ORDINANCE NO. 2015-09

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE RELEASE OF A UTILITY EASEMENT AFFECTING A PORTION OF THE 5-FOOT WIDE UTILITY EASEMENT WITHIN TRACT E OF "DU PUIS INDUSTRIAL CENTER FIRST ADDITION"; AUTHORIZING ARMANDO VIDAL AS DIRECTOR OF PUBLIC WORKS AND THE CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE THE CONSENT TO VACATE/ABANDON UTILITY EASEMENT ON BEHALF OF THE CITY OF HIALEAH ATTACHED HERETO AS EXHIBIT "1"; AND PROVIDING FOR AN EFFECTIVE DATE. PROPERTY IS A VACANT LOT LOCATED AT 3325 NORTHWEST 62 STREET, MIAMI, FLORIDA.

WHEREAS, the subject property is not within the jurisdictional limit of the City of Hialeah and therefore the City has no interest in an easement for utility service outside its boundaries;

WHEREAS, the City of Hialeah consents to the abandonment of the utility easement for the construction of the proposed warehouse and has no objection to releasing the utility easement;

WHEREAS, the City of Hialeah agrees to suspend and discontinue any and all future use of the utility easement; and

WHEREAS, it is in the best interest of the City to release the utility easement and abandon all use.

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

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

Section 2: The City of Hialeah, Florida hereby releases and revokes an interest in the utility easement affecting a portion of the 5-foot wide utility easement within Tract E of "Du Puis Industrial Center First Addition" located at Northwest 32 Avenue and Northwest 65 Street, Miami-Dade County, Florida. The legal description of the easement to be released as follows:

UTILITY EASEMENT CREATED BY PLAT RECORDED IN PLAT BOOK 98, AT PAGE 64 AND PLAT BOOK 57, AT PAGE 56 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA (SEE ATTACHED COMPOSITE EXHIBIT A) INSOFAR AS SUCH UTILITY EASEMENT AFFECTS A PORTION OF THE FIFE FOOT WIDE UTILITY EASEMENT WITHIN TRACT E OF "DU PUIS INDUSTRIAL CENTER FIRST ADDITION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 98, AT PAGE 64 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
Folio: 30-3116-020-0010

Section 3: The City of Hialeah, Florida hereby authorizes Armando Vidal and the City Clerk, as attesting witness, on behalf of the City, to execute Consent to Vacate or Bandon Utility Easement, in the form attached as Exhibit "1".

Section 4: 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 10 day of March, 2015.

Isis Garcia-Martinez
Council President

Attest:

Carmen B. Hernandez
Acting Deputy City Clerk

Approved on this 16 day of March, 2015.

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

S:\DDP\LEGISLATURE\ORDINANCES 2015\ReleaseofeasementWater&Sewer.docx

Attention:
Aileen I. Hernandez
Aileen I. Hernandez Law, P.A.
3325 NW 62 Street
Miami, Florida 33147
Phone: 305-633-6482 Ext 144
Email: aileen@aihlaw.com
Fax: (305) 503-5516

Copy to:
Miami Dade County
Attention: Jorge Ubieta, Jr. & Leo Rodriguez
111 NW 1st Street, 11th Floor
Miami, Florida 33128-1970
Phone: 305-375-2141

CITY OF HIALEAH, WATER & SEWER
CONSENT TO VACATE/ABANDON UTILITY EASEMENT

Utility Provider: CITY OF HIALEAH, WATER & SEWER
Property: Vacant Lot at NW 32 Ave and NW 65 Street
FOLIO: 30-3116-020-0010
DIG TICKET ID: 233404581

CITY OF HIALEAH, having an interest in the utility easement affecting a portion of the five foot wide utility easement within Tract E of "Du Puis Industrial Center First Addition" hereby consent to vacate and abandon the following:

> Utility easement created by plat recorded in Plat Book, 98, at Page 64 and Plat Book 57, at Page 56 of the Public Records of Miami Dade County, Florida (see attached composite Exhibit A) insofar as such utility easement affects a portion of the five foot wide utility easement within Tract E of "Du Puis Industrial Center First Addition", according to the Plat thereof, recorded in Plat Book 98, at Page 64 of the Public Records of Miami Dade County, Florida.

I have reviewed the composite Exhibit A (which includes the recorded plat, survey and proposed site plan) and do have utilities located within the five foot wide utility easement within Tract E. The existing water main within the property shall be removed and capped at the two ends of the water main within the property by Landowner at its sole cost and expense.

I agree to suspend and discontinue any and all future use of the easement and have no objections to the proposed structure as shown on the proposed site plan and fully consent to the abandonment and vacation of the utility easement for construction of the proposed warehouse.

CITY OF HIALEAH, DEPARTMENT OF WATER & SEWER

By:_____

Print Name:_____

Print Title:_____

Date:_____

EXHIBIT
"1"

1974 Replat

98-64

DU PUIS INDUSTRIAL CENTER FIRST ADDITION

A REPLAT OF LOTS 6 - 9 (INCLUSIVE), BLOCK 8, DU PUIS INDUSTRIAL CENTER (57-56)
AND A SUBDIVISION OF THE SOUTH 3/4 OF THE EAST 1/2 OF THE SE 1/4 OF THE NW 1/4 OF SECTION 16,
TOWNSHIP 53 SOUTH, RANGE 41 EAST, LESS THE WEST 330 FEET AND THE SOUTH 45.00 FEET

DADE COUNTY, FLORIDA

BISCAYNE ENGINEERING COMPANY

MIAMI, FLORIDA

DECEMBER 1973

SURVEYORS NOTE

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

DESCRIPTION

OWNERS PLAT RESTRICTIONS

DADE COUNTY PLAT RESTRICTIONS

ACKNOWLEDGEMENTS

STATE OF FLORIDA
COUNTY OF ST. JOHNS

APPROVALS

DADE COUNTY FLORIDA PLANNING DEPARTMENT

DADE COUNTY FLORIDA PUBLIC WORKS DEPARTMENT

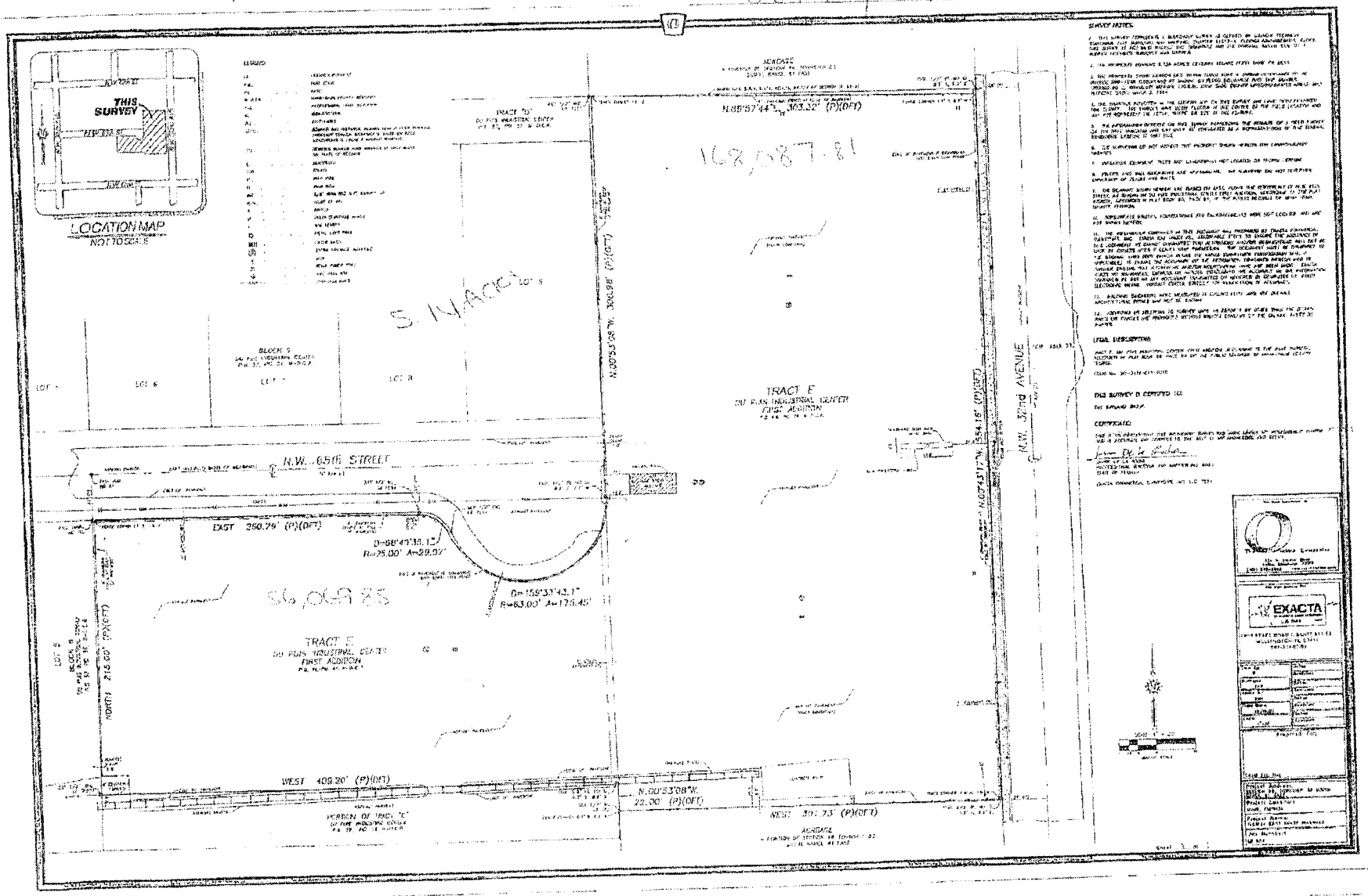
BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA

LOCATION SKETCH

Composite EXHIBIT "A"

FEC Property

SURVEY TRACT E



224157.66

1955 Plat

57-56

DU PUIS INDUSTRIAL CENTER

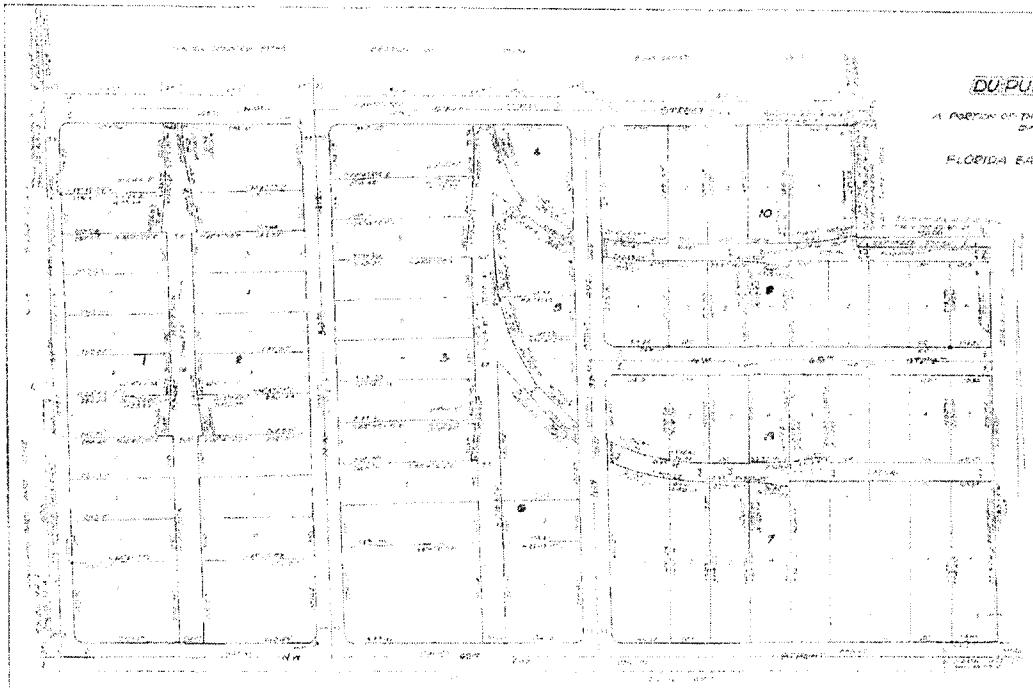
A SUBDIVISION OF

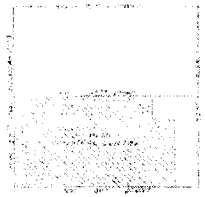
A PORTION OF THE NE ¼ OF SEC. 6-IND 53S-R42E

DADE COUNTY, FLORIDA

BY

FLORIDA EAST COAST RAILWAY COMPANY





Proposed site Plan - Tract E