ORDINANCE NO. 08-43

ORDINANCE CLOSING, VACATING AND ABANDONING FOR PUBLIC USE A 12-FOOT ALLEY SITUATED WITHIN BLOCK 35-B, AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, PLAT BOOK 34, PAGE 26, OF THE MIAMI-DADE COUNTY PUBLIC RECORDS, LYING BETWEEN EAST 5 AVENUE AND EAST 6 AVENUE AND BETWEEN EAST 25 STREET AND EAST 26 STREET, HIALEAH, FLORIDA; RESERVING AN EASEMENT FOR PLACEMENT, MAINTENANCE AND REPAIR OF PUBLIC UTILITIES, IF NEEDED; 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 April 9, 2008 recommended approval of this ordinance; and

WHEREAS, the alley that is subject to closure serves no useful public purpose and accordingly, should be vacated and closed for public use and the abutting property owners intend to utilize the vacated right-of-way for a public parking lot serving Hialeah Hospital.

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

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: A 12-foot alley situated within Block 35-B, Amended Plat of the Amended Plat of Thirteenth Addition to Hialeah, Plat Book 34, page 26, of the Miami-Dade County Public Records, lying between East 5 Avenue and East 6 Avenue and

between East 25 Street and East 26 Street, Hialeah, Florida, is hereby closed, vacated and abandoned for public use, reserving an easement for the placement, maintenance and repair of public utilities, if needed.

Section 3: The reversionary rights of the 12-foot alley situated within Block 35-B, Amended Plat of the Amended Plat of Thirteenth Addition to Hialeah, Plat Book 34, page 26, of the Miami-Dade County Public Records, lying between East 5 Avenue and East 6 Avenue and between East 25 Street and East 26 Street, Hialeah, Florida, closed for public use hereof shall revert to the reversionary interests in the property, as determined by law.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: 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 6: 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 7: 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 13th day of May, 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.

Esteban Bovo
Council President

Attest:

Approved on this 14 day of May, 2008.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

S:\WMG\LEGISLAT\ORD\Ordinance 2008\east5and 6avenueeast25and26streetstreetclosure.docx

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