ORDINANCE NO. 10-51

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 10-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE THE SECTOR 3 POLICE SUBSTATION LOCATED WITHIN WALKER PARK, IN SUBSTANTIALLY THE FORM AS ATTACHED. **PROPERTY LOCATED INSIDE WALKER PARK, 800 WEST 29 STREET, 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 August 11, 2010 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 City of Hialeah, Florida grants a 10-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve the Sector 3 Police Substation located within Walker Park. The property is located inside Walker Park, 800 West 29 Street, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

PORTIONS OF THE EAST ½ OF REPLAT OF LINLEAH ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 323, PAGE

6, OF THTE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BEING A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF AND PARALLEL WITH THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID EAST ½ OF REPLAT OF LINLEAH ESTATES, THENCE NORTH 00° 03' 41" EAST (BASIS OF BEARINGS) ALONG THE EAST BOUNDARY LINE OF SAID REPLAT, 29.50 FEET TO THE POINT OF BEGINNING OF THE 10.00-FOOT EASEMENT CENTERLINE; THENCE SOUTH 63° 15' 55" WEST FOR A DISTANCE OF 19.05 FEET; THENCE NORTH 88° 34' 36" WEST AND PARALLEL WITH THE SOUTH BOUNDARY LINE OF SAID REPLAT FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 79° 06' 52" WEST, FOR A DISTANCE OF 27.23 FEET TO THE POINT OF TERMINATION OF THE CENTERLINE. SIDELINES OF EASEMENT TO BE LENGTHENED OR SHORTENED SO AS TO FORM A CONTINUOUS 10:00 FOOT WIDE STRIP OF LAND.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 offense. In addition to the penalty described above, the City may pursue other remedies such as 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 14th day of September, 2010.

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

Carlos Hernandez
Council President

Attest:

Approved on this 15 day of September, 2010.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:

William Grodnick

William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Hernandez and Yedra voting "Yes", Councilmember Gonzalez absent.

Work Order No. 3767831

Sec. ___, Twp ___ S, Rge ___ E

Parcel I.D. #
(Maintained by County Appraiser)

EASEMENT

This Instrument Prepared By

Name: William M. Grodnick
Co. Name: City of Hialeah
Address: 501 Palm Avenue
Hialeah, Fl 33010

CFN 2010R0673820
OR Bk 27443 Pgs 0178 - 179; (2pgs)
RECORDED 10/05/2010 10:04:31
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Reserved for Circuit Court

The undersigned, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of ~~overhead and~~ underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width (the approximate location of which is shown in the sketch on Page 2 of this instrument) located within the following described property: Zmg

Portions of the East ½ of Replat of "Linleah Estates" according to the Plat Thereof, as recorded in Plat Book 32 at Page 6 of the Public Records of Miami-Dade County Florida; being a strip of land 10.00 feet wide lying 5.00 feet on each side of and parallel with the following described centerline: Commencing at the Southeast corner of said East ½ of Replat of "Linleah Estates", thence N 00-03-41 E (Basis of Bearings) along the East boundary line of said Replat, 29.50 feet to the Point of Beginning of the 10.00 foot easement centerline; thence S 63-15-55 W 19.05 feet ; thence N 88-34-36 W and parallel with the South boundary line of said Replat, 25.00 feet; Thence N 79-06-52 W, 27.23 feet to the Point of Termination of the centerline. Sidelines of easement to be lengthened or shortened so as to form a continuous 10.00 foot wide strip of land. Zmg

Together with the right to permit any other person, firm or corporation to attach wires to any underground facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on September 28, 2010, ~~19~~___.

Signed, sealed and delivered in the presence of:

William Grodnick
(Witness' Signature)

Print Name William Grodnick
(Witness)

Cristina Gonzalez
(Witness' Signature)

Print Name Cristina Gonzalez
(Witness)

City of Hialeah
(Corporate's name)

By: _____
(President's signature)

Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue
Hialeah, Florida 33010

Attest: _____
(Secretary's signature)

Print Name: Rafael E. Granado, City Clerk

Print Address: 501 Palm Avenue
Hialeah, Florida 33010

(Corporate Seal)

STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 28 day of September, ~~19~~ 2010 by Julio Robaina, Mayor and Rafael Granado respectively the _____ President and _____ City Clerk Secretary of City of Hialeah, a Municipal corporation, on behalf of said corporation, who are personally known to me or have produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Notary Public, Signature

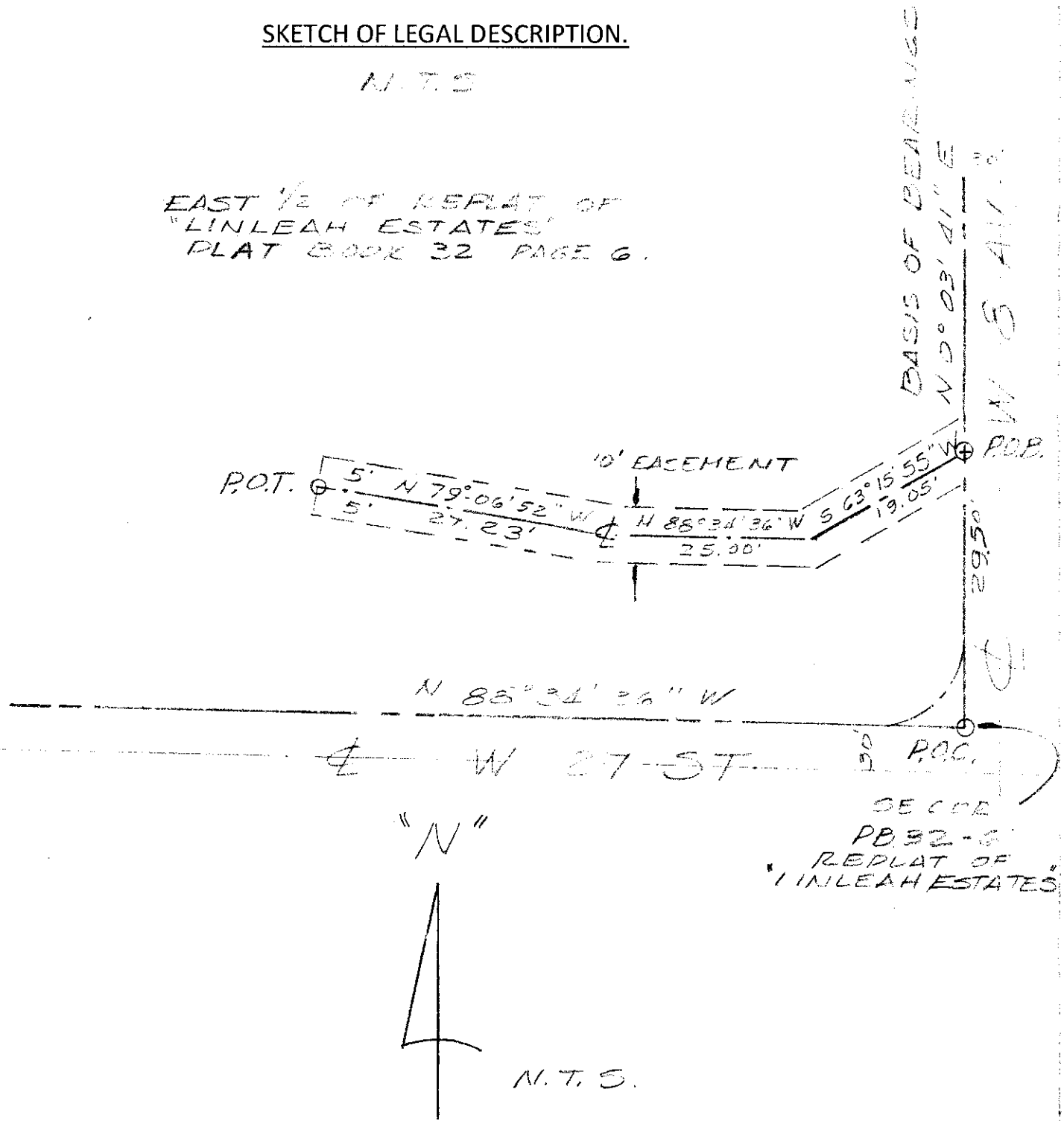
Print Name Aimee Llauro

Notary Public State of Florida
Aimee Llauro
My Commission DD648707
Expires 05/08/2011

Form 3723 (Stocked) Rev. 7/94

SKETCH OF LEGAL DESCRIPTION.

N.T.S



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING.
POT POINT OF TERMINATION.
N.T.S. NOT TO SCALE.

ARTURO MENDIGUTIA
P.S.M. #5844
State of Florida