ORDINANCE NO. 08-15

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT, PROVIDED THAT THE PROPERTY WILL BE REPLATTED WITHIN 18 MONTHS FROM THE GRANT OF THE WAIVER. **PROPERTY LOCATED ON VACANT LAND ON THE SOUTH SIDE OF WEST 84 STREET, BETWEEN WEST 28 COURT AND WEST 30 COURT, 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 January 9, 2008 recommended approval of this ordinance; and

WHEREAS, the petitioner proffers that the property shall be improved with landscaping and a vinyl-coated chain link fence within 90 days of the effective date of this ordinance, to which the City accepts.

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 granted a variance permit to allow a temporary waiver of plat, provided that the property will be replatted within 18 months from the grant of the waiver. Property located on vacant land on the south side of West 84 Street, between West 28 Court and West 30 Court, Hialeah, Miami-Dade County, Florida, zoned M-1 (Industrial District), and legally described as follows:

PARENT TRACT

THE WEST ½ OF TRACT 10, LYING SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 84 STREET, ACCORDING TO STATE OF FLORIDA TRANSPORTATION RIGHT-OF-WAY MAP SECTION

87075-2401, CHAMBERS LAND COMPANY'S SUVDIVISION OF THE NE ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 447.69 FEET THEREOF.

TRACT "A"

THE WEST ½ OF TRACT 10, LYING SOUTHERLY OF THE SOUTH RIGHT-OF-WAY LINE OF WEST 84 STREET, ACCORDING TO STATE OF FLORIDA TRANSPORTATION RIGHT-OF-WAY MAP SECTION 87075-2401, CHAMBERS LAND COMPANY'S SUVDIVISION OF THE NE ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 447.69 FEET THEREOF.

LESS

BEGIN AT THE INTERSECTION OF THE WEST LINE OF TRACT 10 OF CHAMBERS LAND COMPANY'S SUBDIVISION OF THE NEW ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORDIA, WITH THE SOUTH RIGHT-OF-WAY LINE OF WEST 84 STREET AND SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87075-2401; THENCE RUN SOUTH 02°35'14" EAST ALONG THE WEST LINE OF SAID TRACT 10 FOR 100.09 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 6,039.58 FEET; SAID POINT BEARS SOUTH 00° 14' 10" EAST FROM THE CENTER OF SAID CURVE; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 28' 30" FOR 50.07 FEET; THENCE RUN NORTH 02° 35' 14" WEST FOR 100.06 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS

OF 5,939.58 FEET; SAID POINT BEARS SOUTH 00° 40' 09 " EAST FROM THE CENTER OF SAID CURVE; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 28' 59" FOR 50.08 FEET TO THE POINT OF BEGINNING.

TRACT "B"

BEGIN AT THE INTERSECTION OF THE WEST LINE OF TRACT 10 OF CHAMBERS LAND COMPANY'S SUBDIVISION OF THE NW ¼ OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF MAIMI-DADE COUNTY, FLORIDA, WITH THE SOUTH RIGHT-OF-WAY LINE OF WEST 84 STREET AND SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87075-2401; THENCE RUN SOUTH 02° 35' 14" EAST ALONG THE WEST LINE OF SAID TRACT 10 FOR 100.09 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 6,039.58 FEET; SAID POINT BEARS SOUTH 00° 14' 10" EAST FROM THE CENTER OF SAID CURVE; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 28' 30" FOR 50.07 FEET; THENCE RUN NORTH 02° 35' 14" WEST FOR 100.06 FEET TO A POINT ON A CIRCULAR CURVE; CONCAVE TO THE NORTH AND HAVING A RADIUS OF 5,939.58 FEET; SAID POINT BEARS SOUTH 00° 40' 09" EAST FROM THE CENTER OF SAID CURVE; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 28' 59" FOR 50.08 FEET TO THE POINT OF BEGINNING.

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 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 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 12th day of February, 2008.

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 Vice President

Attest:

Approved on this 22 day of February, 2008.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0-1 vote with Councilmembers Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes" and Councilmember Bovo absent.