

ORDINANCE NO. 2021-015

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA TO ALLOW THE CITY OF HIALEAH TO SELL VACANT UNIMPROVED PROPERTY, APPROXIMATELY 7,250 SQUARE FEET IN SIZE, LOCATED AT 2540 PALM AVENUE, HIALEAH, FLORIDA, IDENTIFIED BY FOLIO NUMBER 04-3107-004-0110; AND AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY OF HIALEAH, TO EXECUTE A LISTING AGREEMENT FOR THE SALE OF THE PROPERTY WITH A REAL ESTATE BROKER; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council, as required by § 1.04(b)(1) of the City Charter, requires upon request of the mayor, an affirmative vote of at least 5 councilmembers to authorize the sale of city owned vacant and unimproved land, not presently used as a park, and for which the council determines there is no future need for use as a park or any other public use; and

WHEREAS, selling the vacant unimproved property, approximately 7,250 square feet in size, located at 2540 Palm Avenue, Hialeah, Florida, identified by folio number 04-3107-004-0110, shall relieve the city from the costs of maintenance of a useless piece of land sandwiched between two buildings on the heavily congested and travelled Palm Avenue; and

WHEREAS, the location of the property makes the property unsuitable and unsafe for use as a park; and

WHEREAS, the property is not useful as a right-of-way as there is no connectivity that would allow for nor mitigate traffic flow, and there are no other public uses, now or into the future, for which the property may be used.

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 resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, hereby authorizes sale of the property identified below.

Section 3: The City of Hialeah, hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute an agreement with a listing broker for the sale of the city owned property located at 2540 Palm Avenue, Hialeah, Florida, identified by folio number 04-3107-004-0110, approximately 7,250 square feet in size, and legally described as follows:

Lots 15 and 16 and the South 8 feet of Lot 14, in Block 160, of the Eleventh Addition to the Town of Hialeah, according to the map or plat thereof, as recorded in Plat Book 9 at Page 76 of the Public Records of Miami-Dade County, Florida.

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: 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.

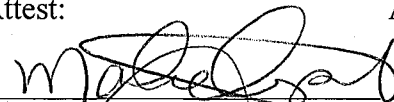
Section 6: Effective Date.

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.

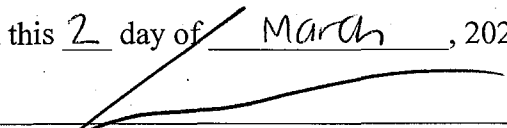
PASSED and ADOPTED this 23 day of February, 2021.


Jesus Tundidor
Council President

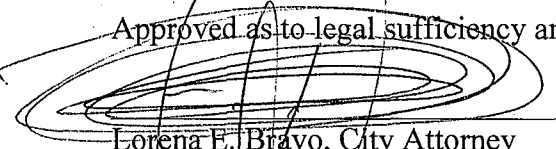
Attest:


Marbelys Fatjo, City Clerk

Approved on this 2 day of March, 2021.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by 5-0-2 vote with Councilmembers, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.

THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 168.041 PRIOR TO FINAL HEARING.