

ORDINANCE NO. 2018-022

ORDINANCE AMENDING ORDINANCE NO. 2008-43 RELEASING AND ABANDONING THE WATER LINE EASEMENT RESERVED TO THE CITY OF HIALEAH LEGALLY DESCRIBED AND DEPICTED ON EXHIBIT "A" PREVIOUSLY RESERVED UPON THE CLOSING, VACATING AND ABANDONING FOR PUBLIC USE A 12-FOOT ALLEY SITUATED WITHIN BLOCK 35-B, AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, PLAT BOOK 34, PAGE 26, OF THE MIAMI-DADE COUNTY PUBLIC RECORDS, LYING BETWEEN EAST 5 AVENUE AND EAST 6 AVENUE AND BETWEEN EAST 25 STREET AND EAST 26 STREET, 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, the water line easement the City of Hialeah reserved no longer serves a useful public purpose and accordingly, should be released and abandoned, and as the abutting property owners intend to utilize the vacated right-of-way.

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

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

Section 2: The water line easement reserved to the City of Hialeah situated within Block 35-B, Amended Plat of the Amended Plat of Thirteenth Addition to Hialeah, Plat Book 34, page 26, of the Miami-Dade County Public Records, lying between East 5 Avenue and East 6 Avenue and between East 25 Street and East 26 Street, Hialeah, Florida, and legally described and depicted in Exhibit "A", is hereby abandoned and released.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

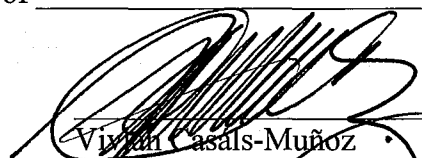
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or 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 ___ day of _____, 2018.

THE FOREGOING ORDINANCE OF THE CITY OF HIALEAH WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF FLORIDA STATUTE 166.041 PRIOR TO FINAL READING.


Vivian Casals-Muñoz
Council President

Attest:


Marbelys Fatjo

Approved on this 19 day of March, 2018.


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

S:\DJ\ORDINANCES\amending Ord 08-043 abandoning easement.docx

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Caragol, Zogby, Lozano, Casals-Munoz, and Hernandez voting "Yes" with Garcia-Martinez not present and Cue-Fuente being absent.

EXHIBIT "A"

LEGAL DESCRIPTION: Water Main to be abandoned

A two (2) inch Water Main to be abandoned which lies within the twelve (12) foot wide alley within Block 35-B of AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH according to the Plat thereof as recorded in Plat Book 34 at Page 26 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

A twelve (12) foot wide alley lying within said Block 35-B and bounded on the North by the South line of lots 1 through 15, inclusive, and bounded on the South by the North line of said Lots 16 through 30, inclusive, and being bounded on the East by the West Right-of-Way line of East 6th Avenue, and being bounded on the West by the East Right-of-Way line of East 5th Avenue.

SURVEYOR'S NOTES:


- This site lies in Section 8, Township 53 South, Range 41 East, City of Hialeah, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of S 88°42'20" E for the North right of way line of East 25th Street.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2017-128.

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on October 4, 2017, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: 

Daniel C. Fortin, For The Firm
Surveyor and Mapper, LS2853
State of Florida.

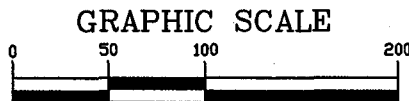
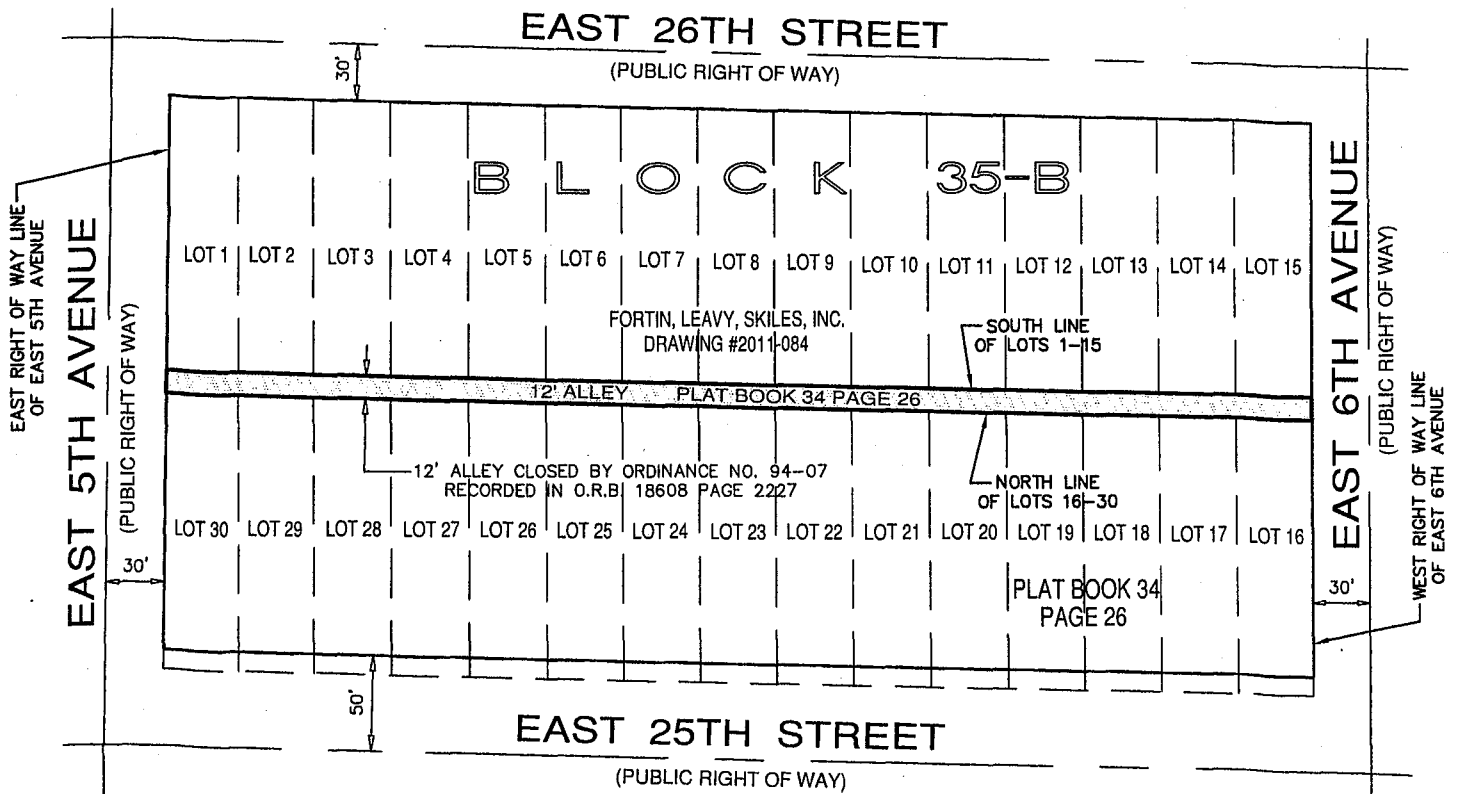
Drawn By	MAP
Cad. No.	171071
Ref. Dwg.	2017-128
Plotted:	10/4/17 10:59a

LEGAL DESCRIPTION, NOTES & CERTIFICATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th. Street / North Miami Beach, Florida. 33162
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	10/4/17
Scale	NOT TO SCALE
Job. No.	171071
Dwg. No.	1017-055
Sheet	1 of 3

EXHIBIT "A"



(IN FEET)
1 inch = 100 ft.

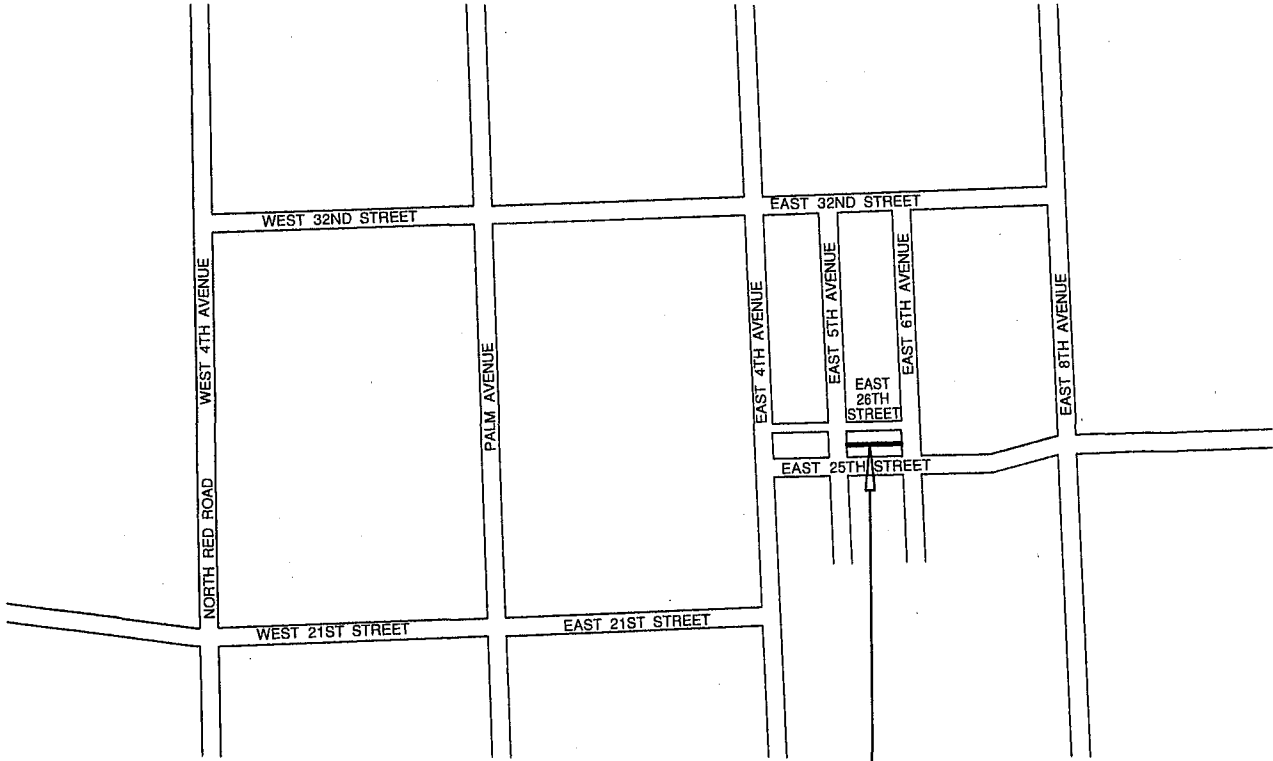
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SKETCH OF DESCRIPTION

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Date	10/4/17
Scale	1"=100'
Job. No.	171071
Dwg. No.	1017-055
Sheet	2 of 3

EXHIBIT "A"



WATER LINE
TO BE ABANDONED



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LOCATION SKETCH

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