

**ORDINANCE NO. 2019-040**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT OF WAY DEED ATTACHED AS EXHIBIT "1" FROM F03-4, LLC, A FLORIDA LIMITED LIABILITY COMPANY, CONVEYING RIGHTS-OF-WAY CONSISTING OF 35 FEET IN WIDTH ALONG NW 102 AVENUE TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST (HYPOTHETICAL 146 STREET) WITH AN AREA OF APPROXIMATELY 19,233 SQUARE FEET OR 0.442 ACRES FOR PUBLIC HIGHWAY PURPOSES AND ALL PURPOSES INCIDENTAL THERETO; 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 City of Hialeah has embarked on the construction and improvements of a network of roads throughout the once barren northwestern park of the city; and

**WHEREAS**, this network of roads running on N.W. 102 Avenue to hypothetical N.W. 146 Street on the north shall facilitate the continuing development of commerce and industry, among other improvements; and

**WHEREAS**, the dedication of a portion of the land as depicted in the sketch attached to the attached right-of-way deed shall allow for the public improvements necessary to improve the roadways, and facilitate traffic.

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

**Section 1:** The City of Hialeah, Florida hereby accepts the dedication of right-of-ways of 35 feet on N.W. 102 Avenue to hypothetical 146 Street of an area of approximately

19,233 square feet or 0.442 acres for public highway purposes and all purposes incidental thereto, from F03-4, LLC as set forth in the right-of-way deed attached hereto and made a part hereof as Exhibit 1.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

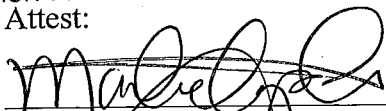
**Section 4: Effective Date.**

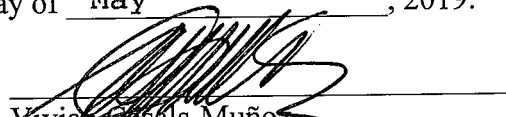
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 14 day of May, 2019.

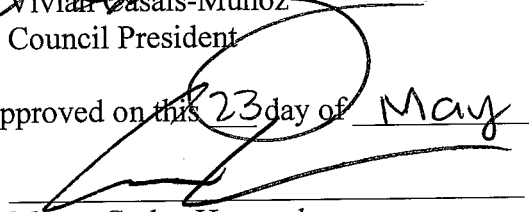
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

Attest:

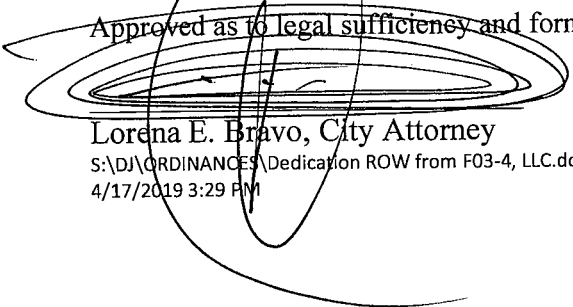
  
Marbelys Fatjo, City Clerk

  
Vivian Casals-Munoz  
Council President

Approved on this 23 day of May, 2019.

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\Dedication ROW from F03-4, LLC.docx  
4/17/2019 3:29 PM

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Hernandez, Caragol voting "Yes" and with Councilmember Cue-Fuente absent.

Instrument prepared by:

George J. Lott, Esq.  
Lott & Levine  
8950 SW 74 Court, Suite 1711  
Miami, Florida 33156

Property Appraiser's Parcel Identification (Folio)  
Numbers: 04-2020-002-0010

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**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA,  
FLORIDA FOR PUBLIC HIGHWAY PURPOSES**

**THIS INDENTURE**, made this 9<sup>th</sup> day of April, 2019, by and between F03-4, LLC, a Florida Limited Liability Company, whose address is 8083 N.W. 103<sup>rd</sup> Avenue, Hialeah Gardens, FL 33016, party of the first part, and CITY OF HIALEAH, FLORIDA, a political subdivision of the State of Florida, and its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of use as a public Highway and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.**

It is the intention of the party of the first part, by this instrument, to convey to said Miami-Dade County, the party of the second part, and its successors in interest, the land above described for use as a public Highway and for all purposes incidental thereto.

It is expressly provided that, if and when the said Highway shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its successors, heirs and/or assigns, and it shall have the right to repossess the same.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

*[Handwritten Signature]*

Witness  
*[Handwritten Signature]*

[Print Name]

*[Handwritten Signature]*

Witness  
*[Handwritten Signature]*

[Print Name]

GRANTOR:

F03-4, LLC,  
a Florida limited liability company

By: *[Handwritten Signature]*

Name: BETTY L. DUNN

Title: as its Managing Member

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared BETTY L. DUNN, as its Managing Member of F03-4, LLC, a Florida Limited Liability Company, and that she is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, and I relied upon the following form of identification of the above-named person:

\_\_\_\_\_ or is personally known to me and that an oath was taken.

NOTARY SEAL



Witness my hand and official seal in the county and State last aforesaid this 9 day of APRIL, 2019.

*[Handwritten Signature]*  
Notary Signature

KATHY M RANGEL  
Typed/printed name

My Commission No.: FF 207561

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## EXHIBIT "A"



**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, BEING THE WEST 35 FEET OF THE SOUTHEAST 1/4 OF SAID SECTION 20, LYING WITHIN PORTIONS OF RINKER LAKE AND TRACT "E", OF RINKER LAKE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 82, AT PAGE 47 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID PARCEL CONTAINING 19,233 SQUARE FEET OR 0.442 ACRES MORE OR LESS.

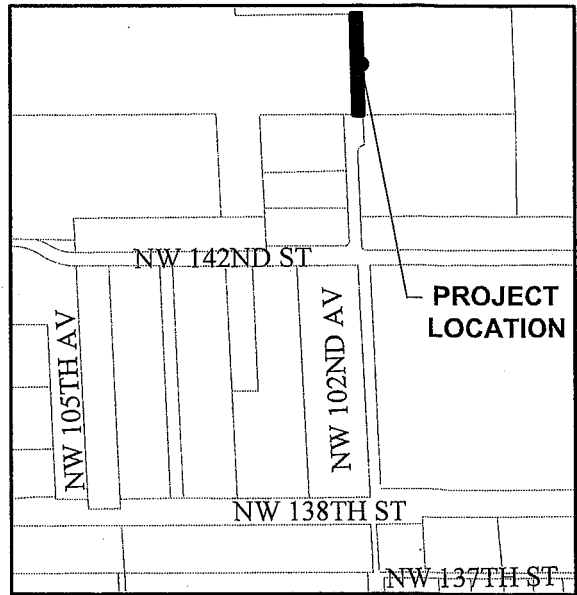
EXCEPTING THEREFROM ANY PORTION OF THE ABOVE DESCRIBED LANDS PREVIOUSLY DEDICATED AS PUBLIC RIGHT-OF-WAY.

**LEGEND:**

- PB - PLAT BOOK
- PG - PAGE
- ⊙ - CENTERLINE
- ORB - OFFICIAL RECORDS BOOK
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT OF WAY
- MDCSS - MIAMI-DADE COUNTY SECTION SHEET

**NOTES:**

1. THIS IS NOT A SURVEY.
2. THE SUBJECT PROPERTY LIES IN THE SE 1/4 OF SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA.
3. THE PURPOSE OF THIS SKETCH AND LEGAL DESCRIPTION DOCUMENT IS TO DESCRIBE THE PROPOSED RIGHT OF WAY WITHIN A PORTION OF TRACT "E" AND A PORTION OF THE RINKER LAKE PARCEL, OF RINKER LAKE SUBDIVISION, PLAT BOOK 82, AT PAGE 47 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
4. RECORD INFORMATION SHOWN HEREON WAS OBTAINED FROM THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA AND THE CITY OF HIALEAH.
5. BEARINGS, IF SHOWN HEREON, ARE BASED ON THE NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT AS BROADCAST BY THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN). A BEARING OF N02°36'35" WAS OBTAINED BETWEEN THE SE AND NE CORNER OF THE SW 1/4 OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 40 EAST.



**LOCATION MAP  
(NOT TO SCALE)**

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" COMPLIES WITH THE STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTE: THIS IS NOT A SURVEY.

BISCAYNE ENGINEERING COMPANY, INC.  
529 WEST FLAGLER STREET, MIAMI, FL. 33130  
TEL: (305)-324-7671, FAX: (305)-324-0809  
STATE OF FLORIDA DEPARTMENT OF AGRICULTURE  
CERTIFICATE OF AUTHORIZATION LB-0000129

LUIS A. GAZTAMBIDE, PSM, FOR THE FIRM  
PROFESSIONAL SURVEYOR AND MAPPER NO. 6816  
STATE OF FLORIDA

THIS DOCUMENT IS VALID ONLY WHEN ALL SHEETS ARE COMBINED, FORMING THE COMPLETE SET.

DATE: Mar 06, 2019 - 2:05pm EST FILE: P:\SURVEY\PROJECTS\86000's\86205 RJ BEHAR\DWG\05-86205-NORTH\_LG.dwg

DRAWING No. 2293-SS-12-1      BEC ORDER # 05-86205

PROJECT: NW 102ND AVENUE RIGHT OF WAY

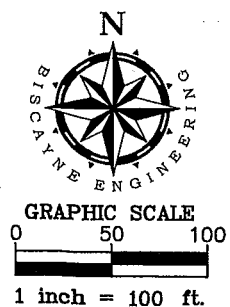
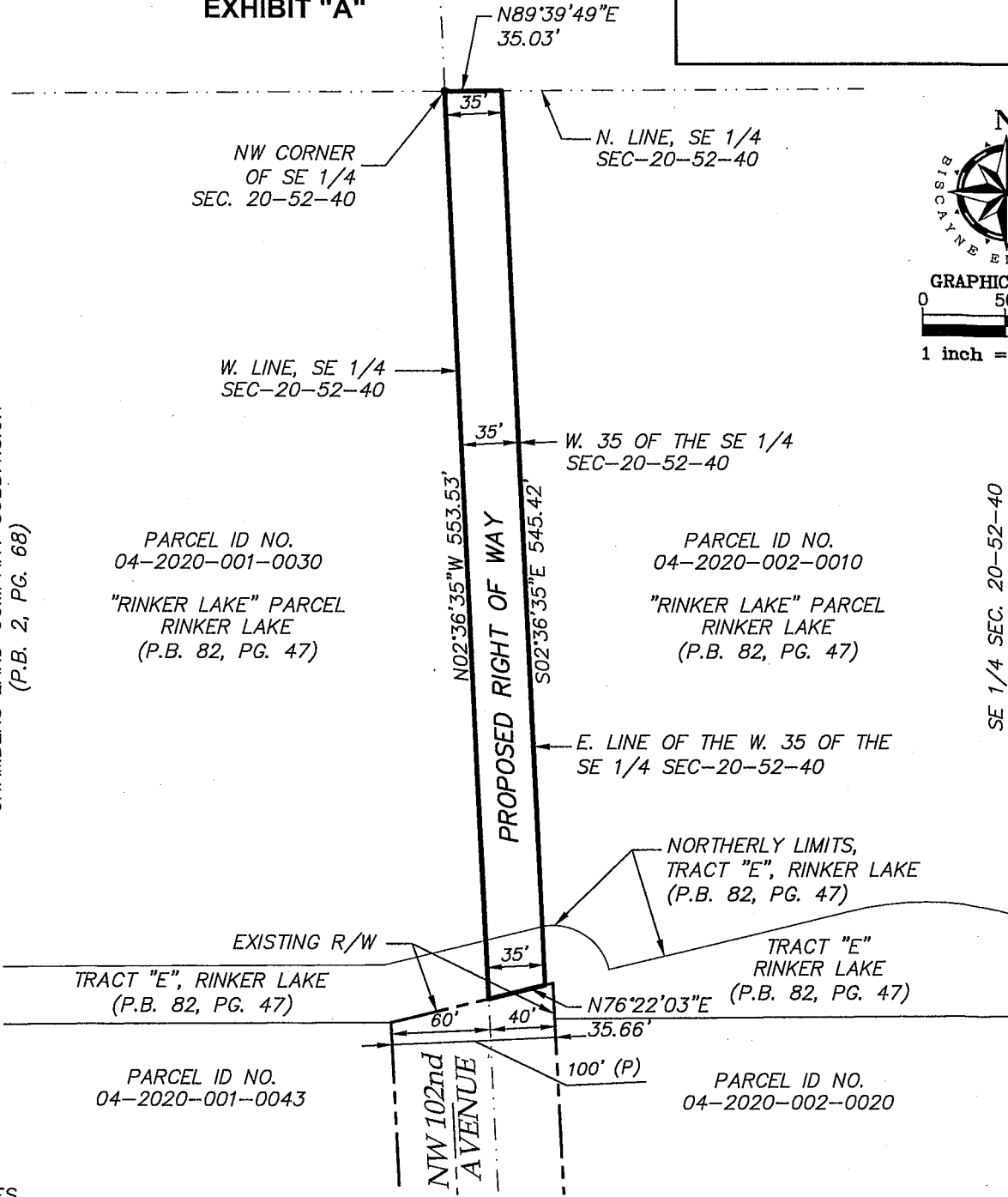
DATE: 10/31/2018	REV DATE: N/A	FIELD BOOK N/A	SHEET 1 OF 2	DRAWN BY W.J.R.	CLIENT CITY OF HIALEAH STREETS DEPARTMENT
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# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

SW 1/4 SEC. 20-52-40  
CHAMBERS LAND COMPANY SUBDIVISION  
(P.B. 2, PG. 68)

SE 1/4 SEC. 20-52-40  
CHAMBERS LAND COMPANY SUBDIVISION  
(P.B. 2, PG. 68)



**LINE TYPES**

- EXISTING R/W LINE
- SECTIONAL LINES
- TRACT LINES
- CENTERLINE

THIS DOCUMENT IS VALID ONLY WHEN ALL SHEETS ARE COMBINED, FORMING THE COMPLETE SET.

THIS IS NOT A SURVEY

DATE: Mar 06, 2019 - 2:06pm EST FILE: P:\SURVEY\PROJECTS\86000's\86205 RJ BEHAR\DWG\05-86205-NORTH\_LG.dwg

DRAWING No. 2293-SS-12-1

BEC ORDER # 05-86205

PROJECT: NW 102ND AVENUE RIGHT OF WAY

DATE: 10/31/2018	REV DATE: N/A	FIELD BOOK	SHEET 2 OF 2	DRAWN BY W.J.R.	CLIENT CITY OF HIALEAH STREETS DEPARTMENT
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<b>BISCAYNE ENGINEERING</b> <small>SURVEYORS ENGINEERS PLANNERS • SINCE 1898 •</small>	529 W. FLAGLER ST, MIAMI, FL 33130 TEL. (305) 324-7671	449 NW 35TH ST, BOCA RATON, FL 33431 TEL. (561) 609-2329
	E-MAIL: <a href="mailto:INFO@BISCAYNEENGINEERING.COM">INFO@BISCAYNEENGINEERING.COM</a> • WEBSITE: <a href="http://WWW.BISCAYNEENGINEERING.COM">WWW.BISCAYNEENGINEERING.COM</a>	