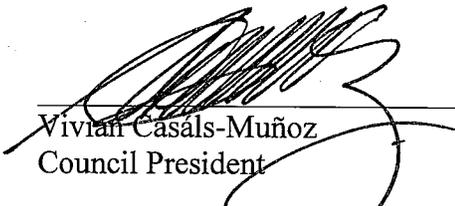
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 READING.



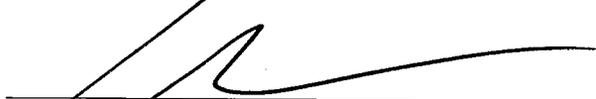
Vivian Casals-Muñoz
Council President

Attest:

Approved on this 6 day of December, 2018.

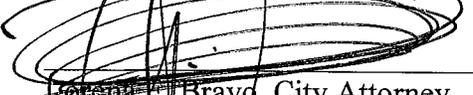


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena P. Bravo, City Attorney

EXHIBIT "1"

Instrument prepared by:

Lorena Bravo, Esq.
City of Hialeah, Florida
501 Palm Avenue – 4th Floor
Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)
Numbers: 04-2017-001-0221 (E. ½ Tract 22)
04-2017-001-0231 (E. ½ Tract 23)
04-2017-001-0240 (Tract 24)
04-2017-001-0201 (E. ½ Tract 20)
04-2017-001-0142 (W. ½ Tract 14)

RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA

THIS INDENTURE, made this 2nd day of Nov., 2018, by and between FDG COUNTYLINE, LLC, a Delaware Limited Liability Company, whose address is 117 NE 1st Avenue, 11th Floor, Miami, Florida 33132, party of the first part, and the City of Hialeah, Florida, 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, Lorena Bravo, City Hall, 501 Palm Avenue, 4 Floor, 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 road 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 City of Hialeah, Florida, the party of the second part, and its successors in interest, the land above described for use a public road and for all purposes incidental thereto.

It is expressly provided that, if and when the said public road shall be lawfully and permanently discontinued, the title to the said above-described land shall immediately revert to the party of the first part, its successors, heirs and/or assigns, and it shall have the right to immediately repossess the same. Nothing herein shall be construed to require FDG Countyline LLC to perform any construction work, make any improvements, or pay for any improvements, work, or modifications to the lands conveyed under this Deed.

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:

M. Santos
Witness
Mariela Santos
[Print Name]

Keri Moreda
Witness
Keri Moreda
[Print Name]

GRANTOR:

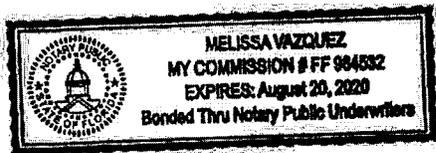
FDG COUNTYLINE, LLC
a Delaware limited liability company

By: [Signature]
Name: Margarita Martinez
Title: Vice President

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 Margarita Martinez as Vice Pres. of FDG COUNTYLINE LLC, a Delaware Limited Liability Company, and that she/he is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she/he executed the same, and 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 2 day of November 2018

[Signature]
Notary Signature

Melissa Vazquez
Typed/printed name

My commission no: FF 984532

EXHIBIT A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**40' Right of Way Dedication
from FDG COUNTYLINE LLC**

LEGAL DESCRIPTION:

A Portion of land lying in Section 17, Township 52 South, Range 40 East, in "FLORIDA FRUIT LAND 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. Being more particularly described as follows:

All of those portions of Tract 14 not previously dedicated for Right of Way purposes lying within the West 40 feet of the Northeast 1/4 of Section 17 Township 52 South Range 40 East.

AND

All of those portions of Tracts 20 not previously dedicated for Right of Way purposes lying within the East 40 feet of the Northwest 1/4 of Section 17 Township 52 South Range 40 East.

AND

All of those portions of Tracts 22 through 24 not previously dedicated for Right of Way purposes lying within the East 40 feet of the Northwest 1/4 of Section 17 Township 52 South Range 40 East.



NOT TO SCALE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:

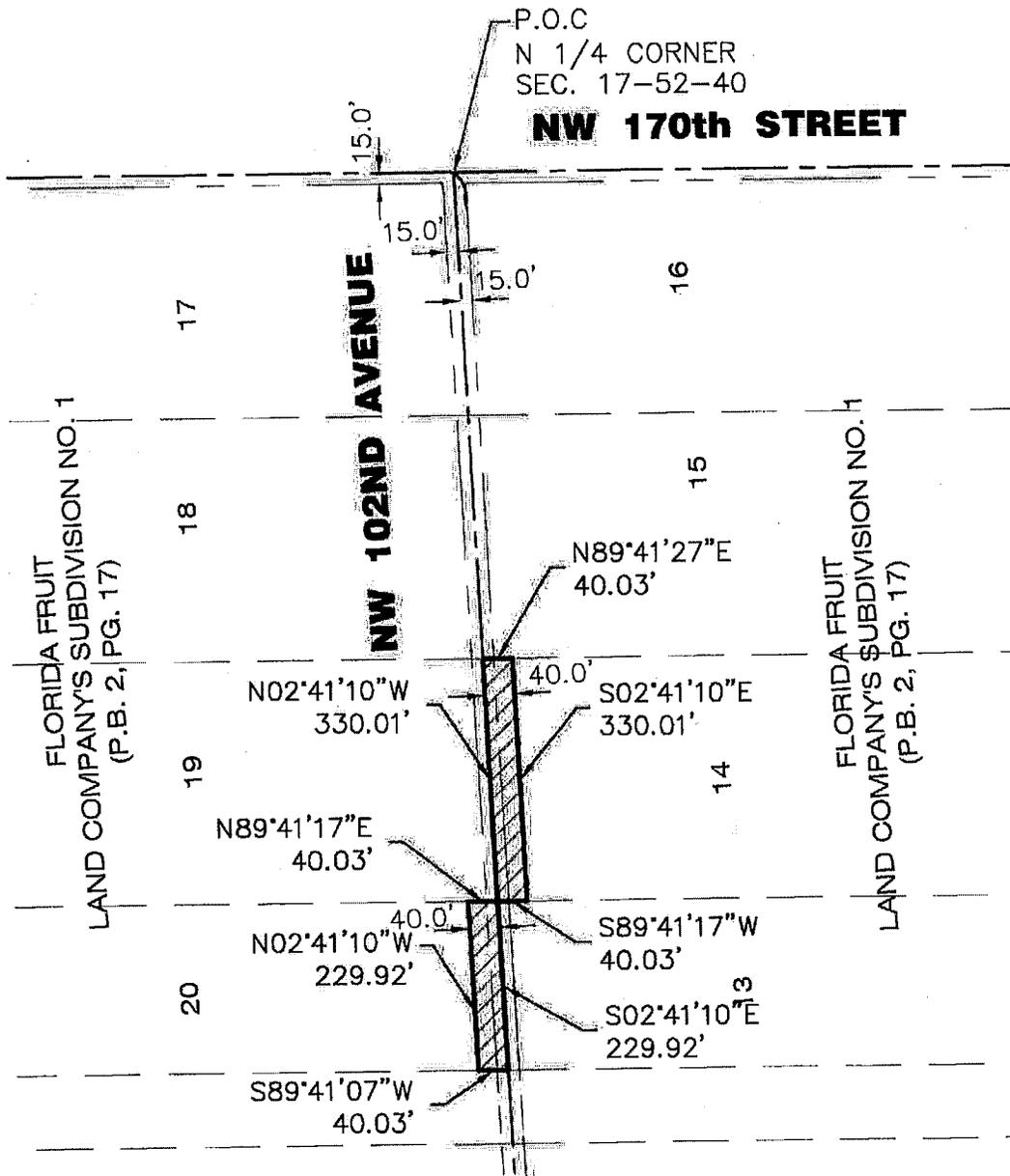


HADONNE

EXHIBIT "A"

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

40' Right of Way Dedication from FDG COUNTYLINE LLC



LEGEND

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| P.B. = PLAT BOOK | (C) = CALCULATED DISTANCE |
| PG. = PAGE | (M) = MEASURED DISTANCE |
| SEC. = SECTION | P.O.C. = POINT OF COMMENCEMENT |
| R/W = RIGHT OF WAY | P.O.B. = POINT OF BEGINNING |



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:



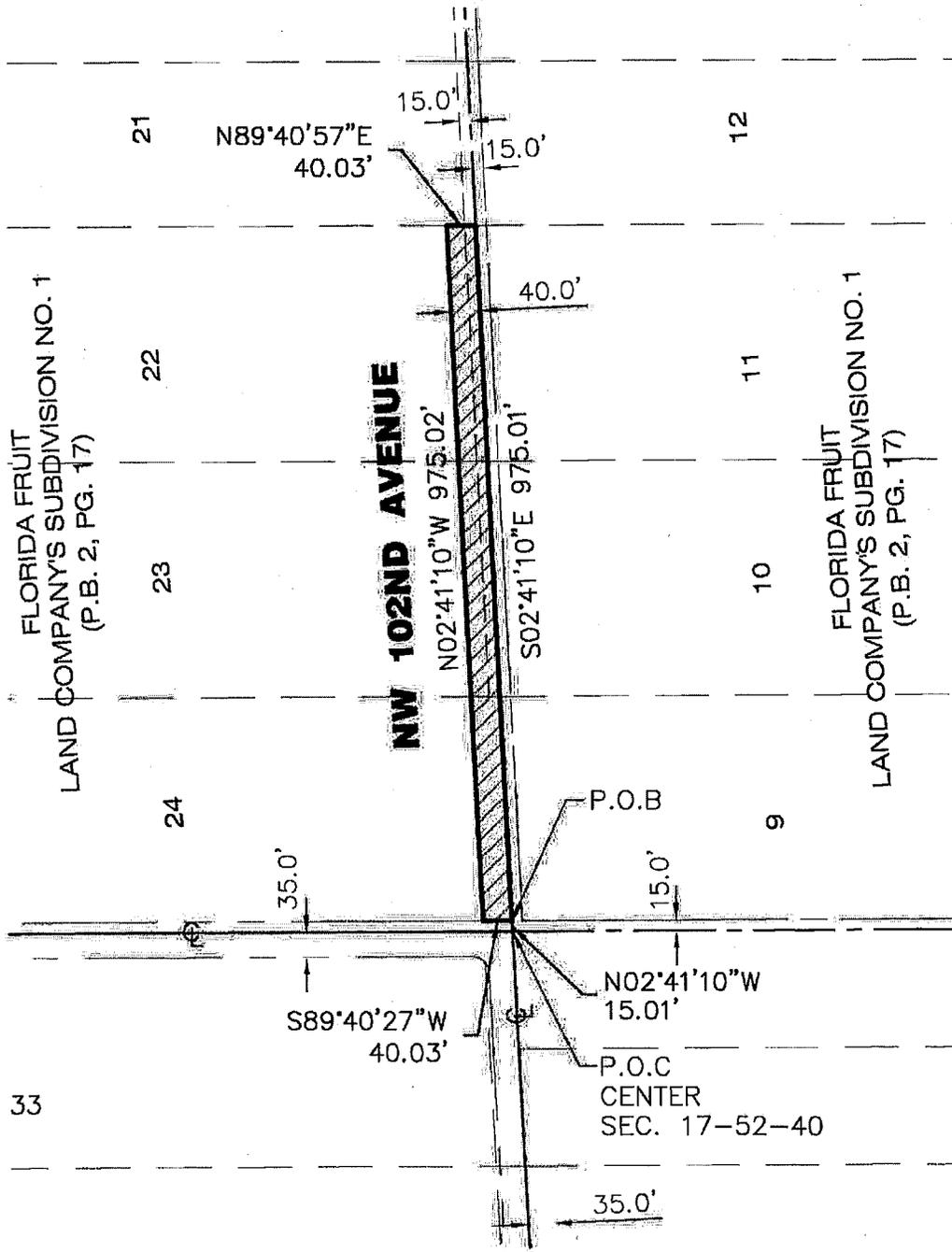
HADONNE

EXHIBIT "A"

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

NOT TO SCALE

40' Right of Way Dedication
from FDG COUNTYLINE LLC



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prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**40' Right of Way Dedication
from FDG COUNTYLINE LLC**

SOURCES OF DATA:

The Legal Description was generated from the Plat of "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION" as recorded in Plat Book 2, at Page 17 of the public records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the Center Line of NW 102nd Avenue, with an assumed bearing of S02°41'10"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear. This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code, and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By:


Raul Izquierdo P.S.M.
For The Firm
Professional Surveyor and Mapper LS6099
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 201
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

10/9/2018
Date:

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 61G17-6 of the Florida Administrative Code.

EXHIBIT "1"

Instrument prepared by:

Lorena Bravo, Esq.
City of Hialeah, Florida
501 Palm Avenue – 4th Floor
Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)
Numbers: 04-2017-001-0191 (E. ½ Tract 19)
04-2017-001-0181 (E. ½ Tract 18)
04-2017-001-0170 (Tract 17)
04-2017-001-0160 (Tract 16)
04-2017-001-0150 (Tract 15)

RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA

THIS INDENTURE, made this 2nd day of Nov., 2018, by and between FDG BN EXPANSION LLC, a Delaware Limited Liability Company, whose address is 117 NE 1st Avenue, 11th Floor, Miami, Florida 33132, party of the first part, and the City of Hialeah, Florida, 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, Lorena Bravo, City Hall, 501 Palm Avenue, 4 Floor, 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 road 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 City of Hialeah, Florida, the party of the second part, and its successors in interest, the land above described for use a public road and for all purposes incidental thereto.

It is expressly provided that, if and when the said public road shall be lawfully and permanently discontinued, the title to the said above-described land shall immediately revert to the party of the first part, its successors, heirs and/or assigns, and it shall have the right to immediately repossess the same. Nothing herein shall be construed to require FDG BN Expansion LLC to perform any construction work, make any improvements, or pay for any improvements, work, or modifications to the lands conveyed under this Deed.

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:

M. Santos
Witness
Mariela Santos
[Print Name]

Keri Moreda
Witness
Keri Moreda
[Print Name]

GRANTOR:

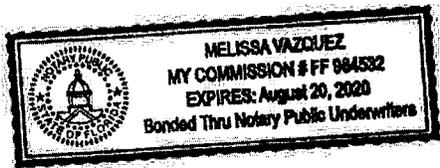
FDG BN EXPANSION, LLC
a Delaware limited liability company

By: [Signature]
Name: Margarita Martinez
Title: Vice President

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 Margarita Martinez, as Vice Pres. of FDG BN EXPANSION LLC, a Delaware 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 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 2 day of November, 2018

[Signature]
Notary Signature

Melissa Vazquez
Typed/printed name

My commission no: FF 984532

EXHIBIT A

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**40' Right of Way Dedication
FROM FDG BN Expansion LLC**

LEGAL DESCRIPTION:

A Portion of Tracts 15, 16, 17, 18 and 19 of "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" lying in Section 17, Township 52 South, Range 40 East, according to the Plat thereof, as 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 North 1/4 corner of said Section 17 thence N 02°41'10" E for 15.01 feet to the Point of Beginning, of the parcel of land hereinafter described; thence N 89°41'47" E for 40.03 feet; thence S 02°41'10" E along a line parallel with and 40 feet East of the West line of said Tracts 15 and 16 for 645.00 feet; thence S 89°41'27" W for 40.03 feet; thence S 02°41'10" E along the East line of said Tract 19 for 330.01 feet; thence S 89°41'17" W along the South line of said Tract 19 for 40.03 feet; thence N 02°41'10" W along a line parallel with and 40 feet West of the East Line of said Tracts 17, 18 and 19 for 886.54 feet; thence S 52°49'12" E for 52.11 feet; thence N 02°41'10" W along the East line of said Tract 17 for 120.22 feet; to the Point of Beginning.

TOGETHER WITH:

All of those portions of Tracts 15 through 16 not previously dedicated for Right of Way purposes lying within the West 40 feet of the Northeast 1/4 of Section 17 Township 52 South Range 40 East.

AND

All of those portions of Tracts 17 through 19 not previously dedicated for Right of Way purposes lying within the East 40 feet of the Northwest 1/4 of Section 17 Township 52 South Range 40 East.

Containing an area of 60,627 Square Feet more or less by calculations.



NOT TO SCALE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

prepared by:

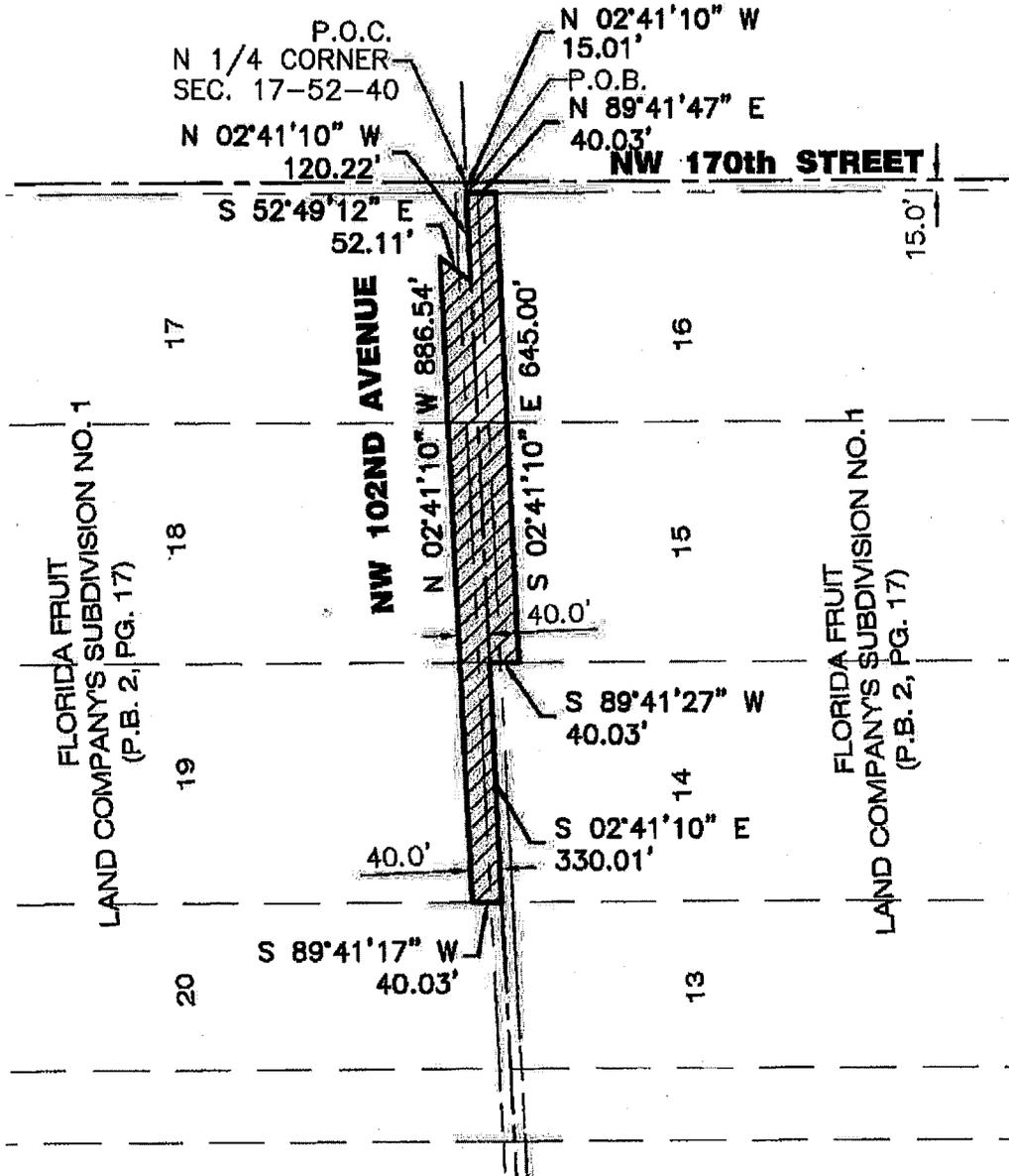


HADONNE

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EASEMENTS AND ENCUMBRANCES:

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LIMITATIONS:

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SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By:

Date:

Jose Senas
Jose Senas, P.S.M.
For The Firm of
Professional Surveyor and Mapper LS5938
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 201
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

10/18/18

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