

ORDINANCE NO. 2019-095

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING A DEDICATION OF VACANT LAND FOR RIGHT OF WAY PURPOSES FROM THE MACHADO FAMILY LIMITED PARTNERSHIP NO. 2, LP, A FLORIDA LIMITED PARTNERSHIP, AS MORE PARTICULARLY DESCRIBED IN THE RIGHT-OF-WAY DEED, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS "EXHIBIT 1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has planned roadway improvements to construct N.W. 102 Avenue from N.W. 142 Street to N.W. 145 Place; and

WHEREAS, in order to complete the roadway improvements donation of right of way from abutting property owners, including The Machado Family Limited Partnership No.2, LP, was necessary; and

WHEREAS, acceptance of this right-of-way deed is in the public's best interest as the roadway improvements will boost economic development and enhance traffic circulation 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 City of Hialeah, Florida hereby accepts the dedication of vacant land for right-of-way purposes as more particularly described in the right-of-way deed attached hereto and made a part hereof as "Exhibit 1" from The Machado Family Limited Partnership No. 2, LP, a Florida limited partnership.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

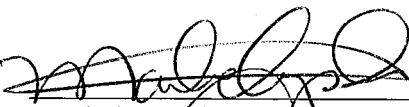
PASSED and ADOPTED this 12 day of November, 2019.

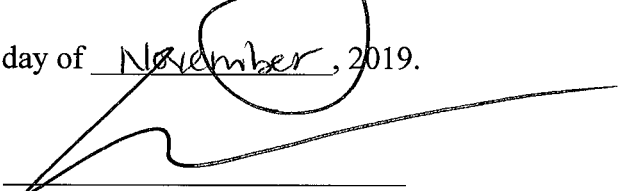
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President


Attest:

Approved on this 20 day of November, 2019.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

SALEB\LEGISLATION\2019 ORDINANCES\ROW-NW102Avenuebet142stand145pl-MachadotoCOH.docx

Ordinance was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Hernandez, Casáls-Munoz, De La Rosa, Perez and Cue-Fuente voting "Yes".

Instrument prepared by:

Lorena Bravo, Esq.
City of Hialeah, Florida
501 Palm Avenue – 4th Floor
Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)
Numbers: 04-2020-002-0040

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

THIS INDENTURE, made this 8 day of October, 2019, by and between THE MACHADO FAMILY LIMITED PARTNERSHIP NO. 2, a Florida Limited Partnership, whose address is 6465 West 24 Avenue, Apt. 101, Hialeah, FL 33016, party of the first part, and the City of Hialeah, Florida, a body corporate and a political subdivision of the State of Florida, and its successors in interest, whose address is c/o its City Attorney, Lorena Bravo, City Hall, 501 Palm Avenue, 4 Floor, Hialeah, FL 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 a public road 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 City of Hialeah, Florida, the party of the second part, and its successors in interest, the land above described for use a public road and for all purposes incidental thereto.

It is expressly provided that, if and when the said public road 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:

Yoliva
Witness
Yumai Oliva
[Print Name]

Delilah M. Fonseca
Witness
DELILAH M. FONSECA
[Print Name]

GRANTOR:

THE MACHADO FAMILY LIMITED
PARTNERSHIP NO. 2, a Florida limited
Partnership

By: Machado Golden Eagle, Inc., as its
General Partner

By: Ceferino Machado
Name: Ceferino Machado
Title: President

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 Ceferino Machado, as President of Machado Golden Eagle, Inc., as the General Partner of THE MACHADO FAMILY LIMITED PARTNERSHIP NO. 2, a Florida Limited Partnership, and that he is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and I relied upon the following form of identification of the above-named person:

FLORIDA DL CLASSE M230-100-41-306-0 exp 8/26/21
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 8th day of OCTOBER 2019



Delilah M. Fonseca
Notary Signature

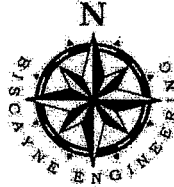
DELILAH M. FONSECA
Typed/printed name

My commission no: GG 277157

EXHIBIT A

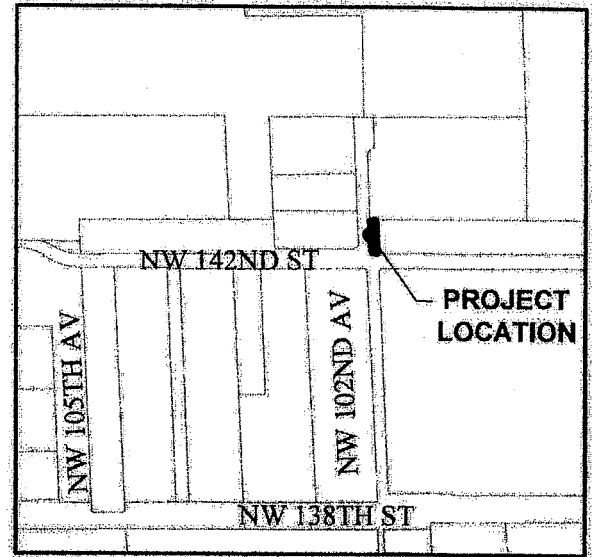
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"



LEGEND:

- PB - PLAT BOOK
- PG - PAGE
- CL - CENTERLINE
- ORB - OFFICIAL RECORDS BOOK
- P.O.C - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- R/W - RIGHT OF WAY



**LOCATION MAP
(NOT TO SCALE)**

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 TRACT "D", 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.

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

[Handwritten Signature]
LISA 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: Oct 31, 2018 - 11:51pm EST FILE: G:\PROJECTS\86205 RJ Behar - Hialeah NW 102nd Ave(S of 138)\DWG\05-86205-NORTH.LG.dwg

DRAWING No. 2293-SS-12-3			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
BISCAYNE ENGINEERING		SURVEYORS ENGINEERS PLANNERS SINCE 1898	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: INFO@BISCAYNEENGINEERING.COM • WEBSITE: WWW.BISCAYNEENGINEERING.COM					

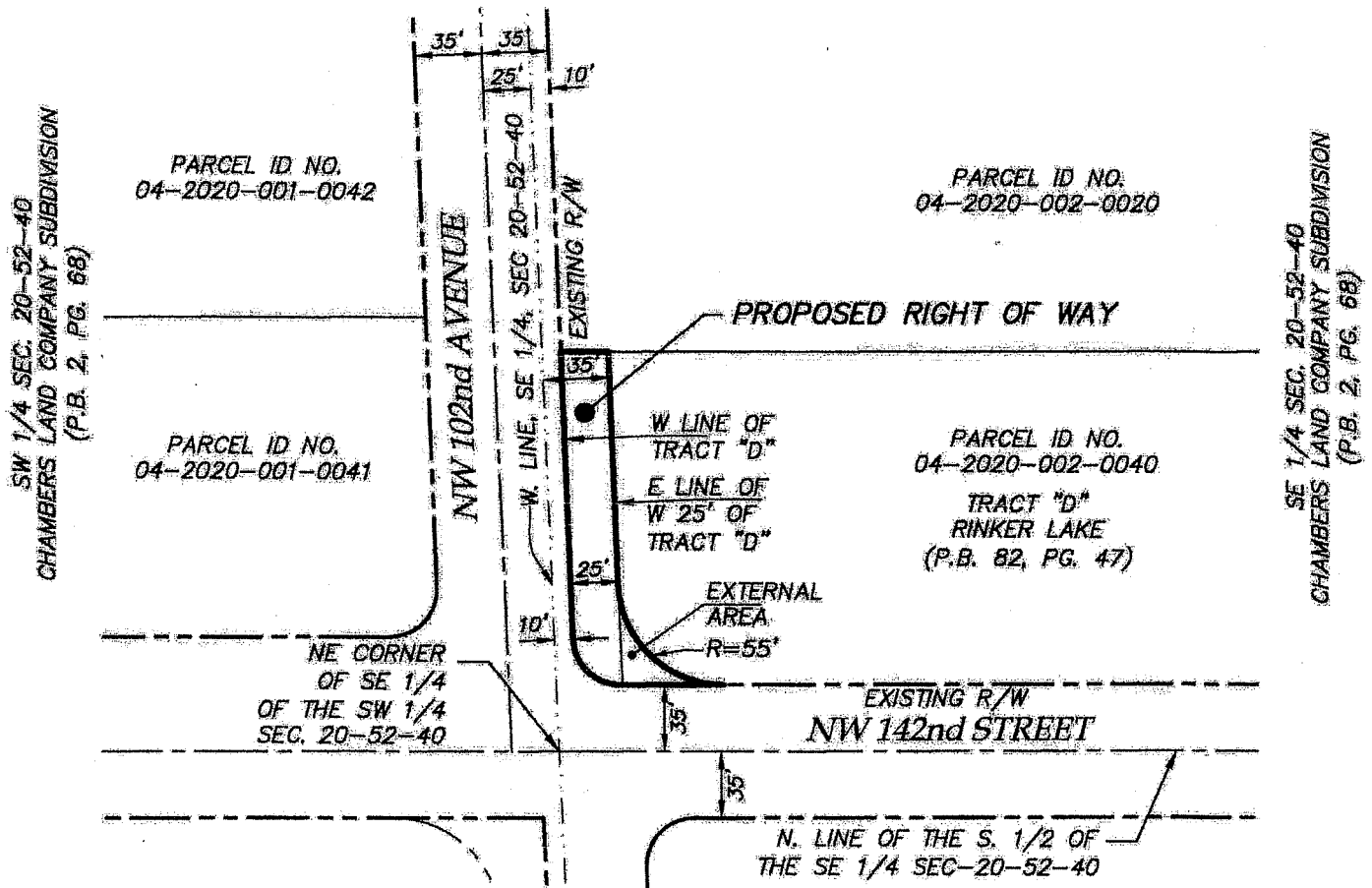
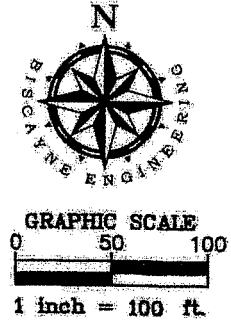
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

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 25.00 FEET OF TRACT "D", 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, AND THAT PORTION OF SAID TRACT "D", WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 55.00 FOOT RADIUS ARC CONCAVE TO THE NORTHEAST, TANGENT TO THE SOUTH LINE OF SAID TRACT "D" AND TANGENT TO THE EAST LINE OF THE WEST 25.00 FEET OF SAID TRACT "D".

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



LINE TYPES

EXISTING R/W LINE	-----
SECTION LINE	- - - - -
TRACT LINES	=====
CENTERLINE	-----

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

THIS IS NOT A SURVEY

DATE: Oct 31, 2018 - 11:51pm EST FILE: C:\PROJECTS\86205 RJ Behar - Hialeah NW 102nd Ave(S of 136)\DWG\05-86205-NORTH_LG.dwg

DRAWING No. 2293-SS-12-3

BEC ORDER # 05-86205

PROJECT: NW 102ND AVENUE RIGHT OF WAY

DATE: 10/31/2018	REV DATE: N/A	FIELD BOOK N/A	SHEET 2 OF 2	DRAWN BY W.J.R	CLIENT CITY OF HIALEAH STREETS DEPARTMENT
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BISCAYNE ENGINEERING <small>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: INFO@BISCAYNEENGINEERING.COM • WEBSITE: WWW.BISCAYNEENGINEERING.COM	

Instrument prepared by:

Lorena E. Bravo, Esq.
City Attorney – City of Hialeah, FL
501 Palm Avenue – 4th Floor
Hialeah, FL 33010

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-2020-001-0030

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

THIS INDENTURE, made this 3 day of October, 2019, by and between RELP Beacon Logistics, LLC, a Delaware limited liability company, organized and existing under the laws of the State of Delaware, whose mailing address is 2020 Salzedo Street, 5th Floor, Coral Gables, Florida 33134, party of the first part, and the City of Hialeah, Florida, a body corporate and a political subdivision of the State of Florida, and its successors in interest, whose address is c/o its City Attorney, Lorena Bravo, City Hall, 501 Palm Avenue, 4 Floor, Hialeah, FL 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 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 EXHIBITS "A" AND "B" 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 City of Hialeah, Florida, the party of the second part, and its successors in interest, the land above described for use 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 heirs and assigns, and it shall have the right to repossess the same.

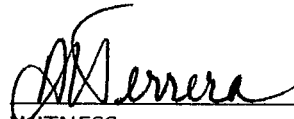
And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

Exhibit "1"

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:

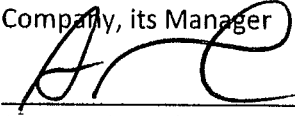

WITNESS:


WITNESS:

REL P Beacon Logistics, LLC, a Delaware limited liability company

By: Beacon Logistic Park, LLC, a Delaware limited liability company, its Managing Member

By: Codina Manager, LLC, a Florida limited liability Company, its Manager

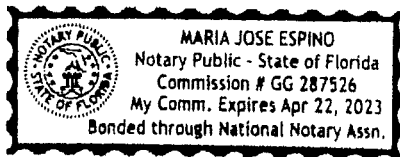
By: 
Ana-Marie Codina Barlick, Vice President

Dated: 10/3, 2019

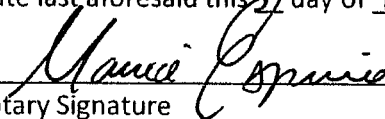
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Ana-Marie Codina Barlick, as Vice-President of Codina Manager, LLC, a Florida limited liability company, as Manager of Beacon Logistic Park, LLC, a Delaware limited liability company, as Managing Member of REL P Beacon Logistics, LLC, a Delaware limited liability company, and that he is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he 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 3rd day of October, 2019


Notary Signature

Maria Espino
Typed/printed name

My commission no: GG287526

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for

Codina Partners
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

PORTION OF NW 102nd AVENUE RIGHT OF WAY DEDICATION

LEGAL DESCRIPTION:

A parcel of land lying and being in Section 20, Township 52 South, Range 40 East, in Miami-Dade County, Florida, and within the Plat of "RINKER LAKE", according to the plat thereof, as recorded in Plat Book 82, at Page 47 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

BEGIN at the Center of said Section 20, Township 52 South, Range 40 East, Miami-Dade County, Florida; thence $S02^{\circ}36'37"E$ along the East Line of the SW 1/4 of said Section 20, for a distance of 567.67 feet; thence $S89^{\circ}40'31"W$ for a distance of 35.03 feet; thence $N02^{\circ}36'37"W$ along a line parallel with and 35.00 feet West of the East Line of the SW 1/4 of said Section 20, for a distance of 567.67 feet to a point on the North Line of the SW 1/4 of said Section 20; thence $N89^{\circ}40'06"E$ feet along the last described line, for a distance of 35.03 feet to the Point of Beginning.

Containing an area of 19,869 Square Feet, more or less, by calculations.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
Codina Partners
prepared by:



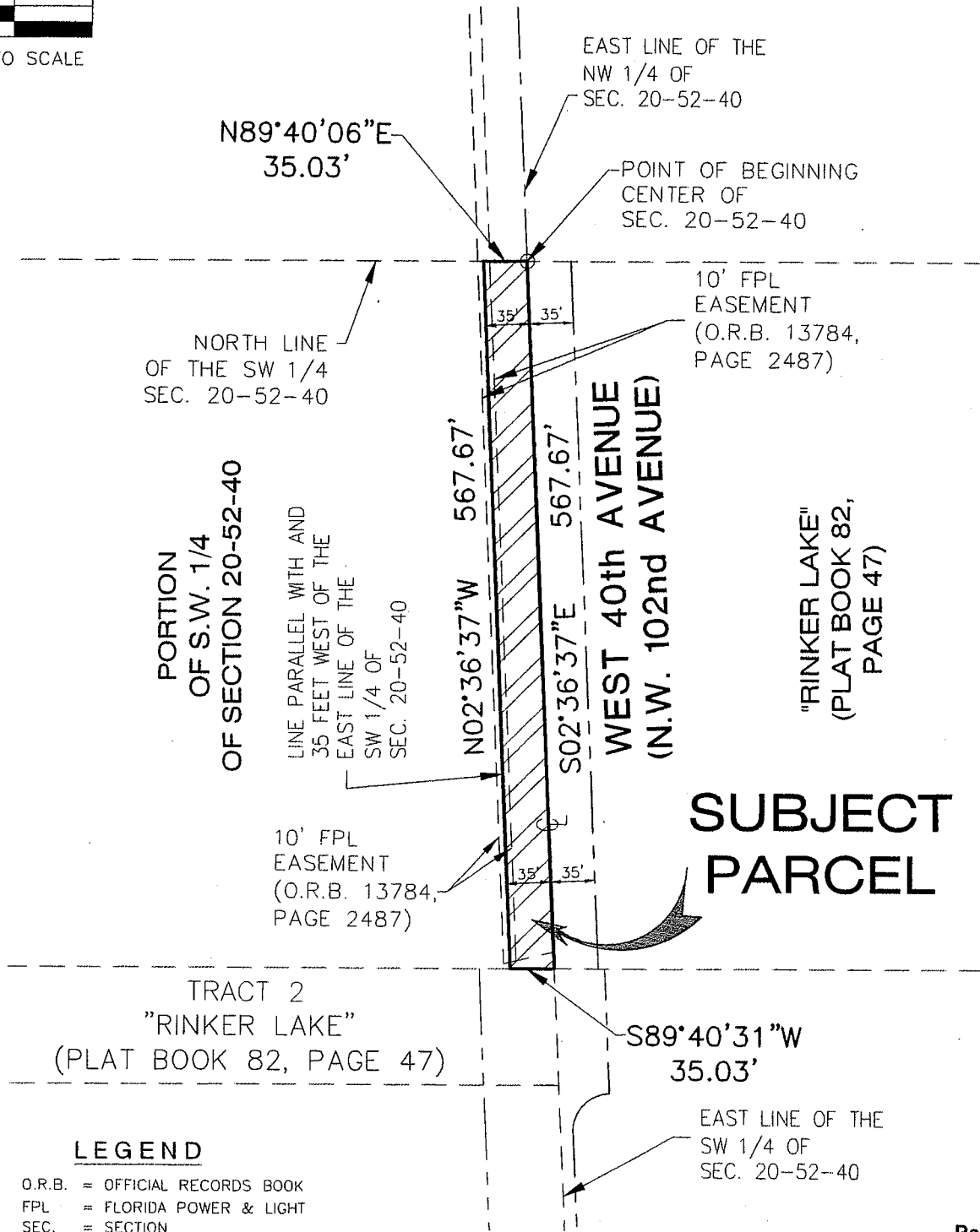
LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

PORTION OF NW 102nd AVENUE RIGHT OF WAY DEDICATION



NOT TO SCALE



**SUBJECT
PARCEL**

LEGEND

- O.R.B. = OFFICIAL RECORDS BOOK
- FPL = FLORIDA POWER & LIGHT
- SEC. = SECTION
- ⊘ = CENTERLINE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
Codina Partners
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "B"

PORTION OF LAND TO BE DEDICATED FOR RIGHT OF WAY PURPOSES

SOURCES OF DATA:

The Legal Description was generated from the Plat of "RINKER LAKE", recorded in Plat Book 82, at Page 47 of the Public Records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the East Line of SW 1/4 of Section 20, Township 52 South, Range 40 East, in Miami-Dade County, Florida,, with an assumed bearing of S02°36'37"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than those that appeared on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information was furnished other than that which is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear. This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify to that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: _____ Date: _____

Raul Izquierdo, P.S.M.
For the Firm
Professional Surveyor and Mapper LS6099
HADONNE CORP.
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 201
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

for
Codina Partners
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "B"

PORTION OF LAND TO BE DEDICATED FOR RIGHT OF WAY PURPOSES

LEGAL DESCRIPTION:

A parcel of land lying and being in Section 20, Township 52 South, Range 40 East, in Miami-Dade County, Florida, and within the Plat of "RINKER LAKE", according to the plat thereof, as recorded in Plat Book 82, at Page 47 of the Public Records of Miami-Dade County, Florida being more particularly described as follows:

COMMENCE at the Center of said Section 20, Township 52 South, Range 40 East, Miami-Dade County, Florida; thence $S89^{\circ}40'06''W$ for 35.03 feet; thence $S02^{\circ}36'37''E$ along a line parallel with and 35 feet West of the East Line of the SW 1/4 of said Section 20, for 562.35 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue $S02^{\circ}36'37''E$ along said line parallel with and 35 feet West of the East Line of the SW 1/4 of Section 20, for 5.32 feet; thence $S89^{\circ}40'31''W$ along the Easterly prolongation of the Top of Slope of Rinker Lake and also the Limits of Plat, as shown on said plat of RINKER LAKE, for 22.58 feet; thence $N76^{\circ}19'13''E$ for 23.00 feet to the Point of Beginning.

Containing an area of 60 Square Feet, more or less, by calculations.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

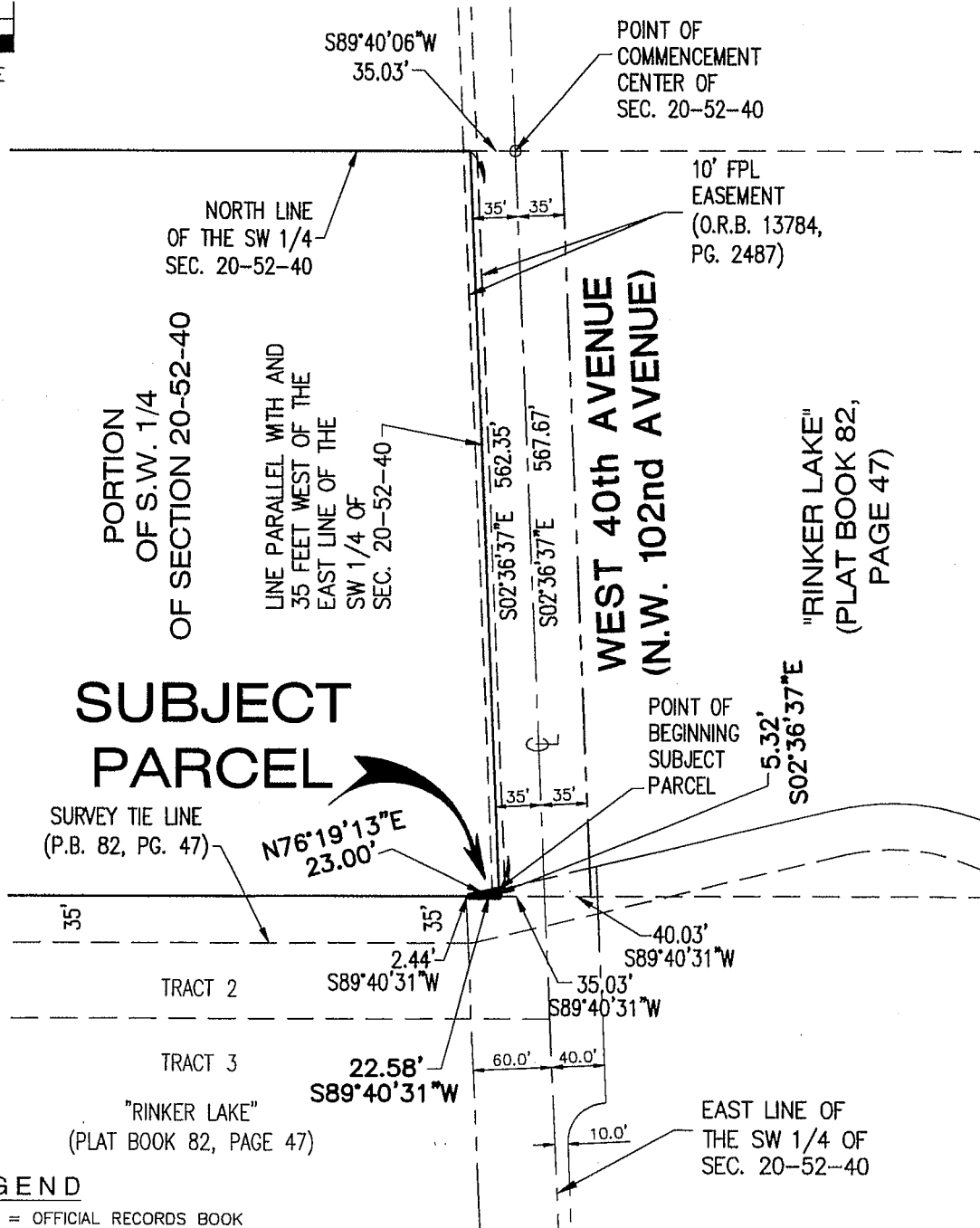
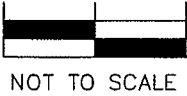
for
Codina Partners
prepared by:



LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "B"

PORTION OF LAND TO BE DEDICATED FOR RIGHT OF WAY PURPOSES



LEGEND

- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PG. = PAGE
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