

**ORDINANCE NO. 2020-065**

ORDINANCE VACATING AND CLOSING AND ABANDONING FOR PUBLIC USE AN UN-IMPROVED ALLEY THAT RUNS EAST OF 11 AVENUE AND WEST OF THE RAILROAD TRACKS, NORTH OF EAST 17 STREET AND SOUTH OF EAST 18 STREET LOCATED BETWEEN THE PROPERTIES WITH FOLIO NUMBERS 04-3108-002-6310 AND 04-3108-002-6331 **WITH THE ADDRESS OF 1799 EAST 11 AVENUE, HIALEAH, FLORIDA;** RESERVING AN EASEMENT FOR THE PLACEMENT, MAINTENANCE AND REPAIR OF PUBLIC UTILITIES, IF NEEDED; 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 Planning and Zoning Board at its meeting of September 23, 2020 recommended approval of this ordinance; and

**WHEREAS**, the alley to be vacated, more particularly described and illustrated on the surveyor's legal description and location sketch attached hereto as Exhibit "A", no longer serves a public purpose; and

**WHEREAS**, the City hereby reserves unto itself perpetual and exclusive access to maintain, repair and replace utilities or install utilities as may be necessary.

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 un-improved alley that runs East of 11 Avenue and West of the Railroad Tracks, North of East 17 Street and South of East 18 Street located between

the properties with Folio Numbers 04-3108-002-6310 and 04-3108-002-6331 with the address of 1799 East 11 Avenue, Hialeah, Florida, depicted and legally described in the location sketch attached as Exhibit "A", is hereby closed and abandoned for public use, reserving an easement for the placement, maintenance and repair of public utilities, bearing the following legal description:

All of that 12 foot Alley in Block 130-B bounded on the North by Lots 1 and 2 and bounded on the South by Lots 29 and 30 and bounded on the East by the SEABOARD ALL FLORIDA RAILWAY CSX L-38 and bounded on the West by East 11<sup>th</sup> Avenue, as shown in AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 34 at Page 26, of the Public Records of Miami-Dade County, Florida.

**Section 3:** The reversionary rights of the alley closed for public use hereof shall revert to the reversionary interests in the property, as determined by law.

**Section 4: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5: Penalties.**

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by 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.

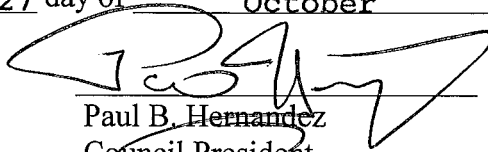
**Section 6: Severability Clause.**

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 7: 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 27 day of October, 2020.



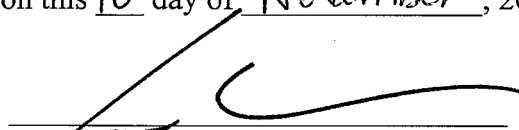
Paul B. Hernandez  
Council President

Attest:

Approved on this 10 day of November, 2020.



Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

~~Approved as to legal sufficiency and form:~~



Lorena E. Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, Garcia-Roves, Hernandez, Perez, Tundidor and Zogby voting "Yes" and with Council Vice President De la Rosa absent.

PREPARED BY:

**3TCI, Inc.** LB7799  
PROFESSIONAL LAND SURVEYORS AND MAPPERS  
12211 SW 129th CT. MIAMI FL 33186  
tel: 305-316-8474 fax: 305-378-1662 www.3tcl.com

EXHIBIT "A"

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR ALLEY CLOSURE

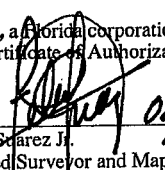
### GENERAL NOTES:

1. The legal description shown hereon was prepared by the surveyor.
2. 3TCI, Inc. License Business Number is LB No.7799.
3. This Sketch to Accompany Legal Description or copies thereof are not valid without the original signature and seal of a Florida Licensed Surveyor And Mapper 5J-17.051(3)(e).
4. It is a violation of Rule 5J-17 of the Florida Administrative Code to alter this Sketch To Accompany Legal Description without the express prior written consent of the surveyor. Additions and deletions made to the face of this sketch to accompany legal description will make this document invalid.
5. Bearings are assumed and all lots information taken by existing F.D.O.T. Right of Way Maps for CSX Railroad, R/W Map Section No. 87270-1477 as well as AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH in Plat Book 34, Page 26 of the Public records of Miami-Dade County Florida.
6. All dimensions are calculated (THIS IS NOT A SURVEY).
7. All documents referenced hereon are recorded in the Public Records of Miami-Dade County, Florida.
8. This Sketch to Accompany Legal Description does not constitute a boundary survey.
9. This Sketch to Accompany Legal Description meets the intent of the applicable provisions of the Standards of practice for Land Surveying in the State of Florida", pursuant to Rule (5J17.050 through 5J-17.052) of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

### SURVEYOR'S CERTIFICATE:

I hereby certify: That this "SKETCH & LEGAL DESCRIPTION SURVEY" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "SKETCH & LEGAL DESCRIPTION SURVEY" meets the intent of the applicable provisions of the Standards of practice for Land Surveying in the State of Florida", pursuant to Rule (5J-17.050 through 5J-17.052) of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

3TCI, Inc., a Florida corporation  
Florida Certificate of Authorization Number LB7799

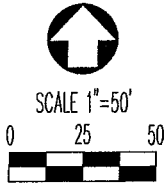
By:  08/07/2020  
Felix E. Suarez J.  
Registered Surveyor and Mapper LS7235  
State of Florida

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

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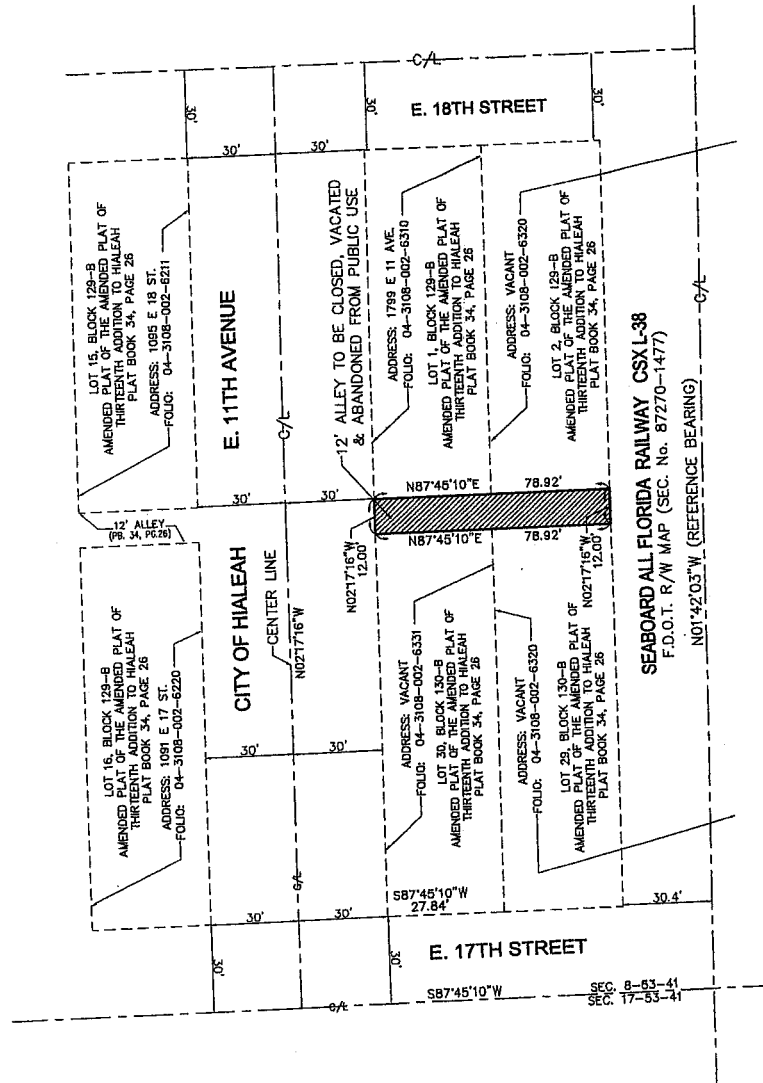
## SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR ALLEY CLOSURE



### LEGEND:

 AREA OF ALLEY CLOSURE

C/L= CENTER LINE  
N= NORTH  
S= SOUTH  
E= EAST  
W= WEST



### LEGAL DESCRIPTION:

All of that 12 foot Alley in Block 130-B bounded on the North by Lots 1 and 2 and bounded on the South by Lots 29 and 30 and bounded on the East by the SEABOARD ALL FLORIDA RAILWAY CSX L-38 and bounded on the West by East 11th Avenue, as shown in AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, according to the Plat thereof, as recorded in Plat Book 34, Page 26 of the Public records of Miami-Dade Florida.

Said Alley area containing approximately 947 square feet.