

RESOLUTION NO. 2022-140

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS ON BEHALF OF THE CITY, TO EXECUTE AND DELIVER IN RECORDABLE FORM THE RELEASE AND CANCELLATION OF UNITY OF TITLE DOCUMENTS, A COPY OF WHICH IS ATTACHED AS EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, before the Mayor and City Council of the City of Hialeah, Florida this day came a request by Raul de la Sierra, the President of LMM Investors, Inc., the fee simple owner of units in the condominiums referred to herein, seeking the authorization for execution by the City of a Release and Cancellation of certain recorded Unity of Title Documents made obsolete and unnecessary by the subsequent conversion of the properties to Condominiums, described as follows:

1. Unity of Title dated June 26, 1985 recorded in O.R. Book 12804 at Page 1040 which covered part of Lots 13 and all of Lots 14 and 15, in Block 1 of Palmetto I-75 Industrial Center Section One, recorded in Plat Book 116 at Page 35, which provides that the lands will not be dealt with separately and will be dealt with as a single parcel of land, with proviso that the conditions, restrictions and limitations shall remain in full force and effect until such time as the same may be released in writing upon approval of the City Council; and

2. Unity of Title dated April 17, 1986, recorded in O.R. Book 13156 at Page 3137 which covers Lots 5 through 12 and part of Lot 13 in Block 1, of Palmetto I-75 Industrial Center Section One, per Plat Book 116 at Page 35, which provides that the lands will not be dealt with separately and will be dealt with as a single parcel of land, with proviso that the conditions, restrictions and limitations shall remain in full force and effect until such time as the same may be released in writing upon approval of the City Council; and

WHEREAS, the City by Resolution Nos. 87-107 (as to Item 2 above) and 87-108 (as to Item 1 above) intended and attempted to release the property covered by the respective Unity of Title documents, but the Release instruments executed pursuant to the Resolutions used legal descriptions now causing confusion; and

WHEREAS, the Unity of Title documents and attempted Releases thereof were executed and recorded prior to the establishment on the properties of respective Condominiums known as 75 West Commerce Center I, a Condominium (on the property described at Item 1 above) and 75 West Commerce II, a Condominium (on the property described at Item 2 above); and

WHEREAS, the Unity of Title documents served their purpose and are no longer necessary due to the establishment of record of said two (2) Condominium regimes aforescribed and the properties are now dealt with by reference to the Condominium regimes and the Units therein and not by the legal descriptions used and recited in the Unity of Title and Release documents; and

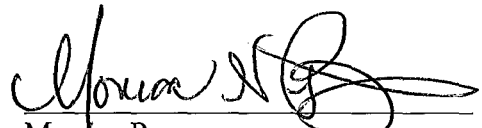
WHEREAS, it appears that the release and cancellation of the Unity of Title documents of record will eliminate any confusion and clear title of record to the respective Condominium Units, benefit of all owners of Units in subject Condominium regimes and is a ministerial act.

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

Section 1. The Mayor is hereby authorized to execute and deliver in recordable form the Release and Cancellation of Unity of Title Documents, a copy of which is attached hereto as Exhibit "A".

Section 2: This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida 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 December, 2022.



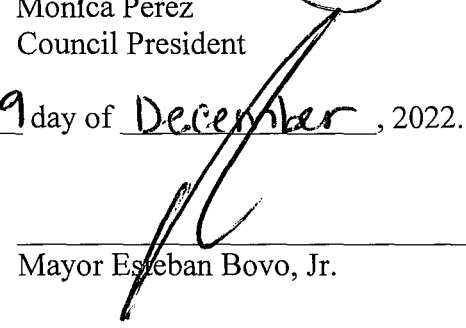
Monica Perez
Council President

Attest:

Approved on this 19 day of December, 2022.

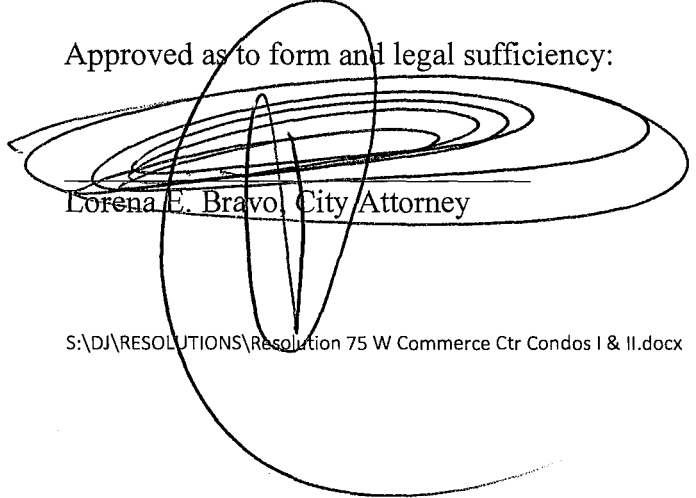


Marbelys Fatjo, City Clerk



Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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Resolution was adopted by 6-0-1 vote with Councilmembers Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes" and with Councilmember Calvo absent.

EXHIBIT "A"

This instrument was prepared by:
Lorena Bravo, City Attorney
City of Hialeah
501 Palm Avenue
Hialeah, Florida 33010

RELEASE AND CANCELLATION OF UNITY OF TITLE DOCUMENTS

KNOW ALL MEN BY THESE PRESENTS:

That the City of Hialeah, pursuant to rights reserved to the City in the following described Unity of Title documents recorded in the Public Records of Miami-Dade County, Florida, and based upon Resolution No. _____ duly passed by the City Council on the _____ day of _____, 2022, said City Council having been fully advised in the premises, does hereby declare that said Unity of Title documents are hereby forever released and cancelled and the Clerk of the Circuit Court is authorized to cancel same of record.

The released and cancelled documents are:

1. Unity of Title dated June 26, 1985 recorded in O.R. Book 12804 at Page 1040 which covered part of Lots 13 and all of Lots 14 and 15, in Block 1 of Palmetto I-75 Industrial Center Section One, recorded in Plat Book 116 at Page 35, which provides that the lands will not be dealt with separately and will be dealt with as a single parcel of land, with proviso that the conditions, restrictions and limitations shall remain in full force and effect until such time as the same may be released in writing upon approval of the City Council.

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This Release of Unity of Title Document shall be binding upon the City of Hialeah, its legal representatives, successors and assigns.

Executed at Hialeah, Florida this _____ day of _____, 2022.

RELEASE AND CANCELLATION OF UNITY OF TITLE DOCUMENTS

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by the respective officials thereunto duly authorized, this the day and year first above written.

City of Hialeah, Florida
501 Palm Avenue
Hialeah, Florida 33010-0040

Attest:

Authorized signature on behalf of
City of Hialeah

Marbelys Fatjo
City Clerk

Mayor Esteban Bovo, Jr. Date

STATE OF FLORIDA SS:

COUNTY OF MIAMI-DADE

The foregoing was acknowledged before me this _____ day of _____, 2022 by Esteban Bovo, Jr., Mayor, City of Hialeah, who is personally known to me and who appeared by means of physical presence, and who executed the foregoing Release of Unity of Title Documents on behalf of the City of Hialeah.

Notary Public, State of Florida

Type/Print or Stamp Notary Name

My commission expires:

Resolution was adopted by 6-0-1 vote with Councilmembers Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, Tundidor, and Zogby voting "Yes" and with Councilmember Calvo absent.