

**ORDINANCE NO. 2022-017**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE ABANDONMENT OF THE TRIANGULAR PORTION IDENTIFIED IN THE SKETCH ATTACHED AS EXHIBIT "A" LOCATED TO THE NORTH AND WEST OF THE SINGLE-FAMILY HOME LOCATED AT 3380 WEST 7 AVENUE, HIALEAH, 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**, Jorge Hernandez and Carmen B. Hernandez, are the fee simple owners of 3380 West 7 Avenue, Hialeah, Florida, and legally described as:

The East 50.72 feet of Tract 21 of INDUSTRIAL CENTER, according to the Plat thereof, as recorded in Plat Book 44, Page 32 f/k/a Lot 1, Block 21, INDUSTRIAL CENTER, as recorded in Plat Book 14, Page 81, of the Public Records of Miami-Dade County, Florida

(the "Property"); and

**WHEREAS**, the triangular portion to the north and west of the Property depicted in Exhibit "A", and legally described as:

A portion of Lot 1, Block 21 of SECOND REVISION PLAT OF INDUSTRIAL CENTER, according to the Plat thereof as recorded in Plat Book 44, at Page 32, of the public records of Miami-Dade County, Florida.

Best described as follows:

Commence at Northwest corner of said lot 1, thence Easterly along the South R/W of West 34<sup>th</sup> Street for 26.35 ft. to the Point of Beginning; thence run Southeasterly along the circular curve to the right having for elements as radius of 25.00 feet, a central angle of 88 Degrees, 32 minutes, 25 seconds and an arc distance of 38.63 feet to a point on the West R/W of West 7<sup>th</sup> Avenue; thence run Northerly along the said R/W for a 21.37 ft. to a point of a circular curve to the left having for elements a radius of 3.0 feet, a central angle of 90 Degrees, 00 minutes, 00 Seconds, and an arc distance of 4.70 feet; thence run Northwesterly along the said curve for 4.70 feet to a point on the South right of way of West 34 Street; thence run Westerly along the said South R/W of West 34 Street for a distance of 21.37 feet to the Point of Beginning. Lying and being in

Miami-Dade County containing approximately 128.0 sq. ft. more or less.

is owned by the city; and

**WHEREAS**, Jorge Hernandez and Carmen B. Hernandez have requested that the City of Hialeah approve the abandonment of the triangular portion, as the owner has maintained it over the years, and there exist no utilities under this triangular portion, and is of no use to the city; and

**WHEREAS**, the City of Hialeah Streets Department has no objection to the Release of the triangular portion consisting of approximately 128.0 sq. ft. more or less of land abutting West 34 Street and West 7 Avenue; and

NOW, THEREFORE, BE IT RESOLVED 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 and abandonment of the triangular portion of the property depicted in Exhibit "A" and legally described as:

A portion of Lot 1, Block 21 of SECOND REVISION PLAT OF INDUSTRIAL CENTER, according to the Plat thereof as recorded in Plat Book 44, at Page 32, of the public records of Miami-Dade County, Florida.

Best described as follows:

Commence at Northwest corner of said lot 1, thence Easterly along the South R/W of West 34<sup>th</sup> Street for 26.35 ft. to the Point of Beginning; thence run Southeasterly along the circular curve to the right having for elements as radius of 25.00 feet, a central angle of 88 Degrees, 32 minutes, 25 seconds and an arc distance of 38.63 feet to a point on the West R/W of West 7<sup>th</sup> Avenue; thence run Northerly along the said R/W for a 21.37 ft. to a point of a circular curve to the left having for elements a radius of 3.0 feet, a central angle of 90 Degrees, 00 minutes, 00 Seconds, and an arc distance of 4.70 feet; ; thence run Northwesterly along the said curve for 4.70 feet to a point on the South right of way of West 34 Street; thence run Westerly along the said South R/W of West 34 Street for a distance of 21.37 feet to the Point of Beginning. Lying and being in Miami-Dade County containing approximately 128.0 sq. ft. more or less.

**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 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.

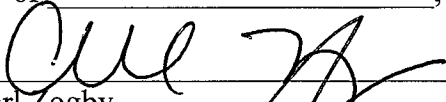
**Section 5: Severability Clause.**

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.

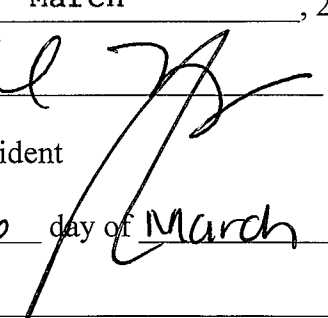
PASSED and ADOPTED this 8 day of March, 2022.

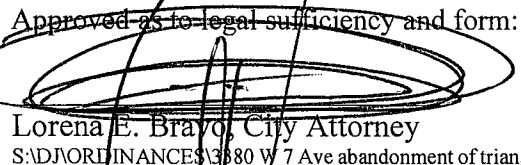
  
\_\_\_\_\_  
Carl Zogby  
Council President

Attest:

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

Approved on this 16 day of March, 2022.

  
\_\_\_\_\_  
Mayor Esteban Bovo, Jr.  
Ordinance was adopted by 7-0 vote with Councilmembers, Calvo, Casals-Munoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes."

Approved as to legal sufficiency and form:  
  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney  
S:\DJORDINANCES\3380 W 7 Ave abandonment of triangular

# SKETCH AND LEGAL DESCRIPTION

JOB No. GG-3380 W 7 AVE

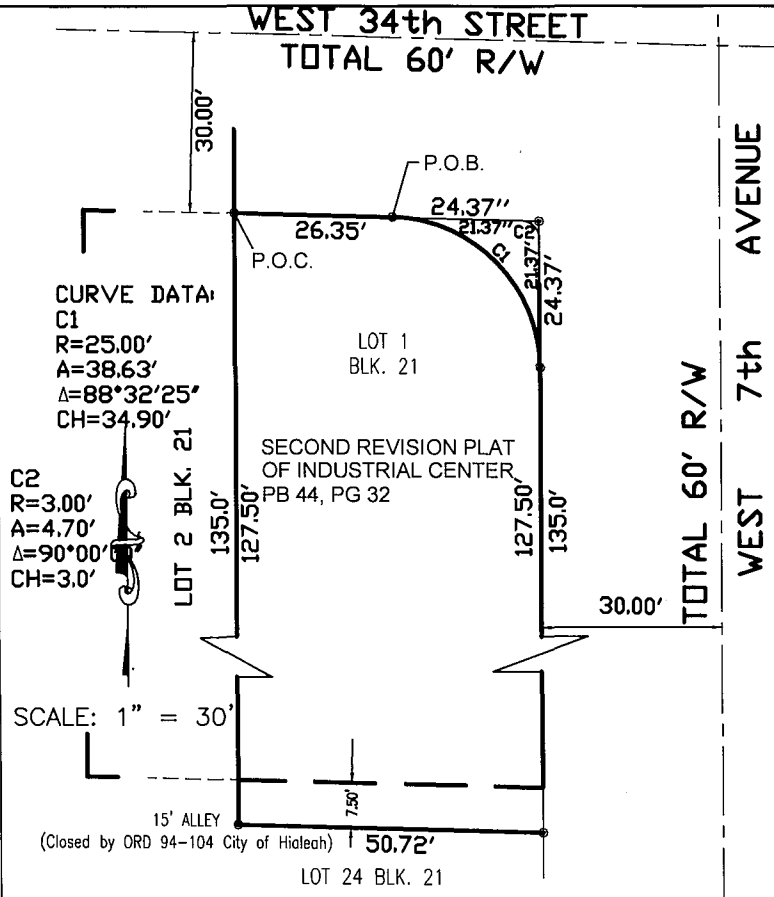
**GUILLERMO A. GUERRERO**

PROFESSIONAL SURVEYOR & MAPPER No.6453

PHONE:(305) 885-4603

682 E. 21 STREET, HIALEAH, FL 33013

Email: guerreropsm@aol.com PH: (305) 333-3328



### LEGEND AND ABBREVIATIONS

- C/L = CENTER LINE
- P.B.= PLAT BOOK
- P.G.= PAGE
- R/W= RIGHT OF WAY
- P.O.B.= POINT OF BEGINNING
- P.O.C.= POINT OF COMMENCE

DATE: 02/10/2022

Digitally signed by  
**Guillermo Guerrero**  
 Date: 2022.02.14  
 14:37:36 -05'00'

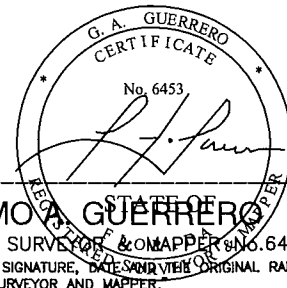
**LEGAL DESCRIPTION:** A portion of Lot 1, Block 21 of "SECOND REVISION PLAT OF INDUSTRIAL CENTER", according to the Plat thereof as recorded in Plat Book 44, Page 32, of the Public Records of Miami-Dade County, Florida.

Best described as follows:

Commence at Northwest corner of said lot 1, thence Easterly along the South R/W of West 34th. Street for 26.35 ft. to the Point of Beginning; thence run Southeasterly along the circular curve to the right having for elements as radius of 25.00 feet, a central angle of 88 Degrees, 32 minutes, 25 seconds and an arc distance of 38.63 feet to a point on the West R/W of West 7th. Avenue; thence run Northerly along the said R/W for a 21.37 ft. to a point of a circular curve to the left having for elements a radius of 3.0 feet, a central angle of 90 Degrees, 00 Minutes, 00 Seconds, and an arc distance of 4.70 feet; thence run Northwesterly along the said curve for 4.70 feet to a point on the South right of way of West 34th. Street; thence run Westerly along the said South R/W of West 34 Street, for a distance of 21.37 feet to the Point of Beginning.

Lying and being in Miami-Dade County

Containing Aproximately 128.0 sq. ft. more or less



BY: \_\_\_\_\_

**GUILLERMO A. GUERRERO**  
 PROFESSIONAL SURVEYOR & MAPPER No. 6453

NOT VALID WITHOUT THE SIGNATURE, DATE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSE SURVEYOR AND MAPPER.

**THIS SKETCH DOES NOT REPRESENT  
 A BOUNDARY SURVEY**