ORDINANCE NO. 2014-13

ORDINANCE APPROVING A FINAL PLAT OF PALM WEST, 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, A VACANT PARCEL, LOCATED AT THE NORTH SIDE OF WEST 78 STREET, BETWEEN WEST 24 AVENUE AND WEST 25 AVENUE, HIALEAH, FLORIDA.**

WHEREAS, the Planning and Zoning Board at its meeting of January 8, 2014 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 Palm West, submitted jointly by MRJA Palm West, LLC, a Florida limited liability company, by and through its duly authorized managing member, Maurice Cayon, and Pacifica Apartment Holdings, LLC, a Florida limited liability company, by and through its duly authorized managing member, Alexander Ruiz, is hereby accepted. Property, a vacant parcel, located at the north side of West 78 Street, between West 24 Avenue and West 25 Avenue, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District), and classified under the Future Land Use Map as Commercial, and legally described as follows:

ALL OF VIVO FONTE BUSINESS PARK I, according to the Plat thereof, as recorded in Plat Book 167, Page 21, of the Public Records of Miami-Dade County, Florida

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 25 day of February, 2014.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 27 day of February, 2014.

Marbelys L. Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:

William M. Grodnick, City Attorney

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

Ordinance was adopted by a 6-1-0 vote with Council Members, Caragol, Cue-Fuente, Garcia-Martinez, , Gonzalez, Hernandez and Lozano voting "Yes", Council Members Casals-Munoz voting "no".