

**ORDINANCE NO. 2019-084**

ORDINANCE APPROVING A FINAL PLAT OF ATLANTICO AT AQUABELLA; 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 LOCATED GENERALLY AT THE SOUTHEAST INTERSECTION OF NW 97TH AVENUE AND NW 170TH STREET, HIALEAH, FLORIDA.**

**WHEREAS**, the Planning and Zoning Board at its meeting of August 29, 2019 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 Atlantico at Aquabella submitted by FC Hialeah Development, LLC is hereby accepted. Property located generally at the southeast intersection of NW 97th Avenue and NW 170th Street Hialeah, Florida, Zoned Residential Development District, classified under the Future Land Use Map as Low Medium Density Residential, and legally described in Exhibit "A" attached.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

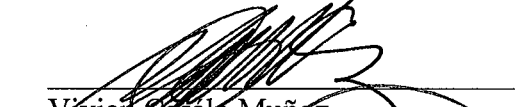
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 24 day of September, 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.

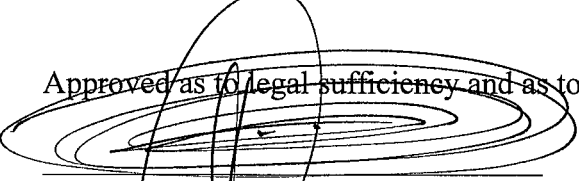
  
\_\_\_\_\_  
Vivian Casals-Muñoz  
Council President

Approved on this 3 day of October, 2019.

Attest:  
  
\_\_\_\_\_  
Marbelys L. Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

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Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Zogby, Hernandez, Casals-Munoz, Garcia-Martinez voting "Yes", and with Councilmembers Cue-Fuente and Lozano absent.

## Exhibit "A"

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE RUN SOUTH 02°39'53" EAST (BEARINGS SHOWN ON THE FLORIDA STATE SYSTEM OF PLANE GRID COORDINATES) ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16 FOR 80.06 FEET TO A POINT OF INTERSECTION WITH A LINE THAT IS 80.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE RUN NORTH 89°28'12" EAST ALONG THE LAST DESCRIBED PARALLEL LINE FOR 868.96 FEET (868.99 FEET BY DEED); THENCE SOUTH 00°31'48" EAST FOR 140.00 FEET; THENCE NORTH 89°28'12" EAST FOR 1306.27 FEET (1306.33 FEET BY DEED); THENCE SOUTH 02°36'35" EAST FOR 1100.01 FEET (SOUTH 02°38'01" EAST FOR 1100.29 FEET BY DEED) TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE SOUTH 89°29'20" WEST ALONG THE LAST DESCRIBED SOUTH LINE FOR 188.98 FEET (SOUTH 89°29'29" WEST FOR 189.11 FEET BY DEED) TO THE NORTHEAST CORNER OF THE WEST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE SOUTH 02°37'22" EAST ALONG THE EAST LINE OF THE WEST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 16, FOR 1320.11 FEET (SOUTH 02°38'26" WEST, FOR 1320.37 FEET BY DEED) TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE SOUTH 89°30'28" WEST ALONG THE LAST DESCRIBED SOUTH LINE FOR 1929.03 FEET TO AN INTERSECTION WITH A LINE 50.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE SAID NORTHWEST 1/4 OF SECTION 16; THENCE NORTH 02°39'53" WEST ALONG THE LAST DESCRIBED EAST LINE FOR 1035.23 FEET TO THE POINT OF BEGINNING TO THE HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE NORTH 02°39'53" WEST FOR A DISTANCE OF 778.80 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 90°02'43" FOR AN ARC DISTANCE OF 39.29 FEET TO A POINT OF TANGENCY; THENCE NORTH 87°22'50" EAST FOR A DISTANCE OF 493.31 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 53°33'16" FOR AN ARC DISTANCE OF 23.37 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 76.00 FEET, THROUGH A CENTRAL ANGLE OF 46°20'36" FOR AN ARC DISTANCE OF 61.47 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 02°39'53" EAST FOR A DISTANCE OF 762.95 FEET; THENCE SOUTH 87°20'07"W FOR A DISTANCE OF 590.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE RIGHT-OF-WAY DEED TO MIAMI-DADE COUNTY RECORDED IN O.R. BOOK 31160, PAGE 2781, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE S02°39'53"E, ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16, FOR A DISTANCE OF 1605.64 FEET; THENCE N87°20'07"E FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, SAID POINT OF BEGINNING ALSO BEING ON A LINE 50.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 16; THENCE CONTINUE N02°39'53"W, ALONG SAID PARALLEL LINE FOR A DISTANCE OF 778.80 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 78°27'46" FOR AN ARC DISTANCE OF 34.24 FEET TO A POINT OF NON-TANGENCY; THENCE S02°39'53"E, ALONG A LINE 70.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16 FOR A DISTANCE 803.29 FEET; THENCE S87°20'07"W FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.