

ORDINANCE NO. 2018-143

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE DEDICATION OF APPROXIMATELY 17,866 SQUARE FEET OR 0.41 ACRES OF LAND, MORE OR LESS, ABUTTING NW 107 AVENUE TO MIAMI-DADE COUNTY FOR RIGHT-OF-WAY PURPOSES; APPROVING THE TERMS OF THE DEDICATION IN SUBSTANTIAL CONFORMITY WITH THE DEEDS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT 1 AND EXHIBIT 2; AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE THE RIGHT OF WAY DEEDS ON BEHALF OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City owns property abutting NW 107 Avenue improved with the reverse osmosis water treatment plant facilities jointly owned and operated with Miami-Dade County as more specifically described and depicted in the sketch and legal description attached as an exhibit to the proposed right of way deed attached as Exhibit 1; and

WHEREAS, the City owns additional property abutting NW 107 Avenue as more specifically described and depicted in the sketch and legal description attached as an exhibit to the proposed right of way deed attached as Exhibit 2;

WHEREAS, this additional property was dedicated for highway purposes by Royal Container and Trailer Repairs, Inc. by deed signed March 27, 2018, accepted by Hialeah, Fla. Ordinance No. 2017-083 (November 28, 2017) and recorded in the land records of Miami-Dade County in Public Records Book 30895, at Page 1686; and

WHEREAS, as part of a Joint Participation Agreement with Miami-Dade County, Miami-Dade Expressway Authority, the City of Hialeah Gardens and the City, for the construction of roadway improvements to NW 107 Avenue, the City agreed to cooperate in obtaining the necessary dedications to complete the roadway improvements as contemplated by the parties and proposed in the roadway design plans for NW 107 Avenue;

WHEREAS, the NW 107 Avenue roadway improvements require the dedication of approximately 5,004 square feet or .115 acres of the City's land as depicted in the sketch attached to the proposed right-of-way deed in Exhibit 1 and approximately 12,862 square feet or .295 acres of land as depicted in the sketch attached to the proposed right-of-way deed in Exhibit 2 for a total dedication of 17,886 square feet or .41 acres of land;

WHEREAS, the dedications serve a paramount public purpose and protects the public's interest in that NW 107 Avenue will spur land and economic development to the surrounding area by providing a means of public access to and improved 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 approves the dedication of approximately 17,886 square feet of land, more or less, to Miami-Dade County for right-of-way purposes as set forth in the Right-of-way Deeds, attached hereto and made a part hereof as Exhibit 1 and Exhibit 2, and authorizes the Mayor and the City Clerk, as attesting witness, execute the Right-of-Way Deeds on behalf of City of Hialeah.

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.

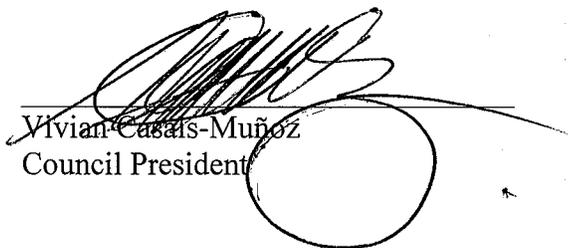
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

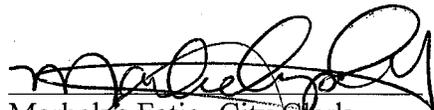
PASSED and ADOPTED this 11 day of December, 2018.

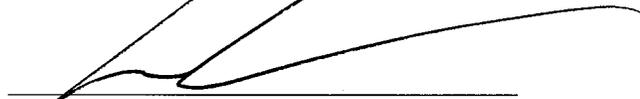
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

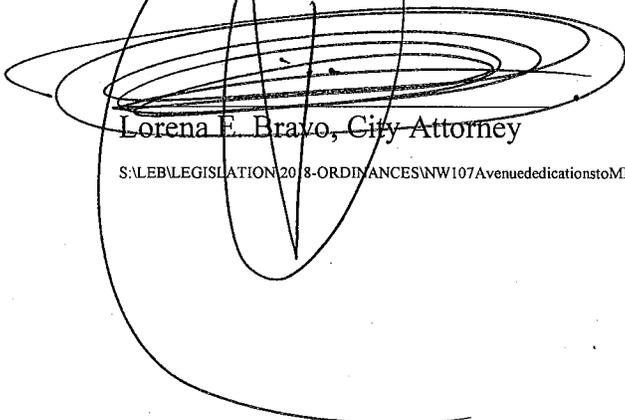
Attest:

Approved on this 3 day of January, 2018. 


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

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

Instrument prepared by:

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

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-2017-001-0015

**RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY, FLORIDA
FOR HIGHWAY PURPOSES**

THIS INDENTURE, made this ____ day of December, 2018, by and between the City of Hialeah, Florida, a municipal corporation and a political subdivision of the State of Florida, whose address is 501 Palm Avenue; Hialeah, Florida, party of the first part, and the County of Miami-Dade, a body corporate and a political subdivision of the State of Florida, and its successors in interest, whose address is c/o its County Attorney, Abigail Price-Williams, Stephen B. Clark Center, 111 N.W. 1st Street, Suite 2810, Miami, FL 33128, party of the second part.

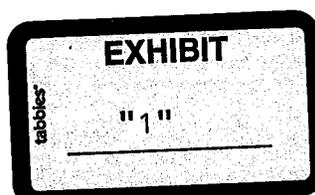
WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to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

City of Hialeah, Florida,
a municipal corporation and political
subdivision of the State of Florida

WITNESS:

By: _____

Carlos Hernandez, Mayor

Dated: _____, 2018

ATTEST:

Marbelys Fatjo, City Clerk

**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 Carlos Hernandez, as Mayor of the City of Hialeah, Florida, a municipal corporation and political subdivision of the State of Florida, 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 __ day of _____, 2018

Notary Signature

Typed/printed name

My commission no:

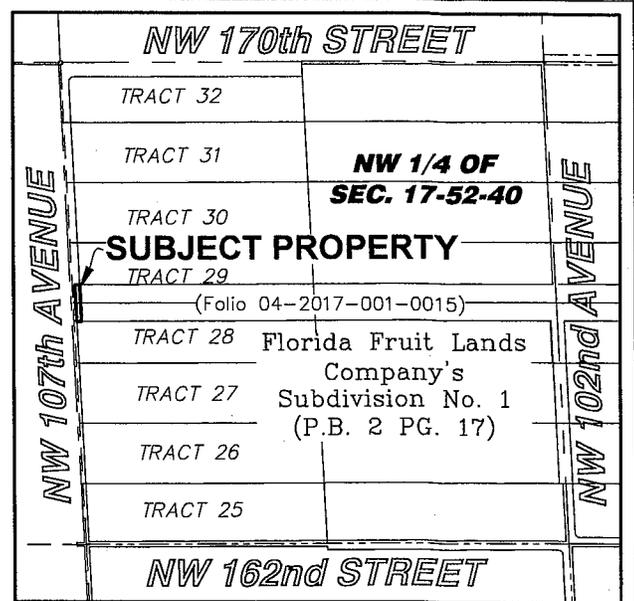
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"



SURVEYOR'S NOTES:

- This Site lies in the Northwest one-quarter (N.W. 1/4) of Section 17, Township 52 South, Range 40 East, Miami-Dade County Florida.
- Bearings shown hereon are based on assumed meridian, due N02°43'50"W along the West line of the N.W. 1/4 of Section 17, Township 52 South, Range 40 East.
- This site contains an area of 5,004 square feet (0.115 Acres) more or less.
- Parent Tract Folio: 04-2017-001-0015
- Surveyor makes no statement as to ownership.
- This document consists of three (3) sheets and shall not be considered full, valid, and complete unless each sheet is attached to the other.
- No Title Search was provided to and/or reviewed by Biscayne Engineering Company.



LOCATION SKETCH
NOT TO SCALE

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

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: 10-26-2018

DRAFT

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: Oct 30, 2018 - 5:31pm EST FILE: F:\SURVEY\PROJECTS\86000's\86339 CITY OF HIALEAH\Flightway Sketch & Legals\03-86339_Hialeah Property_Sketch and Legal.dwg

DRAWING:	2294-SS-11	CLIENT NAME:	CITY OF HIALEAH
DATE:	10-26-18	BEC ORDER #	03-86339
		DRAWN BY	N.A.
		SHEET	1 OF 3

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of the North 100 feet of Tract 28 and the South 100 feet of Tract 29, in the Northwest one-quarter (N.W. 1/4) of Section 17, Township 52 South, Range 40 East of FLORIDA FRUIT LANDS 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:

Commence at the Southwest (S.W.) corner of said Northwest one-quarter (N.W. 1/4) of Section 17; thence North 02°43'50" West, along the West line of said Northwest, a distance of 1,219.87 feet; thence North 87°16'10" East, at right angles to the last described course, a distance of 15.00 feet to the POINT OF BEGINNING of the hereinafter described parcel of land:

Thence North 02°43'50" West, along a line lying 15.00 feet East of and parallel with the West line of said Northwest one-quarter (N.W. 1/4) of Section 17, a distance of 200.18 feet; thence North 89°41'08" East, along a line lying 100.00 feet North of and parallel with the South line of said Tract 29, a distance of 25.02 feet; thence South 02°43'50" East, along a line lying 40.00 feet East of and parallel with the West line of said Northwest one-quarter (N.W. 1/4) of Section 17, a distance of 200.18 feet; thence South 87°16'10" West, along a line lying 100.00 feet South of and parallel with the North line of said Tract 28, a distance of 25.02 feet, to the POINT OF BEGINNING.

Containing 5,004 Square Feet, (0.115 Acres), more or less

NOTE: THIS IS NOT A SURVEY

BEC REF.

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

DRAWING: **2294-SS-11**

CLIENT NAME: **CITY OF HIALEAH**

DATE: **10-26-18**

BEC ORDER # **03-86339**

DRAWN BY **N.A.**

SHEET **2 OF 3**

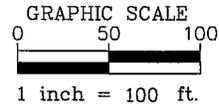


BISCAYNE ENGINEERING COMPANY, INC.
529 WEST FLAGLER ST, MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM

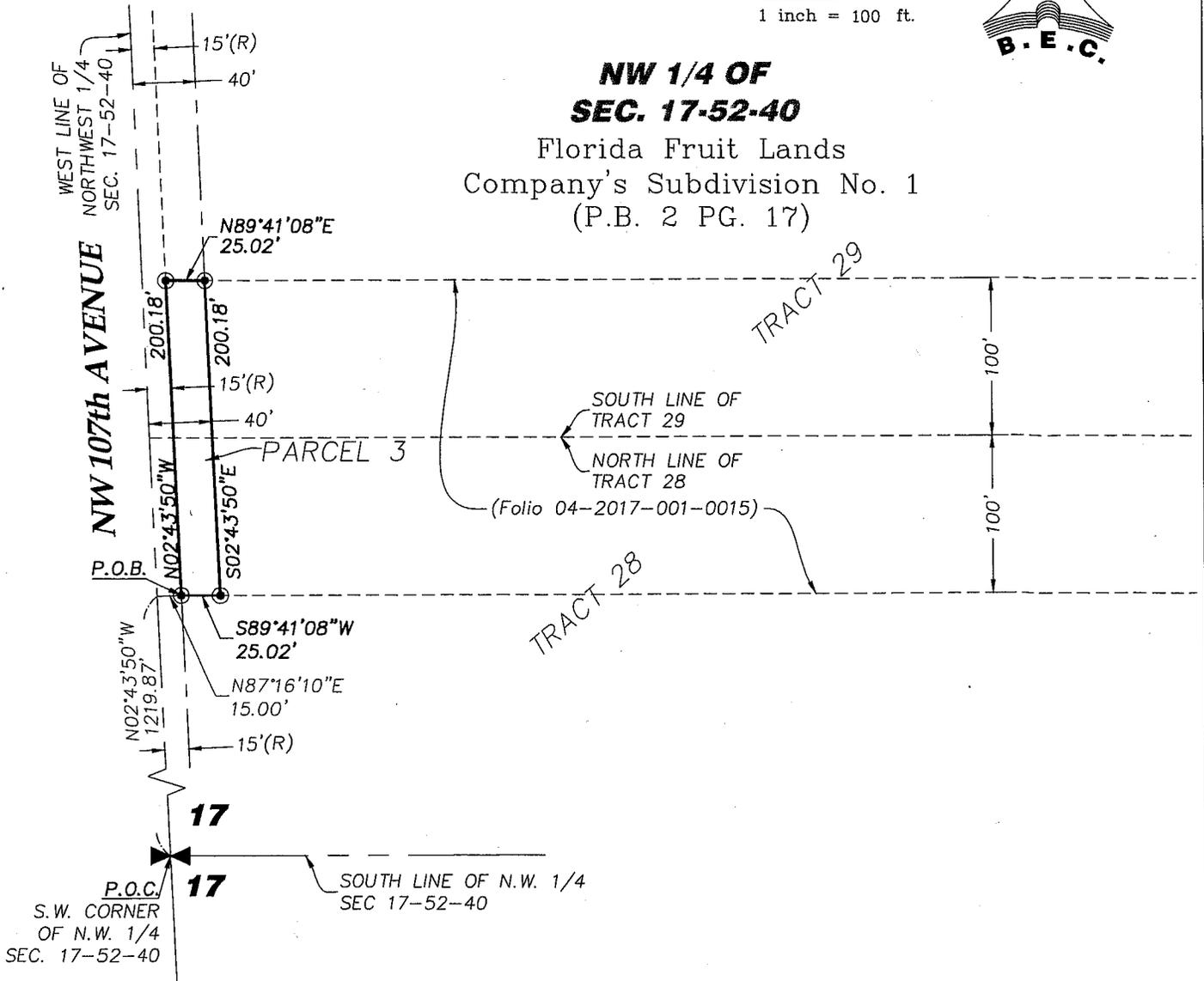
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"



NW 1/4 OF SEC. 17-52-40

Florida Fruit Lands
Company's Subdivision No. 1
(P.B. 2 PG. 17)



NOTE: THIS IS NOT A SURVEY

BEC REF.

DRAWING: 2294-SS-11		CLIENT NAME: CITY OF HIALEAH		
DATE: 05-11-18	BEC ORDER # 03-86339	DRAWN BY N.A.	SHEET 3 OF 3	
 BISCAYNE ENGINEERING COMPANY, INC. 529 WEST FLAGLER ST, MIAMI FL 33130		TEL (305) 324-7671, FAX (305) 324-1700 WWW.BISCAYNEENGINEERING.COM		

Instrument prepared by:

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

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-2020-002-0015 (RC)

**RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY, FLORIDA
FOR HIGHWAY PURPOSES**

THIS INDENTURE, made this ____ day of December, 2018, by and between the City of Hialeah, Florida, a municipal corporation and a political subdivision of the State of Florida, whose address is 501 Palm Avenue; Hialeah, Florida, party of the first part, and the County of Miami-Dade, a body corporate and a political subdivision of the State of Florida, and its successors in interest, whose address is c/o its County Attorney, Abigail Price-Williams, Stephen B. Clark Center, 111 N.W. 1st Street, Suite 2810, Miami, FL 33128, party of the second part.

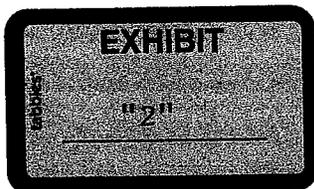
WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to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

City of Hialeah, Florida,
a municipal corporation and political
subdivision of the State of Florida

WITNESS:

By: _____

Carlos Hernandez, Mayor

Dated: _____, 2018

ATTEST:

Marbelys Fatjo, City Clerk

**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 Carlos Hernandez, as Mayor of the City of Hialeah, Florida, a municipal corporation and political subdivision of the State of Florida, 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.

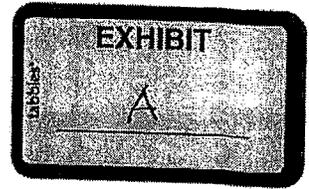
NOTARY SEAL

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

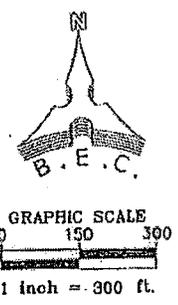
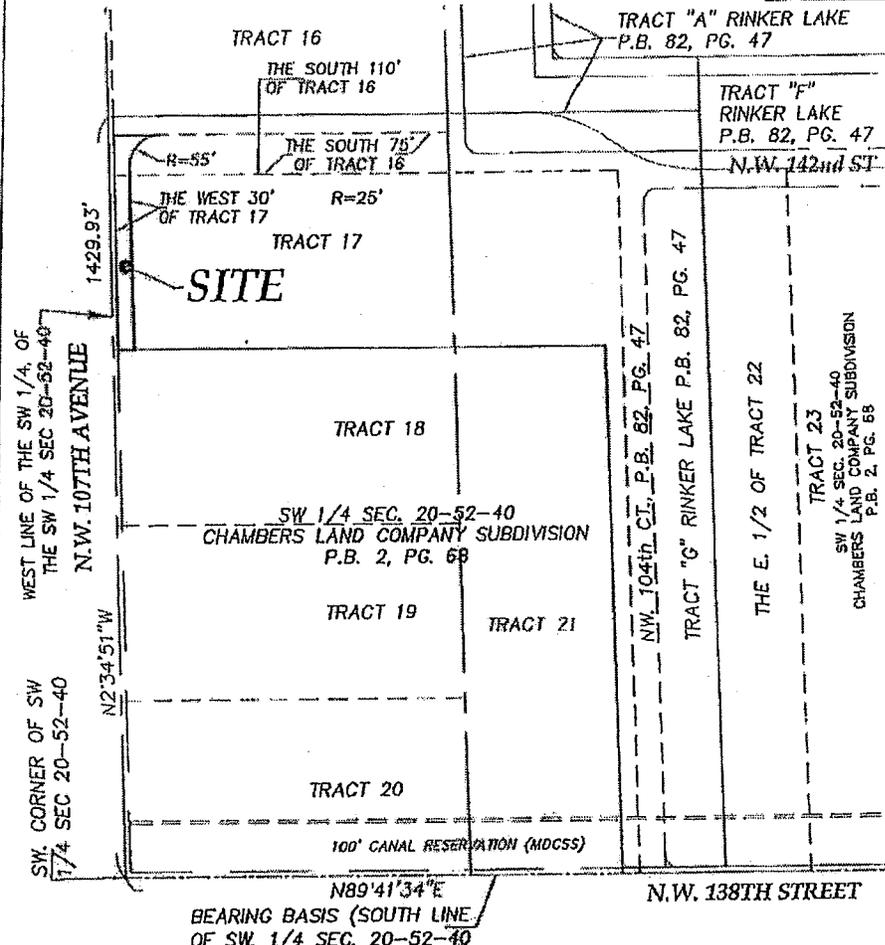
Notary Signature

Typed/printed name

My commission no:



**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
EXHIBIT "A"**



- SYMBOLS AND ABBREVIATIONS:**
- E = EAST
 - L = LENGTH (WHEN USED IN CURVE DATA)
 - N = NORTH
 - NE = NORTHEAST
 - P.B. = PLAT BOOK
 - PG. = PAGE
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCEMENT
 - R = RADIUS
 - R/W = RIGHT OF WAY
 - S = SOUTH
 - W = WEST
 - Δ = DEFLECTION ANGLE
 - ⊕ = CENTER LINE

SURVEYOR'S NOTES:

- This Site lies in the Southwest 1/4 of Section 20, Township 52 South, Range 40 East, Miami-Dade County Florida.
- The bearings herein are in reference to the South line of S.W. 1/4 Sec. 20-52-40.
- This site contains an area of 12,862 square feet or 0.295 acres more or less.
- Platted easements, if any, are not shown.
- This site was not abstracted for easements or Right-Of-Ways of record.
- 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: 07-21-16

Wolfgang S. Hueck
Professional Surveyor and Mapper No. 6519
State of Florida

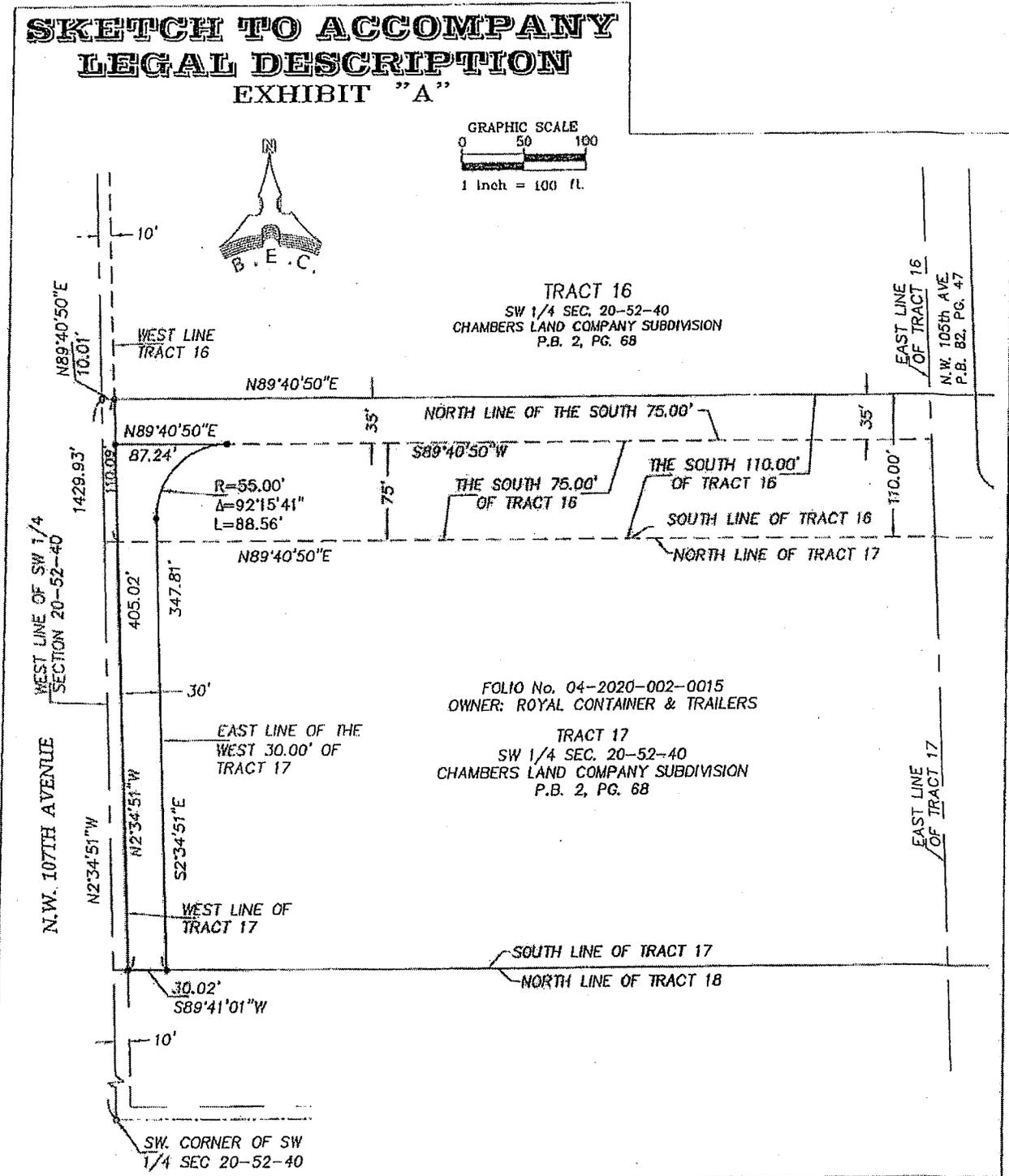
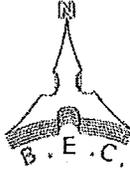
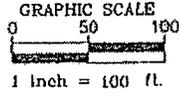
BEC REF. Boundary Survey for S. R/W Line, Drawing #DC-6691, Order # 03-85037, dated 07-28-16

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

DRAWING:	2223-SS-05	CLIENT NAME:	CITY OF HIALEAH
DATE:	07-21-16	BEC ORDER #	03-85443
		DRAWN BY	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"



TRACT 16
SW 1/4 SEC. 20-52-40
CHAMBERS LAND COMPANY SUBDIVISION
P.B. 2, PG. 68

FOLIO No. 04-2020-002-0015
OWNER: ROYAL CONTAINER & TRAILERS
TRACT 17
SW 1/4 SEC. 20-52-40
CHAMBERS LAND COMPANY SUBDIVISION
P.B. 2, PG. 68

BEC REF. Boundary Survey for S. R/W Line, Drawing #BC-6881, Order # 03-85037, dated 07-28-16

DRAWING: **2223-SS-05** CLIENT NAME: **CITY OF HIALEAH**

DATE: **07-21-16** BEC ORDER # **03-85443** DRAWN BY **W.H.** SHEET **2 OF 3**

BISCAYNE ENGINEERING COMPANY, INC. TEL (305) 324-7671, FAX (305) 324-1700
529 WEST FLAGLER ST, MIAMI FL 33130 WWW.BISCAYNEENGINEERING.COM

Since 1898

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION
EXHIBIT "A"**

LEGAL DESCRIPTION:

A portion of Tracts 16 and 17 in the Southwest One-quarter (S.W. 1/4) of Section 20, Township 52 South, Range 40 East of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 68 of the Public Records of Miami-Dade County, being more particularly described as follows:

The West 30.00 feet of the South 75.00 feet of Tract 16 in the Southwest One-quarter (S.W. 1/4) of Section 20, Township 52 South, Range 40 East of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 68 of the Public Records of Miami-Dade County, Florida and that portion of said Tract 16 which lies within the external area formed by a 55.00 feet radius arc concave to the Southeast, tangent to the East line of the West 30.00 feet of said Tract 16 and tangent to the North line of the South 75.00 feet of said Tract 16.

AND

The West 30.00 feet of Tract 17 in the Southwest One-quarter (S.W. 1/4) of Section 20, Township 52 South, Range 40 East of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 68 of the Public Records of Miami-Dade County, Florida

All of the foregoing containing an area of 12,862 square feet or 0.295 acres more or less.

BEC REF. Boundary Survey for S. R/W Line, Drawing #DC-6891, Order # 03-85037, dated 07-28-16

DRAWING: 2223-SS-05

CLIENT NAME: CITY OF HIALEAH

DATE: 07-21-16

BEC ORDER # 03-85443

DRAWN BY: W.H.

SHEET 3 OF 3



BISCAYNE ENGINEERING COMPANY, INC.
529 WEST FLAGLER ST, MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM