

**ORDINANCE NO. 2018-142**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE DEDICATION OF 13,992 SQUARE FEET OR .321 ACRES IN LAND, MORE OR LESS, FROM SECTION 17, LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR RIGHT-OF-WAY PURPOSES, AS MORE PARTICULARLY DESCRIBED IN THE RIGHT-OF-WAY DEED, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS "EXHIBIT 1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has planned roadway improvements to construct N.W. 102 Avenue from N.W. 162 Street to N.W. 170 Street which costs will be reimbursed by the award of state grant funds from the Florida Job Growth Grant Fund in the amount of \$4 million dollars; and

**WHEREAS**, in order to complete the roadway improvements donation of right of way from abutting property owners, including Section 17, LLC, a Florida limited liability company, was necessary; and

**WHEREAS**, acceptance of this right-of-way deed is in the public's best interest as the roadway improvements will boost economic development and enhance 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 accepts the dedication of 13,992 square feet or .321 acres of land, more or less, for right-of-way purposes as more particularly described in the right-of-way deed attached hereto and made a part hereof as "Exhibit 1" from Section 17, LLC, a Florida limited liability company.

**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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 11 day of December, 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 3 day of January, 2018. 

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as/to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 7-0 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Caragol, Cuenca-Fuente, Hernandez, voting "Yes."

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: 04-2017-001-0101  
04-2017-001-0120  
04-2017-001-0110  
04-2017-001-0090

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

**THIS INDENTURE**, made this 31 day of July, 2018, by and between SECTION 17, LLC, a Florida limited liability company, 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, 4<sup>th</sup> Floor – Law Dept., Hialeah, FL 33010, party of the second part.

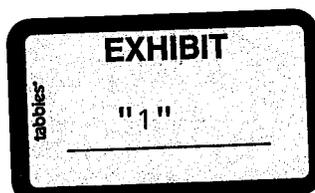
**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold 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:

[Signature]  
Witness Luis Vigil

[Print Name]

[Signature]  
Witness Maria Montes

[Print Name]

GRANTOR:

SECTION 17, LLC  
a Florida limited liability company

By: [Signature]  
Name: LLOYD MORIBER  
Title: as Manager Member

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 Lloyd Moriber, as Manager Member of SECTION 17, 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

Witness my hand and official seal in the county and State last aforesaid this 31 day of July, 2018

[Signature]  
Notary Signature

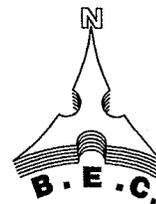
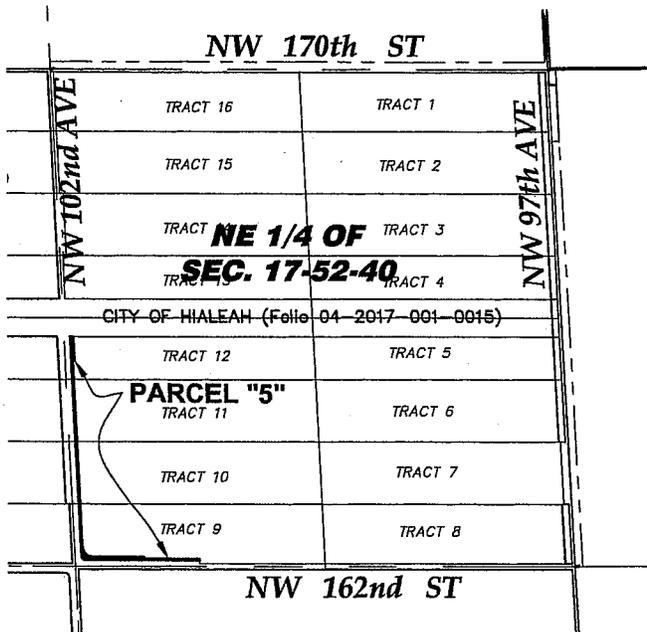
Danna Prpich  
Typed/printed name

My commission no:



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## EXHIBIT "A" PARCEL "5"



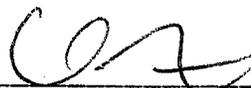
LOCATION SKETCH  
SCALE: 1"=1000'

### 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

 6-12-18

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

### 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 13,992 square feet (0.321 acres), more or less.
- Parent Tracts Folios: 04-2017-001-0120, 04-2017-001-0110, 04-2017-001-0101, 04-2017-001-0090
- Surveyor makes no statement as to ownership.

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 - 3:23pm EST FILE: \\BES-DC-02\Desktop\VM Alvarez\Desktop\Projects\03-86124 - Hialeah NW 102nd Ave\DWG\Updated\03-86124\_Parcels\_C.F.MB.dwg

DRAWING: 2281-SS-07

CLIENT NAME: CITY OF HIALEAH

DATE: 05-11-18

BEC ORDER # 03-86124

DRAWN BY N.A./W.H.

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 "5"

### LEGAL DESCRIPTION

That portion of Tracts 9, 10, 11 and 12 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 Southwest (SW) corner of the of Northeast one-quarter (NE ¼) of said Section 17; thence North 89°40'27" East, along the South line of the Northeast one-quarter (NE ¼) of said Section 17, for a distance of 658.89 feet; thence North 00° 19' 33" West, at right angles to, the last described course, for a distance of 35.00 feet to a point on the existing Northerly Right-of-Way line of N.W. 162nd Street as recorded in Official Records Book 17647, at Page 2814 of the Public Records of Miami-Dade County, Florida, said point also being THE POINT OF BEGINNING of the hereinafter described parcel of land:

Thence North 02°40'51" West, along the East line of the West one-half (W ½) of said Tract 9, for a distance of 5.00 feet; thence South 89°40'27" West, along a line lying 40.00 feet North of, as measured at right angles to, said South line of the Northeast one-quarter (NE ¼) of Section 17, for a distance of 295.71 feet; thence North 00°19'33" West for a distance of 10.00 feet; thence South 89°40'27" West, along a line lying 50.00 feet North of, as measured at right angles to, said South line of the Northeast one-quarter (NE ¼) of Section 17, for a distance of 272.22 feet to a point of curvature of a curve concave to the Northeast having a radius of 55.00 feet; thence Westerly, Northwesterly and Northerly along the arc of said curve through a central angle of 87°38'23", for an arc distance of 84.13 feet to a point of tangency; thence North 02°41'10" West, 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 991.87 feet; thence North 87°18'50" East for a distance of 10.00 feet; thence North 02°41'10" West, along a line lying 50.00 feet East of, as measured at right angles to, said West line of the Northeast one-quarter (NE ¼) of Section 17, for a distance of 124.83 feet; thence South 89°41'07" West, along a line lying 100.00 feet South of, as measured at right angles to, the north line of said Tract 12, for a distance of 15.01 feet to a point on the Easterly Right-of-Way line of N.W. 102nd Avenue as recorded in Official Records Book 17647 at Page 3243 and Official Records Book 17647, at Page 2814 of said Public Records of Miami-Dade County, Florida; thence South 02°41'10" East, along said Easterly Right-of-Way line of N.W. 102nd Avenue, for a distance of 1,160.91 feet to a point of curvature of a curve concave to the Northeast having a radius of 25.00 feet; thence Southerly, Southeasterly and Easterly along the arc of said curve, through a central angle of 87°38'23", for an arc distance of 38.24 feet to a point of tangency and a point on the aforementioned existing Northerly Right-of-Way line of N.W. 162nd Street as recorded in Official Records Book 17647, at Page 2814 of said Public Records of Miami-Dade County, Florida; thence North 89°40'27" East, along a line lying 35.00 feet North of, as measured at right angles to, said South line of the Northeast one-quarter (NE ¼) of Section 17, said line being coincident with said existing Northerly Right-of-Way line of N.W. 162nd Street, for a distance of 601.31 feet to THE POINT OF BEGINNING.

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

DATE: Jun 05, 2018 - 4:22pm EST FILE: \\BES-DC-02\Desktop\WAlvarez\Desktop\Projects\03-86124 - Hialeah NW 102nd Ave\DWG\Updated\03-86124\_Parcels\_C.F.MB.dwg

DRAWING: **2281-SS-07**

CLIENT NAME: **CITY OF HIALEAH**

DATE: **05-11-18**

BEC ORDER # **03-86124**

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

SHEET **2 OF 3**

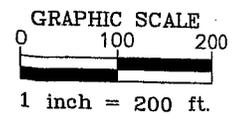
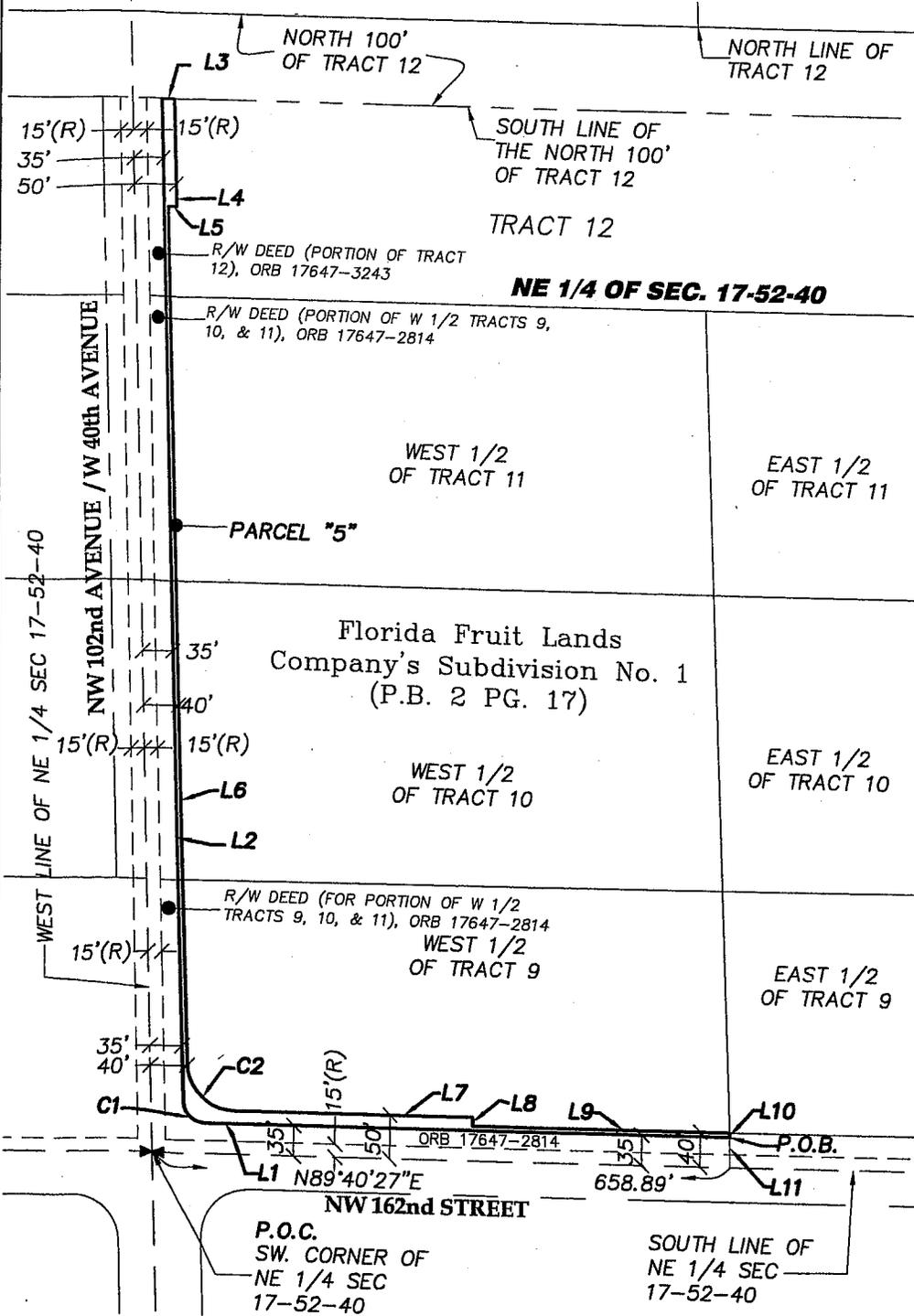


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# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## EXHIBIT "A" PARCEL "5"



Line #	Length	Direction
L1	601.31	N89°40'27"E
L2	1160.91	S2°41'10"E
L3	15.01	S89°41'07"W
L4	124.83	N2°41'10"W
L5	10.00	N87°18'50"E
L6	991.87	N2°41'10"W
L7	272.22	S89°40'27"W
L8	10.00	N0°19'33"W
L9	295.71	S89°40'27"W
L10	5.00	N2°40'51"W
L11	35.00	N0°19'33"W

Curve #	Radius	Delta	Length
C1	25.00'	87°38'23"	38.24'
C2	55.00'	87°38'23"	84.13'

**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

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DRAWING: **2281-SS-07** CLIENT NAME: **CITY OF HIALEAH**

DATE: **05-11-18** BEC ORDER # **03-86124** DRAWN BY **N.A.W.H.** SHEET **3 OF 3**