

ORDINANCE NO. 2019-009

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA VACATING AND ABANDONING FOR PUBLIC USE ALL OF THE 16 FOOT ALLEY EAST OF AND ADJACENT TO LOT 6, BLOCK 1 OF WOLLASTON PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, AT PAGE 49, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA **EXTENDING FOR APPROXIMATELY 138.24 FEET NORTH OF WEST 33 STREET BOUNDED ON THE NORTH AND ADJACENT TO 3368 PALM AVENUE AND RUNNING BETWEEN THE PROPERTIES LOCATED AT 3320 PALM AVENUE, TO THE EAST, AND 35 W. 33 STREET TO THE WEST,** AND MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND LOCATION SKETCH ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A"; AND RESERVING WITHIN THE EASEMENT TO THE CITY PERPETUAL AND EXCLUSIVE ACCESS TO MAINTAIN, REPAIR AND REPLACE UTILITIES OR INSTALL UTILITIES AS MAY BE NECESSARY AS MORE PARTICULARLY DEPICTED IN THE LEGAL DESCRIPTION AND LOCATION SKETCH ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "B"; 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 recommended approval of this ordinance at its regularly scheduled meeting of January 9, 2019; and

WHEREAS, the alley to be vacated, more particularly described and illustrated on the surveyor's legal description and location sketch attached hereto as Exhibit "A", no longer serves a public purpose; and

WHEREAS, there are utilities presently located within the portion of the right-of-way proposed to be vacated and abandoned, as illustrated in Exhibit "B"; the City hereby reserves

unto itself perpetual and exclusive access to maintain, repair and replace utilities or install utilities as may be necessary.

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

Section 1: The City of Hialeah, Florida hereby vacates and abandons the alley dedicated for public use all of the all of the 16 foot alley east of and adjacent to Lot 6, Block 1 of Wollaston Park, according to the Plat thereof as recorded in Plat Book 13 at page 49 of the public records of Miami-Dade County, Florida extending for approximately 138.24 feet North of West 33 Street bounded on the East adjacent to 3368 Palm Avenue and running between the properties located on the East by 3320 Palm Avenue and 35 West 33 Street, Hialeah, Florida, and more particularly described in the legal description and location sketch attached hereto and made a part hereof as Exhibit "A".

Section 2: Easement Reserved.

The City hereby reserves unto itself perpetual and exclusive access to maintain, repair and replace utilities or install utilities as may be necessary within the 16-foot alley, to install, maintain, repair and replace utilities, and as more particularly depicted in Exhibit "B".

Section 3: Repeal of Ordinances in Conflict.

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

Section 4: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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 offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: 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 6: 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 12 day of February, 2019.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 186.041
PRIOR TO FINAL READING.


Vivian Casals Muñoz
Council President

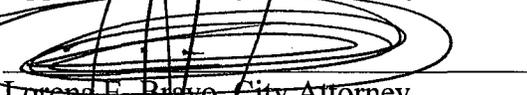
Attest:

Approved on this 12 day of February, 2019


Marbelys Fatjo, City Clerk


Carlos Hernandez, Mayor

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\Close, vacate, and abandon Alley P & Z meeting of 12-12.docx

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Caragol and Hernandez, voting "Yes" and with Councilmember Cue-Fuente absent.

BOUNDARY SURVEY**Property Address:**

35 W 33 STREET HIALEAH, FL 33012 (16' ALLEY)
Folio # 04-3106-016-0020

LEGAL DESCRIPTION:

16 foot alley East of and adjacent to Lot 6, Block 1, of "WOLLASTON PARK" according to the plat thereof as recorded in Plat Book 13 at Page 49 of the Public Records of Miami-Dade County, Florida.

SURVEYOR'S NOTES:

- 1) The Legal Description was provided by the Client from most recent County Records available.
- 2) This is not a Certification of Title, Zoning, Easements, or Freedom of Encumbrances.
ABSTRACT NOT REVIEWED.
- 3) There may be additional Restrictions not shown on this survey that may be found in the Public Records of this County, Examination of **ABSTRACT OF TITLE** will have to be made to determine recorded instruments, if any affecting this property.
- 4) No attempt was made by this firm to locate underground utilities, foundations and/or footings of buildings, walls or fences except as shown hereon.
- 5) Underground utilities are not depicted hereon, contact the appropriate authority prior to any design work or construction on the property herein described. Surveyor shall be notified as to any deviation from utilities shown hereon.
- 6) Contact the appropriate authority prior to any design work on the herein-described parcel for Building and Zoning information.
- 7) The surveyor does not determine fence and/or wall ownership.
- 8) **Accuracy:**
The **Horizontal** positional accuracy of well-defined improvement on this survey is $\pm 0.2'$.
The **Vertical** accuracy of elevations of well-defined improvement on this survey is $\pm 0.1'$.
- 9) All measurements shown hereon are made in accordance with the United States Standard Feet.
- 10) Type of Survey: **BOUNDARY SURVEY.**
- 11) North arrow direction and/or Bearings are based as shown on the aforementioned Plat.
- 12) Elevations shown hereon are relative to **National Geodetic Vertical Datum of 1929.**
- 13) **Benchmark Used: Miami-Dade County Benchmark N/A. Elevation = N/A**
- 14) **Flood Zone Data:**
FEMA/Panel # **120643/0281/L** Dated: **9/11/09** Flood Zone: **"AH"** Base Flood Elevation = **+8.0'**
- 15) This SURVEY has been prepared for the exclusive use of the entities named hereon.
The Certificate does not extend to any unnamed party:
A.)
B.)
C.)
D.)

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY:

That this survey meets the intent of the required Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this survey by other than the signing party are prohibited without written consent of the signing party.

Field Book: Electronic Files
Field Date: **September 13, 2018**
Job Number: **RP18 - 1054**

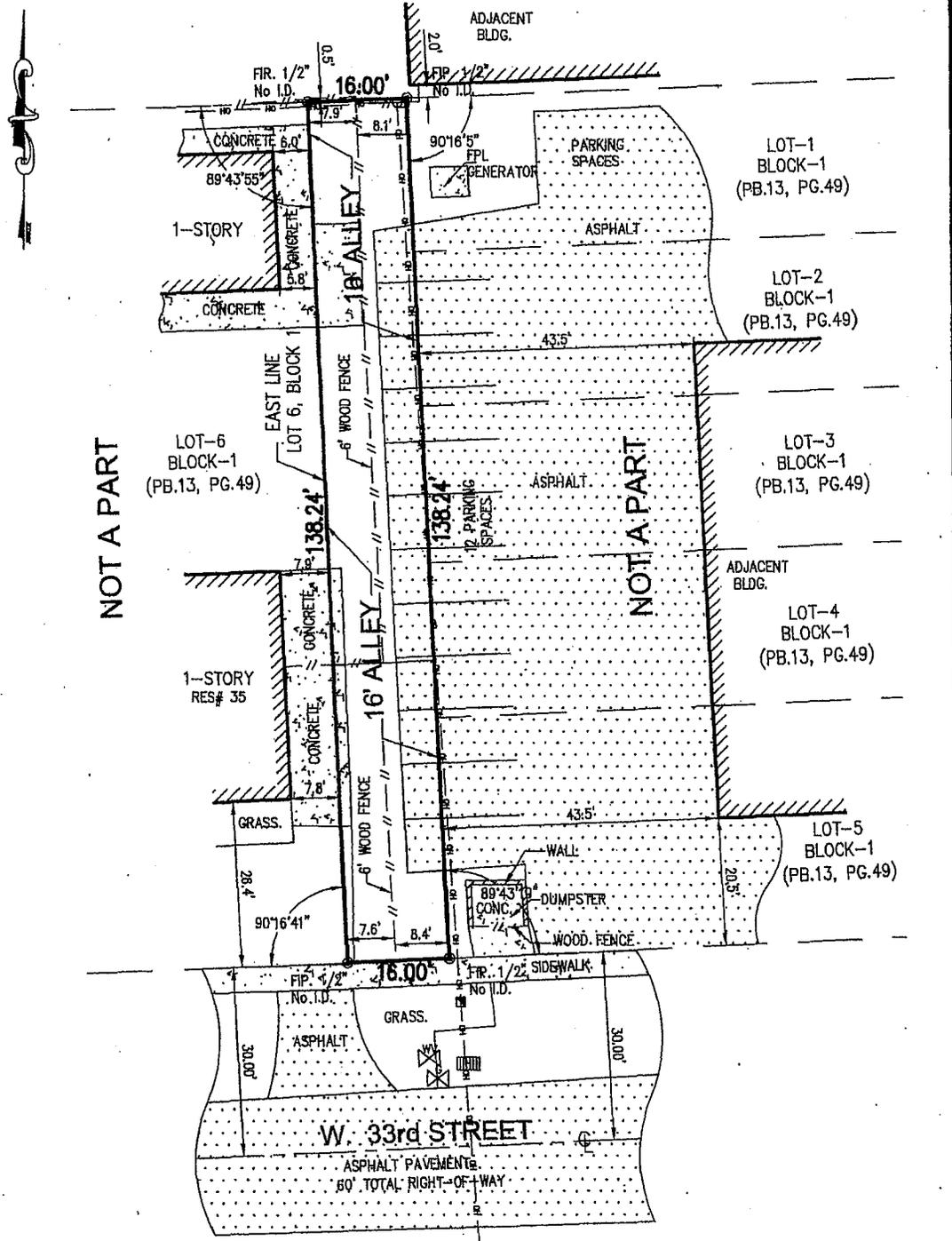
FOR THE FIRM: ROYAL POINT LAND SURVEYORS, INC. LB# 7282

- JACOB GOMIS, PROFESSIONAL SURVEYOR AND MAPPER LS# 6231 STATE OF FLORIDA.
 PABLO J. ALFONSO, PROFESSIONAL SURVEYOR AND MAPPER LS# 5880 STATE OF FLORIDA.



6175 NW 153rd STREET, SUITE 321, MIAMI LAKES, FLORIDA 33014
Phone: 305-822-6062 * Fax: 305-827-9669 * Email: info@royalpointLS.com

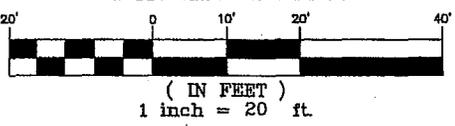
BOUNDARY SURVEY



NOT A PART

NOT A PART

GRAPHIC SCALE



ROYAL POINT
LAND SURVEYORS, INC.

LB # 7282
PHONE: 305-822-6062 * FAX: 305-827-9669
6175 NW 153rd ST. SUITE 321, MIAMI LAKES FL 33014
Job # RP18-1054

A=Arc
BRG=Bearing
CH=Chord
Δ=Delta
L=Length
R=Radius
T=Tangent

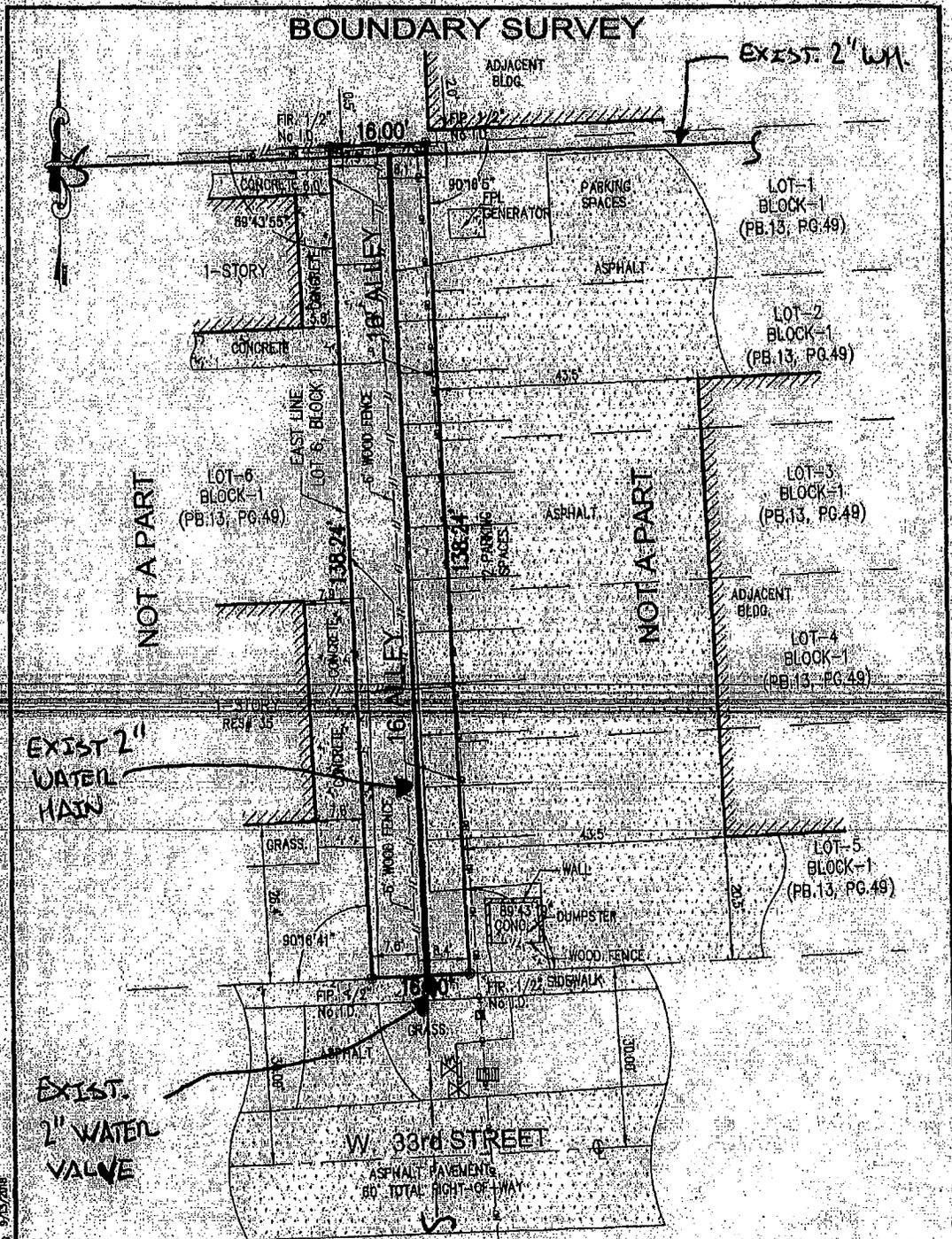
LEGEND

- OH — Overhead Wire Line
- // — Wood Fence
- x — Chain Link Fence
- □ — Iron Fence
- — — Monument Line
- C — Centerline
- P — Property Line
- ▨ C.B.S.
- Existing Elevations
- ⊠ Catch Basin
- ⊙ Water Meter
- ⊕ Electric Box
- ⊗ Sanitary Manhole
- ⊘ Sprinkler Pump
- ⊙ Wood Pole
- ⊙ Conc. Pole
- ⊙ Light Pole
- ⊙ Fire Hydrant
- ⊙ Water Valve
- ⊙ Inlet
- ⊙ Florida Power Light Transformer
- ⊙ Cable TV Box
- ⊙ Electric Meter Box
- A/C=Air Conditioner
- Conc.=Concrete
- C.B.S.=Concrete Block & Slugg
- D.E.=Drainage Easement
- D.M.E.=Drainage Maintenance Easement
- F.F.E.=Finish Floor Elevation
- F.P.=Found Iron Pipe/Pin
- F.I.R.=Found Iron Rebar
- F.N.=Found Nail
- F.N.D.=Found Nail & Disc
- L.M.E.=Lake Maintenance Easement
- (M)=Measured
- (P)=Platted
- (R)=Record
- Res.=Residence
- SP/R=Set Iron Pin/Rebar
- U.E.=Utility Easement

P:\DRAWINGS\33 W 33 STREET HAZELH SPECIFIC SURVEY - RP18-1054.dwg 9/13/2018

EXHIBIT "B"

BOUNDARY SURVEY



ROYAL POINT
LAND SURVEYORS, INC.
 LD # 7282
 PHONE: 305-822-6002 • FAX: 305-827-9889
 8176 NW 163rd ST, SUITE 321, MIAMI LAKES, FL 33014
 Job # RP18-1054

- LEGEND**
- Overhead Wire Line
 - Wood Fence
 - Chain Link Fence
 - Iron Fence
 - Movement Line
 - Centerline
 - Property Line
 - C.B.S.
 - Existing Easements
 - Catch Basin
 - Water Meter
 - Electric Box
 - Sanitary Manhole
 - Sprinkler Pump
 - Wood Pole
 - Utility Pole
 - Light Pole
 - Fire Hydrant
 - Water Valve
 - Aerial
 - Florida Power Light Transformer
 - Electric Meter Box
 - A/C-Alt. Conditioner
 - Conc. = Concrete
 - C.B.S. = Concrete Block & Sluice
 - D.E. = Drainage Equipment
 - Q.M.E. = Drainage Maintenance Equipment
 - F.F.E. = Final Floor Elevation
 - F.I.P. = Found Iron Pipe/Pipe
 - F.I.R. = Found Iron Rebar
 - F.H. = Found Hole
 - F.H.M. = Found Hole & Ditch
 - L.M.E. = Leak Maintenance Equipment
 - (N) = Noted
 - (P) = Plotted
 - (R) = Rebar
 - Res. = Reservoir
 - S.P./R. = Set Iron Pipe/Rebar
 - U.C. = Utility Easement