

**ORDINANCE NO. 2021-001**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL REPEALING AND RESCINDING THE DECLARATION OF USE RECORDED IN MIAMI-DADE COUNTY OFFICIAL RECORD BOOK 14850 AT PAGE 804. **PROPERTY LOCATED AT 752 EAST 33 STREET, HIALEAH, ZONED R-1 (ONE FAMILY DISTRICT).** 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 Owner requested that the Declaration of Use recorded in Miami-Dade County Official Record Book 14850 at Page 804, copy attached as Exhibit "A", be repealed and rescinded.

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

**Section 1.** The Declaration of Use recorded in Miami-Dade County Official Record Book 14850 at Page 804, copy attached as Exhibit "A", is hereby repealed and rescinded. Property located at 752 East 33 Street Hialeah, zoned R-1 (One Family District), and legally described as follows:

Lots 8 and 9, of Block 64-B of 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 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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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: 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.

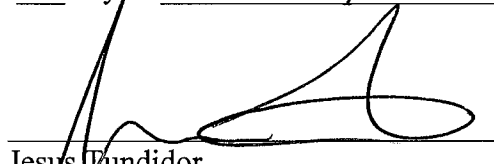
**Section 4: Severability Clause.**

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 5: 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 January, 2021

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 20 day of January, 2021

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

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

Ordinance was adopted by 4-0-3 vote with Councilmembers, De la Rosa, Garcia-Roves, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente and Council Member Hernandez absent and Council Vice President Perez recording her vote as "Yes".

S:\DJ\ORDINANCES\752 East 33 Street repeal and rescind declaration of restrictions..docx

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 188.041  
PRIOR TO FINAL READING.

1991 JAN -9 AM 8:53

91R007899

DECLARATION OF USE

GET REC: 14850PC 804

In consideration of A BUILDING (#90012018)

PERMIT, AS HEREINAFTER OUTLINED, I, or We, as owners of the property herein designated, hereby agree and bind myself, or ourselves, and my, or our, heirs, assignees, and successors, as follows:

That the proposed addition applied for in the building permit application shall not change the use of the property from a single-family residence and that there shall be ONLY ONE KITCHEN on the premises in accordance with the R-1 zoning district regulations.

On Lot s 8 & 9 Block 64-B of HIALEAH 13TH ADDN AMD PL REV

Plat Book 34 Page 26, of the Public Records of Dade County, Florida, or known as 752 East 33 Street, Hialeah, Florida 33013 Folio #04-3108-001-7190

It is further understood and agreed that this agreement shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns, until such time as the same may be released in writing by the Director of the Hialeah Planning and Zoning Department, or the executive officer or the successor of such department, or in the absence of such director or executive officer, by his assistant in charge in his absence.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Hialeah Planning and Zoning Department, or its agents duly authorized, may have the privilege at any time of entering and investigating the use of the premises, to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

SIGNED, SEALED, EXECUTED and ACKNOWLEDGED on this 29th day of November, 19 90 at Hialeah, Florida.

WITNESS:

[Signature]  
[Signature]

[Signature] (SEAL)  
HERIBERTO RODRIGUEZ  
[Signature] (SEAL)  
LUIZA M. RODRIGUEZ

STATE OF FLORIDA )  
SS. )  
COUNTY OF DADE )

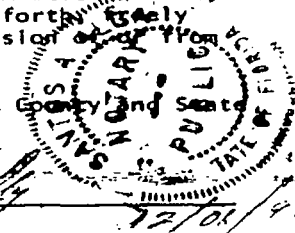
I HEREBY CERTIFY that on this 29th day of November A. D. 1990, before me personally appeared HERIBERTO RODRIGUEZ AND LUIZA M. RODRIGUEZ

to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged to me the execution thereof to be their free act and deed for the uses and purposes therein mentioned. And the said LUIZA M. RODRIGUEZ, the wife of the said HERIBERTO RODRIGUEZ, on a separate and private examination taken and made by and before me, and separately and apart from said husband, did acknowledge that she executed said deed for the purposes therein set forth freely and voluntarily, and without any fear, constraint, apprehension or compulsion of her said husband.

WITNESS my signature and official seal at HIALEAH, in the County of Dade and State of Florida, on this 29th day of November, 19 90.

[Signature]  
[Signature]

[Signature]  
NOTARY PUBLIC



NOTARY PUBLIC; STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES FEB. 07, 1993  
BONDED THRU HUCKLEBERRY & ASSOCIATES

EXHIBIT "A"

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
Clerk of Circuit & County  
Courts

**ORDINANCE NO. Updated 1/4/20**

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**Section 2.** Property located at 752 East 33 Street Hialeah, zoned R-1 (One Family District), and legally described as follows:

Lot 9, Block 64-B of 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, and the N ½ of the 12-foot alley lying South and adjacent thereto.

**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.

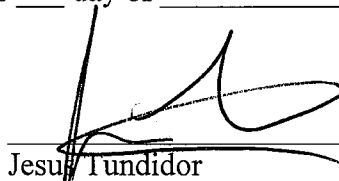
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**Section 6: Effective Date.**

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 \_\_\_ day of \_\_\_\_\_, 2020.

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

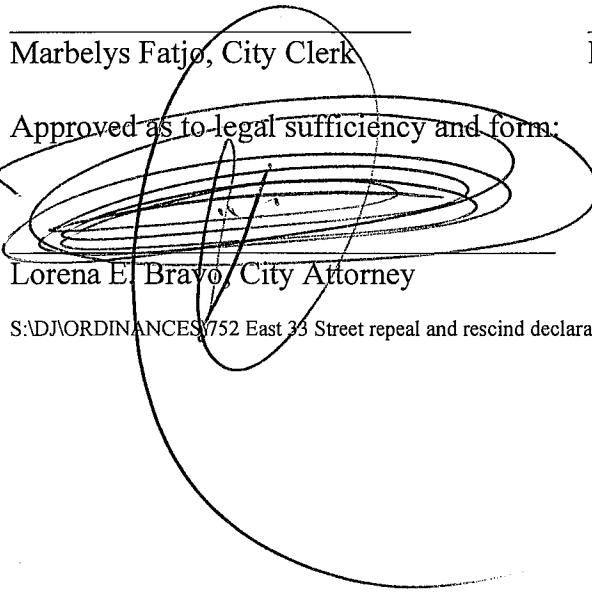
Attest:

Approved on this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Marbelys Fatjo, City Clerk

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

Approved as to legal sufficiency and form:

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