ORDINANCE NO. 2015-14

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING HIALEAH, FLA., ORDINANCE 13-40 (JUNE 25, 2013) THAT AUTHORIZED CERTAIN AMENDMENTS TO THE OKEECHOBEE METRORAIL STATION TRANSIT-ORIENTED DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY, FLORIDA, AS LANDLORD, AND THE CITY OF HIALEAH, FLORIDA, AS TENANT, FLORIDA FOR 99 YEARS, APPROVED PURSUANT TO HIALEAH, FLA., ORDINANCE 12-30 (MAY 24, 2012), REDUCING THE NUMBER OF SENIOR AFFORDABLE HOUSING UNITS FOR DEVELOPMENT, ANCILLARY USES AND PARKING, FROM 180 UNITS TO 98 UNITS, TO BE CONSTRUCTED IN TWO PHASES, WITH 60 UNITS CONSTRUCTED IN THE FIRST PHASE AND 38 UNITS IN THE SECOND PHASE, FURTHER AMENDING THE DATE FOR COMPLETION OF THE CONSTRUCTION OF ALL UNITS; AND AUTHORIZING THE MAYOR AND THE ACTING DEPUTY CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY IN FURTHERANCE HEREWITH, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Ordinance 12-30 (May 24, 2012) the City expressed its intent to enter into a Okeechobee Metrorail Station Transit-Oriented Development Lease Agreement between Miami-Dade County, Florida, as landlord, and the City of Hialeah, as tenant, Florida, for 99 years, for consideration of $1.00;

WHEREAS, pursuant to Hialeah, Fla., Ordinance 13-40 (June 25, 2013), amending Hialeah, Fla., Ordinance 12-30 (May 24, 2012), the City authorized an expansion of the development increasing the number of Senior Affordable Housing Units

for Development, ancillary uses and parking, from 100 units to 180 units, comprising of three phases of 60 units, which each phase to be completed in successive three-year periods;

WHEREAS, subsequently, the City and Miami-Dade County entered into further negotiations, and the City determined that, due to the unforeseeable discovery of space limitations with the parcel of land including but not limited to, an adjacent rail line that transverses through the parcel of land and the discovery of a need for more space in order to provide sufficient parking for seniors, the number of Senior Affordable Housing Units needs to be reduced from 180 units to 98 units, with three additional units to be used for a recreation center and congregate meal site, in two phases with 60 units construed in the first phase and 38 units in the second phase, with each phase to be completed in successive three-year periods; and

WHEREAS, it is in the best interest of the health, safety and welfare of the Community to provide elderly affordable housing near the Metrorail Station to create strong access links to the Metrorail System and enhanced ridership and usage of the Metrorail System for both the residents, visitors and workers in the area.

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: The City Council of the City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 13-40 (June 25, 2013) that authorized certain amendments to the Okeechobee Metrorail Station Transit-Oriented Development Lease Agreement between Miami-Dade County, Florida, as landlord, and the City of Hialeah, Florida, as tenant, Florida for 99 years, approved pursuant to Hialeah, Fla., Ordinance 12-30 (May 24, 2012), reducing the number of Senior Affordable Housing Units for development, ancillary uses and parking, from 180 units to 98 units, to be constructed in two phases,

with 60 units constructed in the first phase and 38 units in the second phase, further amending the date for completion of the construction of all unit.

Section 3: The City Council of the City of Hialeah, Florida hereby authorizes the Mayor and the Acting Deputy City Clerk, as attesting witness, on behalf of the City, to enter into the Lease Agreement between the City, as tenant, and Miami-Dade County, as landlord, in a form acceptable to the City Attorney, and execute and any all documents in furtherance therewith.

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 or suspension 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 sections 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 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 14 day of April, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 17 day of April, 2015.

~~Carmen B. Hernandez~~ Marbelys Fatjo
~~Acting Deputy~~ City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

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

S:\DDP\LEGISLATURE\ORDINANCES 2015\okeechobeestationleaseordamndment2015.docx

Ordinance was adopted by a 6-0-1 vote with Council Members Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmember Caragol, absent.