

ORDINANCE NO. 2021-045

ORDINANCE APPROVING A FINAL PLAT OF TOM THUMB FOOD STORES SUBDIVISION I. ACCEPTING ALL DEDICATION OF AVENUES, STREETS, ROADS OR OTHER PUBLIC WAYS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING OF TREES; 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. **PROPERTY LOCATED AT 2401 WEST OKEECHOBEE ROAD, HIALEAH, FLORIDA.**

WHEREAS, the Planning and Zoning Board at its meeting of March 24, 2021 recommended approval of this ordinance.

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

Section 1: The final plat of Tom Thumb Food Stores Subdivision I submitted by Landco, LLC, a Florida limited liability company is hereby accepted. Property located at 2401 West Okeechobee Road, Hialeah, Florida and legally described in attached Exhibit "A".

Section 2: All dedication of avenues or other public ways together with all existing and future planting, trees, shrubbery and fire hydrants thereon are hereby accepted.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

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 section of this ordinance.

Section 6: Effective Date.

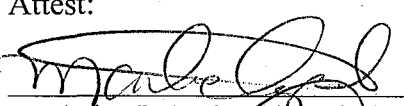
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, and signed by the Mayor of the City of Hialeah, Florida.

PASSED and ADOPTED this 27 day of April, 2021.

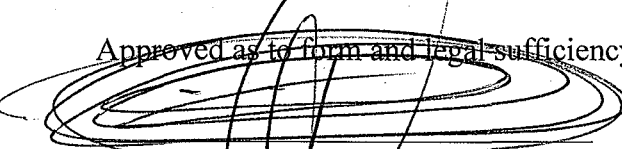

Jesus Tundidor
Council President

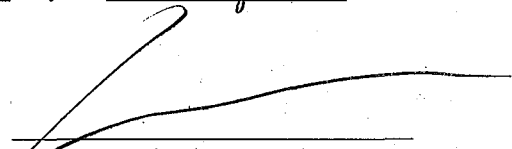
Approved on this 3 day of May, 2021.

Attest:


Marbelys L. Fatjo, City Clerk

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney


Mayor Carlos Hernandez

Ordinance was adopted by 5-0-2 vote with Councilmembers, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente and Council Member Hernandez absent.

Exhibit "A"

Portion of Tract 53, lying Northeasterly of Okeechobee road, less the East 530 feet and less the South 30 feet in Section 11, Township 53 South, Range 40 East, of Florida Fruit Land Company's Subdivision No. One, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, less the following described property taken by eminent domain proceedings under case # 62L-837, the judgment for which is recorded under Clerk's File No. 62R-73440:

The Northwesterly 120 feet of that part of Tract 53 Florida Fruit Lands Company Subdivision of Section 11, Township 53 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying Northeasterly of the Miami Canal and Southwesterly of the Southwesterly Right of way line of Okeechobee Road (SR#25)

AND

That part of Tract 53, of Florida Fruit Lands Company Subdivision of Section 11, Township 53 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida, lying Northeasterly of the Northeasterly Right of Way line of Okeechobee Road (SR#25) and Southwesterly of the following described line: Commence At the Southeast corner of Tract 53; thence run S.88°40'02"W., along the South line of Tract 53 for a distance of 629.30 feet to the Point of Beginning of the aforementioned line; thence run N.51°59'17"W., for a distance of 520.21 feet to the point of intersection with North line of said Tract 53, said point of intersection being 1022.88 feet Westerly from Northeast corner of said Tract 53 as measured along the North line of said Tract 53 and the end of the herein described line.