ORDINANCE NO. 2013-80

ORDINANCE APPROVING A FINAL PLAT OF ROSE LAWN COMMERCIAL, ACCEPTING ALL DEDICATION OF AVENUES, STREETS, ROADS OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; 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. **PROPERTY LOCATED ON LAND SOUTH OF WEST 49 STREET BETWEEN WEST 13 LANE AND WEST 14 LANE, HIALEAH, FLORIDA.**

WHEREAS, the Planning and Zoning Board at its meeting of October 9, 2013 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 final plat of Rose Lawn Commercial, submitted by K Mart Corporation, a Michigan corporation, registered to do business in Florida, by and through James B. Terrell, its Vice-President of Real Estate, is hereby accepted. Property located on land south of 49 Street between West 13 Lane and West 14 Lane, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial), classified under the Future Land Use Map as Commercial, and legally described as follows:

SEE ATTACHED "**EXHIBIT A**"

Section 2: All dedication of avenues or other public ways together with all existing and future planting, trees, shrubbery and fire hydrants thereon are hereby accepted.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, and signed by the Mayor of the City of Hialeah, Florida.

PASSED and ADOPTED this 12 day of November 2013.

Isis Garcia-Martinez
Council President

Attest: Approved on this 13 day of November, 2013.

Marbelys L. Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:

William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes

S:\LEB\LEGISLATION\2013-ORDS\MaiGuiraSubdivsion.finalplat.doc

EXHIBIT A

A PORTION OF THE NORTH ½ OF THE NORTH ½ OF SECTION 2, TOWNSHIP 53 SOUTH, RANGE 40 EAST AND A PORTION OF TRACT "A" AND A PORTION OF NORTHWEST 102 STREET VACATED BY ORDINANCE 1432, OF REPLAT OF ROSE-LAWN SUBDIVISIONS, AS RECORDED IN PLAT BOOK 50, AT PAGE 99, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A PONT 1207.23 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 2, AND 1459.59 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID SECTION 2; THENCE RUN SOUTH 1 DEGREES 21 MINUTES 35 SECONDS EAST PARALLEL TO THE EAST LINE OF SAID SECTION 2 FOR 190.00 FEET; THENCE ON A BEARING OF WEST PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF WEST 49 STREET FOR 300.00 FEET; THENCE NORTH 1 DEGREES 21 MINUTES 35 SECONDS WEST PARALLEL TO SAID EAST LINE OF SAID SECTION 2 FOR 150.00 FEET; THENCE NORTH 44 DEGREES 19 MINUTES 12 SECONDS EAST FOR 55.89 FEET; THENCE ON A BEARING OF EAST FOR 260.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 2, TOWNSHIP 53 SOUTH, RANGE 40 EAST, CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA.