

ORDINANCE NO. 2021-029

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A COVENANT IN FAVOR OF MIAMI DADE COUNTY TO MAINTAIN, OPERATE AND PRESERVE A STORMWATER MANAGEMNET SYSTEM SERVING N.W. 97 AVENUE FROM N.W. 166 STREET TO N.W. 170 STREET, DEDICATING PERVIOUS AREA CONTAINING 11,488 SQUARE FEET, MORE OR LESS, FOR STORMWATER RETENTION AS PROVIDED IN THE STORMWATER MANAGEMENT PLAN FOR CF 829, ALONG N.W. 154 STREET, WEST OF N.W. 102 AVENUE, AND MORE PARTICULARLY DESCRIBED IN THE FORM COVENANT, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS "EXHIBIT 1"; AUTHORIZING THE EXECUTION OF THE COVENANT BY THE MAYOR AND CITY CLERK, ON BEHALF OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as part of a joint participation agreement with Miami-Dade County for the improvements to N.W. 97 Avenue, the City is obligated to design and construct a stormwater management system serving the roadway improvements; and

WHEREAS, in order to complete the roadway improvements and as part of the regulatory permits, Miami-Dade County Regulatory and Economic Resources Division of Environmental Resources Management requires the City covenant to maintain, operate and preserve the stormwater management system in the location provided and in the manner for which it was designed; and

WHEREAS, preservation of the stormwater management system is in the public's best interest.

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 approves the form covenant in favor of Miami-Dade County for the purpose of operating, maintaining and preserving the stormwater management system as designed, for the public right of way known as N.W. 97 Avenue from N.W. 166 Street to N.W. 170 Street, dedicating pervious area containing 11,488 square feet, more or less, for stormwater retention as provided in the Stormwater Management Plan for CF 829, along N.W. 154 Street, West of N.W. 102 Avenue, and more particularly described in the form covenant attached hereto and made a part hereof as "Exhibit 1".

Section 2: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk to execute the form covenants on behalf of the City.

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.

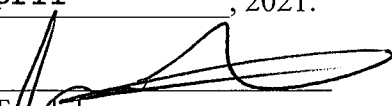
Section 4: Severability Clause.

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.

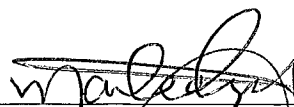
PASSED and ADOPTED this 13 day of April, 2021.



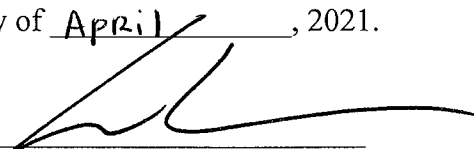
Jesus Tundidor
Council President

Attest:

Approved on this 19 day of April, 2021.



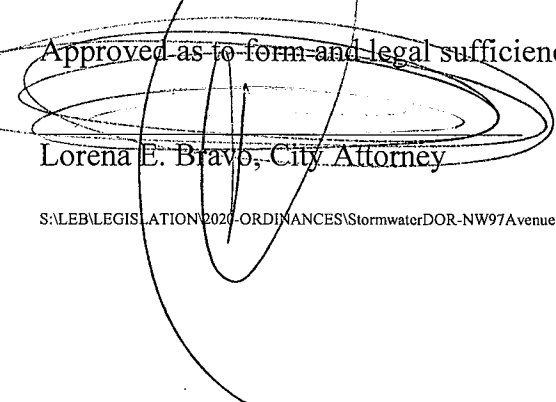
Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

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

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



Lorena E. Bravo, City Attorney