

ORDINANCE NO. 2021-057

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE RELEASE OF A PUBLIC UTILITY EASEMENT TRAVERSING LAND LOCATED AT 1950 WEST 49 STREET, HIALEAH, FLORIDA, AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK 99, PAGE 62, OF THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY, FLORIDA; 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, 1950 Hialeah Holdings, LLC (“1950 Hialeah Holdings”) is the fee simple owner of 1950 West 49 Street (Folio No. 04-3002-020-0010) (the “Property”), and as delineated on the plat thereof recorded in Plat Book 99, Page 62, of the Official Records of Miami-Dade County, Florida (the “Plat”); and

WHEREAS, the Property is subject to a six foot (6’) utility easement reserved by the Plat for the installation and maintenance of public utilities, that traverses the Property (the “Easement”), and as more specifically delineated in Composite Exhibit “A”, attached hereto and made a part hereof; and

WHEREAS, 1950 Hialeah Holdings, LLC has requested that the City of Hialeah release the Easement to allow 1950 Hialeah Holdings to redevelop the Property and build over, upon, and within the area now burdened by the Easement; and

WHEREAS, 1950 Hialeah Holdings has secured letters from the affected public utilities consenting to the release of the Easement; and

WHEREAS, the City of Hialeah Public Works Department has no objection to the release of the Easement.

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

Section 1: The recitations and findings contained in the preamble to this Ordinance are hereby adopted by reference thereto and incorporated as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby approves and consents to the release of the Easement as it affects the Property. The Easement is shown on the plan attached to this Ordinance as Composite Exhibit "A".

Section 3: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as an attesting witness, to execute a Release of Easement Agreement in the form attached as Exhibit "B" to this Ordinance, in furtherance thereof, on the City's behalf.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

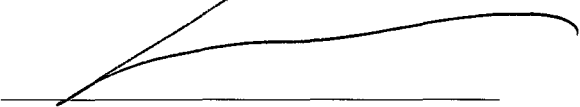
PASSED and ADOPTED this 8 day of June, 2021.



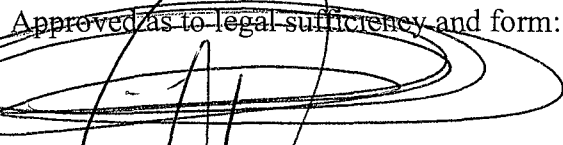
Jesus Tundidor
Council President

Attest: 

for: Marbelys Fatjo, City Clerk

Approved on this 22 day of June, 2021.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

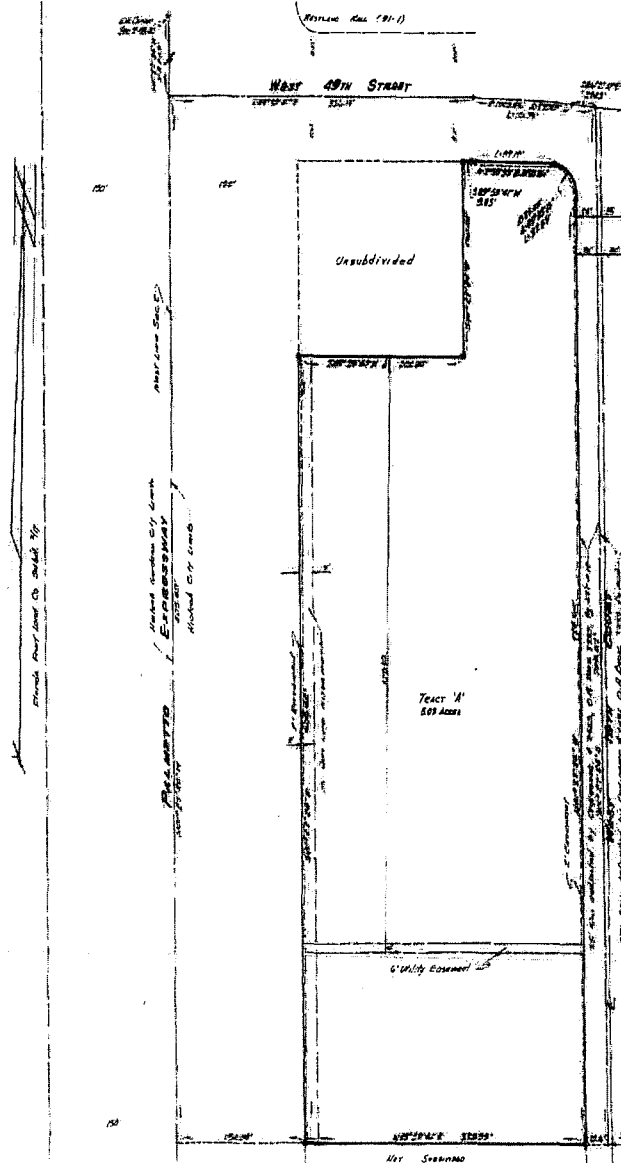
Ordinance was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Garcia-Roves absent.

COMPOSITE EXHIBIT "A"
EASEMENT SKETCHES AND PLAT

HIALEAH INN TRACT

A SUBDIVISION OF A PORTION OF THE TOWN OF SECTRALE-TOWNSHIP-18-RANGE-42
CITY OF HIALEAH DADE COUNTY FLORIDA

J.N. MAULDY, INC.
Land Surveyors
Hialeah Scale: 1"=50' Florida July, 1973



Read All the By-Laws... of the City of Hialeah, Florida... to be recorded...
 I, _____ Secretary
 Attest: _____

Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____

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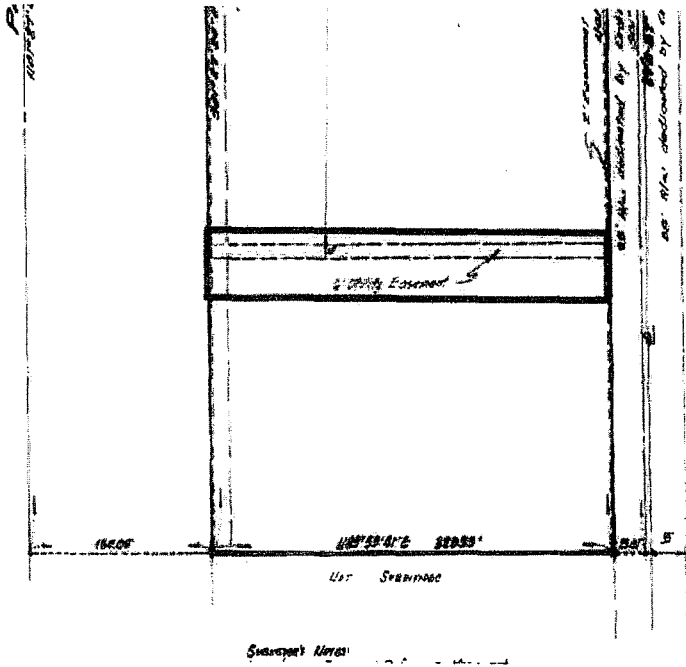
Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____

Attest: _____
 My commission expires _____



WITNESSETH that I, the undersigned, being duly sworn, depose and testify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the Clerk of the Board of Public Works of the City of Miami, Florida, and that I am a duly sworn and qualified official of said City of Miami, Florida, and that I am the true and lawful Secretary of said City of Miami, Florida, and that I have hereunto set my hand and official seal this 15th day of December, 1974.

Attest: [Signature] Secretary
 15 Dec 1974

WITNESSETH that I, the undersigned, being duly sworn, depose and testify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the Clerk of the Board of Public Works of the City of Miami, Florida, and that I am a duly sworn and qualified official of said City of Miami, Florida, and that I am the true and lawful Secretary of said City of Miami, Florida, and that I have hereunto set my hand and official seal this 15th day of December, 1974.

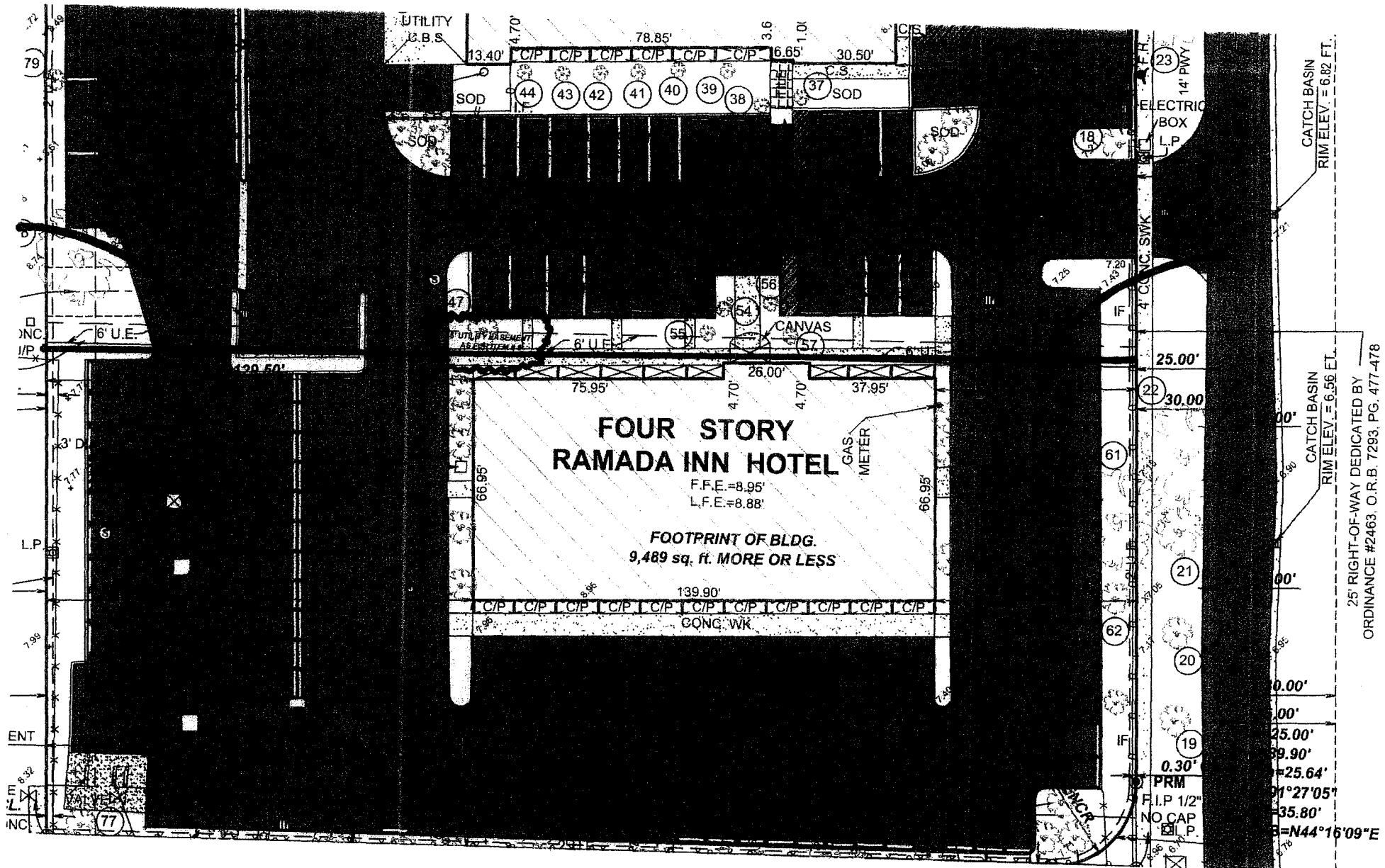
My commission expires December 15, 1975.
 This plan was approved by the Planning and Zoning Board of the City of Miami.

The plan was approved and the foregoing specifications were accepted and approved by the City of Miami, Florida, this 15th day of December, 1974.

Attest: [Signature] City Clerk

The plan was approved by the Dade County, Florida, Planning Department.

that certain Order of Taking in Civil Case No. 69-3458, dated April 25, 1968 and filed April 26, 1968 under Clerk's File No. 68R-7276Z and recorded in Circuit Court Book 340 at Page 655. The Utility Easement as shown in the attached plan, is hereby reserved for the installation and maintenance of public utilities. In Witness Whereof, the said Miami Beach, Inc. has caused these presents to be signed for and on its behalf by its President and its corporate seal to be hereunto affixed and attested by its Secretary, this 15th day of Feb. 1974. MIAMI BEACH, INC.



**FOUR STORY
RAMADA INN HOTEL**

F.F.E. = 8.95'
L.F.E. = 8.88'

**FOOTPRINT OF BLDG.
9,489 sq. ft. MORE OR LESS**

CATCH BASIN
RIM ELEV. = 6.82 FT.

CATCH BASIN
RIM ELEV. = 6.56 FT.

25' RIGHT-OF-WAY DEDICATED BY
ORDINANCE #2463, O.R.B. 7293, PG. 477-478

- 0.00'
- 0.00'
- 0.00'
- 25.00'
- 39.90'
- 25.64'
- 01°27'05"
- 35.80'
- 0°N44°16'09"E

0.30'
PRM
F.I.P 1/2"
NO CAP
E.L.P.



EXHIBIT "B"

FORM OF RELEASE OF EASEMENT

**Prepared by and
after recording return to:**

Lorena E. Bravo, Esq.
City of Hialeah
Office of the City Attorney
501 Palm Avenue, 4th Floor
Hialeah, FL 33010

RELEASE OF EASEMENT

This **RELEASE OF EASEMENT** ("Release") is made this _ day of _____ 2021, by the **CITY OF HIALEAH, FLORIDA**, a municipal corporation organized and existing under the laws of the State of Florida, with an address of 501 Palm Avenue, Hialeah, Florida 33010 ("City").

RECITALS

WHEREAS, 1950 Hialeah Holdings, LLC ("1950 Hialeah Holdings") is the fee simple owner of 1950 W 49 Street (Folio No. 04-3002-020-0010) (the "Property"), as shown on the plat thereof recorded in Plat Book 99, Page 62 of the Official Records of Miami-Dade County, Florida (the "Plat"); and

WHEREAS, the Property is subject to a six foot (6') utility easement reserved by the Plat for the installation and maintenance of public utilities, that traverses the Property (the "Easement"), and as more specifically delineated in **Composite Exhibit "A"**; and

WHEREAS, 1950 Hialeah Holdings has requested that the City of Hialeah release the Easement to allow 1950 Hialeah Holdings to redevelop the Property and build over, upon, and within the area now burdened by the Easement; and

WHEREAS, 1950 Hialeah Holdings has secured letters from the affected public utilities consenting to the release of the Easement; and

WHEREAS, the City's Department of Water and Sewers has no objection to the release of the Easement; and

WHEREAS, pursuant to Ordinance No. _____, the City approved the release of the Easement and the execution of this Release.

NOW, THEREFORE, in consideration of the foregoing recitals, which are true and correct and are incorporated herein by this reference, the City hereby agrees as follows:

TERMS AND CONDITIONS

Section 1. Release of Easement.

The City, for itself and on behalf of all public and private utilities, hereby terminates and extinguishes the Easement and forever remises, releases, and quitclaims all right, title, and interest in and to the Easement unto 1950 Hialeah Holdings and its successors and assigns. The Easement is shown on the plan attached to this Release as **Composite Exhibit "A"**.

Section 2. Other Rights Undisturbed.

This Release terminates and extinguishes the Easement only insofar as it affects the Property. This Release does not disturb any other easements reserved by the Plat.

Section 3. Recording.

This Release shall be recorded in the Official Records of Miami-Dade County, Florida.

[Signatures follow]

IN WITNESS WHEREOF, the City of Hialeah has caused this instrument to be executed by the respective officials thereunder duly authorized as of the date first above written.

WITNESSES:

CITY OF HIALEAH,
a Florida municipal corporation

Signature

Carlos Hernandez

Printed Name

Mayor

Signature

Attest:

Printed Name

Marbelys Fatjo

City Clerk

Approved as to legal sufficiency and form:

Lorena E. Bravo
City Attorney

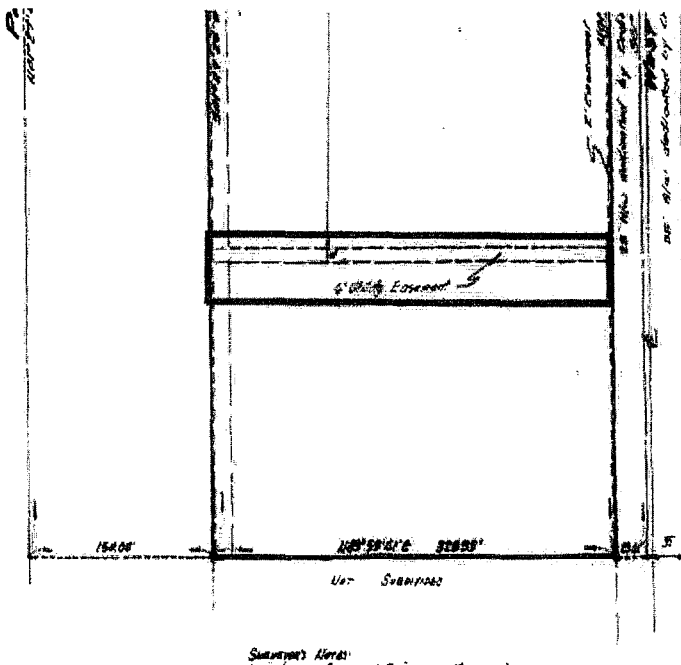
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 2021, by Carlos Hernandez, as Mayor of the City of Hialeah, a Florida municipal corporation, and attested by Marbelys Fatjo, as City Clerk of the City of Hialeah, on behalf of the City of Hialeah. They are personally known to me ___ or have produced _____ as identification and did (did not) take an oath.

[NOTARIAL SEAL]

Print Name:
Notary Public, State of _____
Commission #: _____
My Commission Expires: _____

COMPOSITE EXHIBIT "A"
EASEMENT SKETCHES AND PLAT



Witness
 Me as the Bi-Tech Products
 That Frank E. Co, a Florida corporation,
 under Chapter File No. 712-125297 of the Public Records of Dade County,
 by its Secretary, the said Michael J. Co, Inc. has caused
 corporate seal to be hereunto affixed and attested by its Secretary

Attest Michael J. Co Secretary
 A.D. 1974

As witnesses
 We, the undersigned, being on this day personally appeared
 City of Hialeah, and we do hereby certify that we are
 who acknowledged that they executed the same freely, and voluntarily
 of said corporation, and that it is the true act and deed of said
 witness my hand and official seal this 4th day of Feb, 1974.

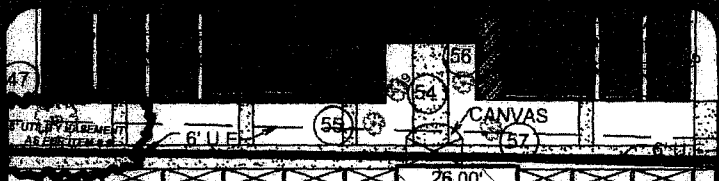
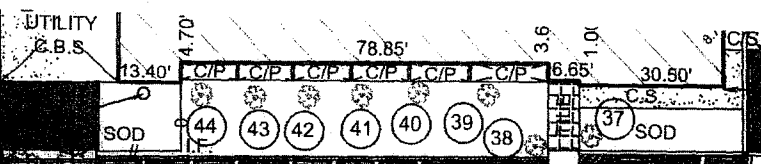
My commission expires December 16, 1974

Approved:
 This plat was approved by the Planning and Zoning Board of the City of Hialeah.

The plat was approved and the foregoing deficiencies were accepted and
 City of Hialeah, Florida, this 12th day of March, 1974.

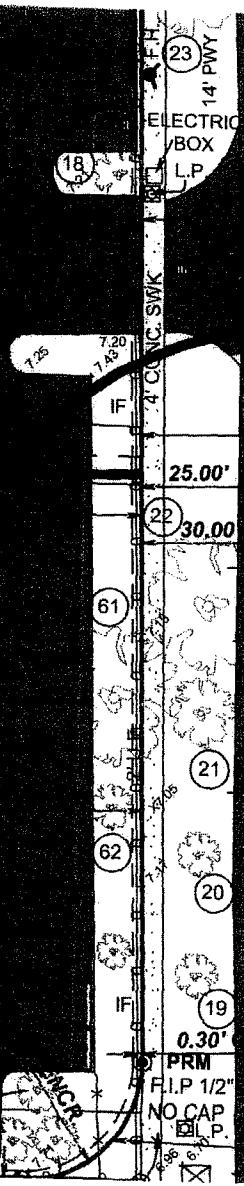
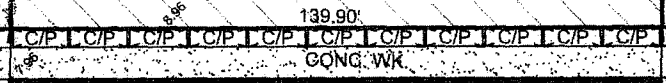
Attest James H. Holt City Clerk
 This plat was approved by the Dade County, Florida, Planning Department.

that certain Order of Taking in Civil Case No. 68-3458, dated April 25, 1968 and filed April 26, 1968 under Clerk's File No. 68R-72762 and recorded in Circuit Judge Cook
 240 of Page 655. The said Utility Easement as shown on the attached plat, is hereby reserved for the installation and maintenance of public utilities.
 In Witness Whereof, the said Hialeah, Inc. has caused these presents to be signed for and on its behalf by its President and its corporate seal to be hereunto affixed
 and attested by its Secretary, this 4th day of Feb, 1974. HIALEAH, INC.



FOUR STORY RAMADA INN HOTEL

F.F.E. = 8.95'
L.F.E. = 8.88'
FOOTPRINT OF BLDG.
9,489 sq. ft. MORE OR LESS



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