ORDINANCE NO. 2019-001

ORDINANCE REZONING PROPERTY FROM GU (INTERIM DISTRICT MIAMI-DADE COUNTY ZONING DESIGNATION) TO MH (INDUSTRIAL DISTRICT). **PROPERTY CONSISTING OF 336 ACRES, MORE OR LESS, LYING NORTH OF N.W. 142 STREET, AND BOUNDED ON THE NORTH BY N.W. 54 STREET, ON THE EAST BY N.W. 97 AVENUE, AND ON THE WEST BY N.W. 107 AVENUE, IDENTIFIED BY FOLIO NO.S 04-2020-002-0010 AND 04-2020-002-0021, HIALEAH, FLORIDA**. 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 Planning and Zoning Board at its meeting of November 28, 2018 recommended approval of this ordinance.

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

Section 1: The below described property is hereby rezoned from GU (Interim District Miami-Dade County Zoning Designation) TO MH (Industrial District). Property consisting of 336 acres, more or less, lying north of N.W. 142 Street and bounded on the north by N.W. 154 Street, on the east by N.W. 97 Avenue and on the west by N.W. 107 Avenue and identified by property folio no(s) 04-2020-002-0010 and 04-2020-002-0021, and legally described in the attached Exhibit "A".

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed 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

abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: 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 5: 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 8 day of January, 2019.

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 Casáls-Muñoz
Council President

Attest:

Marbelys Fatjo, City Clerk

Approved on this 17 day of January, 2019.

Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:

Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\Rezoning GU (Interim District Miami-Dade County Zoning Designation) TO MH (Industrial District) NW 97 Ave and NW 154 Street.docx

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Zogby, Lozano, Casáls-Munoz, and Hernandez voting "Yes", and with Garcia-Martinez and Cue-Fuente absent.

Exhibit A

LEGAL DESCRIPTION:

A portion of the plat of RINKER LAKE, Plat Book 82, Page 47, being particularly described as follows:

Begin at the northeast corner of Section 20, Township 52 South, Range 40 East; thence run S02°28'00"E, along the east line of said Section 20 for 3,730.32'; thence run S89°30'18"W along the North line of Tract "D" of said plat and its E/W extension, for 1,298.52' to a point; thence run N02°28'00"W for 3,730' to a point on the North line of said Section 20; thence run N89°49'33"E, along the North line of Section 20 for 1,298.41' to the northeast corner of said Section 20, and the Point of Beginning. Said parcel is subject to any road and canal right of ways and easements as shown on said plat of RINKER LAKE.

LEGAL DESCRIPTION

A portion of Tract "A", Tract "E" and Rinker Lake, as shown on the plat entitled RINKER LAKE, according to the plat thereof as recorded in Plat Book 82, at Page 47 of the Public Records of Miami-Dade County, Florida, and a portion of Tracts 13 thru 18 in Northwest 1/4 of Section 20 of CHAMBERS LAND COMPANY SUBDIVISION, all in Section 20, Township 52 south, Range 40 East, according to the plat thereof as recorded in Plat Book 2, at Page 58 of the Public Records of Miami-Dade County, Florida. More particularly described as follows:

Commence at the Northwest corner of said Section 20; thence S02deg34min51secE, along the west line of said Section 20, for a distance of 10.01 feet; thence N89deg39min18secE along a line parallel with and 10.00 feet South of the North line of said Section 20, for a distance of 10.00 feet to the Point of Beginning of the hereinafter described parcel of land; thence S02deg34min51secE, along a line parallel with and 10.00 feet East of the West line of said Section 20 for a distance of 1287.77 feet; thence S52deg09min43secE for a distance of 1379.56; thence N79deg20min21secE for a distance of 697.68 feet; thence N68deg39min30secE for a distance of 210.18 feet; thence N48deg25min38secE for a distance of 100.17 feet; thence S02deg36min37secE along a line parallel with and 609.97 feet West of the East line of Northwest 1/4 of said Section 20 for a distance of 766.40 feet to a point on the South line of the Northwest 1/4 of said Section 20; thence N89deg40min06secE along said south line for a distance 609.56 feet to the center of said Section 20; thence S02deg38min37secE along the East line of Southwest 1/4 of said Section 20 for a distance of 567.67 feet; thence N89deg40min30secE for 847.60 feet; thence N02deg37min55secW for a distance of 3145.31 feet; thence S89deg39min20secW, along a line parallel with and 55.00 feet South of the North line of Northeast 1/4 of said Section 20 for a distance of 846.41 feet to a point on the East line of the Northwest 1/4 of said Section 20; thence S89deg39min18secW for a distance of 1977.70 feet; thence N02deg34min25secW for a distance of 55.04 feet; thence S89deg39min18secW along a line parallel with and 10.00 feet South of the North line of said Section 2, for a distance of 649.39 feet to the Point of Beginning. Containing 7,809,195.49 feet or 181.50 Acres more or less.