

ORDINANCE NO. 2021-077

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE DEDICATION OF APPROXIMATELY 8,905 SQUARE FEET OF LAND ABUTTING NW 102 AVENUE TO CITY OF HIALEAH FOR RIGHT-OF-WAY PURPOSES FROM FDG BN EXPANSION LLC, A DELAWARE LIMITED LIABILITY COMPANY PURSUANT TO THE RIGHT-OF-WAY DEED ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, NW 102 Avenue roadway improvements require the dedication as depicted in the sketch attached to the Right-of-way deed attached as Exhibit "A"; and

WHEREAS, the dedication serves a public purpose and protects the public's interest in that NW 102 Avenue will improve traffic circulation in the area.

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 accepts the dedication of approximately 8,905 square feet of land, more or less, to City of Hialeah for right-of-way purposes as set forth in the Right-of-Way Deed, attached hereto and made a part hereof as Exhibit "A".

Section 2: 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.

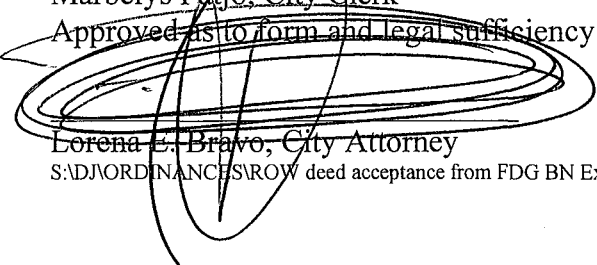
PASSED and ADOPTED this 24 day of August, 2021.


Jesus Tundidor
Council President

Attest:

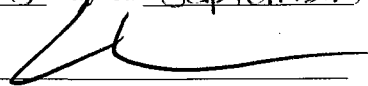

Marbelys Fajó, City Clerk

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\ROW deed acceptance from FDG BN Expar

Approved on this 3 day of September, 2021.


Mayor Carlos Hernandez

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

EXHIBIT "A"

Instrument prepared by:

Lorena Bravo, Esq.
City of Hialeah, Florida
501 Palm Avenue – 4th Floor
Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)

Portions of: 04-2017-001-0191 (Tract 19)
04-2017-001-0181 (Tract 18)
04-2017-001-0170 (Tract 17)

RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA

THIS INDENTURE is made this ____ day of _____, 2021, by and between FDG BN EXPANSION LLC, a Delaware Limited Liability Company, an address of which is 700 NW 1st Avenue, Suite 1620, Miami, Florida 33136, party of the first part, and the City of Hialeah, Florida, a body corporate and a political subdivision of the State of Florida, and its successors in interest, whose address is c/o its City Attorney, Lorena Bravo, City Hall, 501 Palm Avenue, 4 Floor, Hialeah, FL 33010, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of a public road and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami- Dade, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is the intention of the party of the first part, by this instrument, to convey to said City of Hialeah, Florida, the party of the second part, and its successors in interest, the land above described for use a public road and for all purposes incidental thereto.

It is expressly provided that, if and when the said public road shall be lawfully and permanently discontinued, the title to the said above-described land shall immediately revert to the party of the first part, its successors, heirs and/or assigns, and it shall have the right to immediately repossess the same. Nothing herein shall be construed to require FDG BN Expansion LLC to perform any construction work, make any improvements, or pay for any improvements, work, or modifications to the lands conveyed under this Deed.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

M. Santos
Witness
Mariela Santos
[Print Name]

FDG BN EXPANSION LLC
a Delaware limited liability company

By: M. Anderson
Name: Mauricio Anderson
Title: Vice President

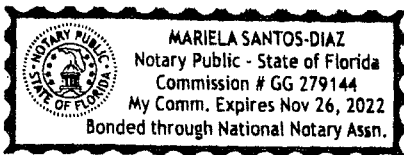
Jessica Perez
Witness
Jessica Perez
[Print Name]

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, by means of physical presence or online notarization appeared Mauricio Anderson as Vice President of FDG BN EXPANSION LLC, a Delaware Limited Liability Company, and that he is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and is personally known to me and that an oath was taken.

NOTARY SEAL

Witness my hand and official seal in the county and State last aforesaid this 12th day of July, 2021



M. Santos
Notary Signature

Mariela Santos
Typed/printed name

My commission no: _____

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for

FDG BN Expansion LLC

prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**NW 102nd AVENUE ADDITIONAL 10' RIGHT OF WAY DEDICATION
(WEST SIDE)**

LEGAL DESCRIPTION:

A portion of Tracts 17, 18 and 19 in the Northwest 1/4 of Section 17, Township 52 South, Range 40 East, of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; according to the plat thereof, as recorded in Plat Book 2, at Page 17, of the public records of Miami-Dade County, Florida, being more particularly described as follows:

COMMENCE at the North 1/4 Corner of said Section 17; thence S02°41'10"E along the East Line of the Northwest 1/4 of said Section 17 for 120.22 feet; thence N52°49'12"W for 52.11 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; thence S02°41'10"E along a line parallel with and 40 feet West of the East Line of the Northwest 1/4 of said Section 17 for 886.54 feet; thence S89°41'17"W along the South Boundary Line of said Tract 19 for 10.01 feet; thence N02°41'10"W along a line parallel with and 50 feet West of the East Line of the Northwest 1/4 of said Section 17 for 894.48 feet; thence S52°49'12"E for 13.03 feet to the Point of Beginning.

Containing 8,905 Square feet, more or less, by calculations.

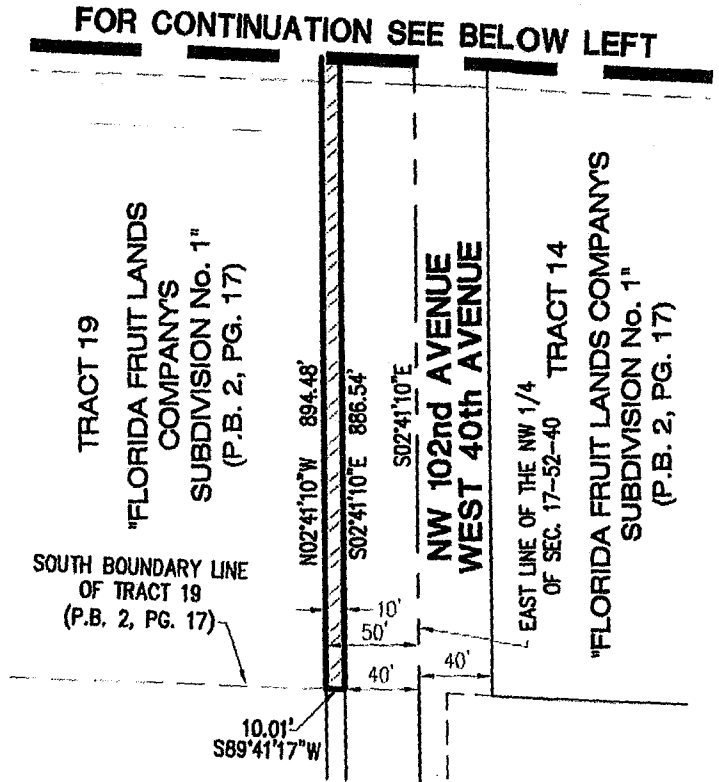
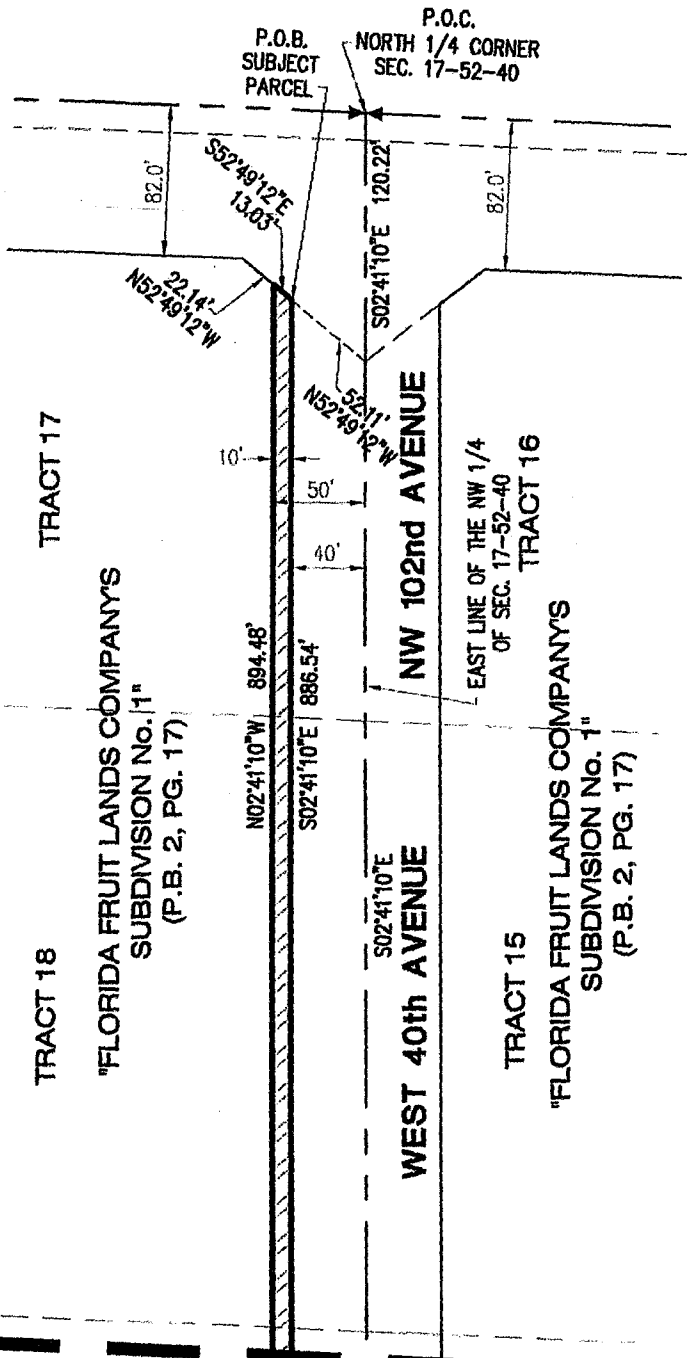
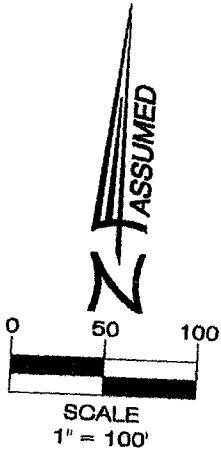
SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
FDG BN Expansion LLC
prepared by:



LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**NW 102nd AVENUE ADDITIONAL 10' RIGHT OF WAY DEDICATION
(WEST SIDE)**



LEGEND

- P.B. = PLAT BOOK
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- SEC. = SECTION
- R = RADIUS CURVE
- A = CENTRAL ANGLE
- A = ARC LENGTH
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- PCUSP = POINT OF CUSP

FOR CONTINUATION SEE ABOVE RIGHT

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
for
FDG BN Expansion LLC
prepared by:



HADONNE

LAND SURVEYOR AND MAPPERS
3D LASER SCANNING
UTILITY COORDINATION
SUBSURFACE UTILITY ENGINEERING

EXHIBIT "A"

**NW 102nd AVENUE ADDITIONAL 10' RIGHT OF WAY DEDICATION
(WEST SIDE)**

SOURCES OF DATA:

The Legal Description was generated from the Plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION" as recorded in Plat Book 2, at Page 17 of the public records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the East Line of the Northwest 1/4 of Section 17, Township 52 South, Range 40 East, Miami-Dade County, Florida, with an assumed bearing of S02°41'10"E.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations portion with respect to possible restrictions of record and utility services.

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify that this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

Abraham Hadad, P.S.M.

For The Firm
Professional Surveyor and Mapper LS6006
State of Florida
HADONNE CORP., a Florida corporation
Land Surveyors and Mappers
Certificate of Authorization LB7097
1985 NW 88 Court, Suite 101
Doral, Florida 33172
305.266.1188 phone
305.207.6845 fax
Date: March 30, 2021

NOTICE: Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17.051 of the Florida Administrative Code.