

ORDINANCE NO. 2017-091

ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO A PUBLIC UTILITY EASEMENT ATTACHED AS EXHIBIT "1" THAT GRANTS FLORIDA POWER AND LIGHT ("FPL") UNDERGROUND ACCESS FOR INSTALLATION OF EQUIPMENT TO ALLOW FOR LIGHTING AT THE DON QUIJOTE PARK LOCATED AT 1990 WEST 49 STREET, HIALEAH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, pursuant to Florida Statute §3.03(g) of the City Charter an ordinance is required to grant an easement; and

WHEREAS, the easement granted to Florida Power and Light by the City shall permit FPL to install underground equipment under the park to power lighting in the Don Quijote Park; and

WHEREAS, the Ramada Inn located at 1950 West 49 Street that is adjacent to the park is also granting an easement to FPL to allow for the underground equipment under its property to power lights in the City Park.

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

Section 1: The easement attached as Exhibit "1" is hereby approved.

Section 2: **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 4: 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.

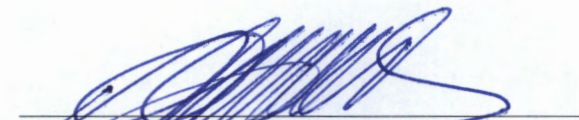
Section 5: Effective Date.

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 12 day of December,

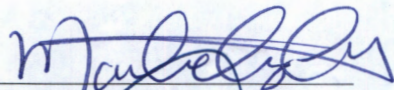
2017.

THE FOREGOING ORDINANCE
OF THE CITY OF PALM BEACH WAS
PUBLISHED IN A JOINT NOTICE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.
Attest:

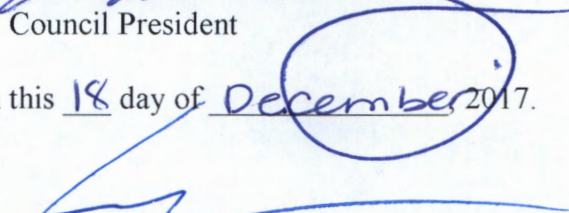


Vivian Casals-Munoz
Council President

Approved on this 18 day of December, 2017.



Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) vote with Councilmembers, Caragol, Zogby, Cue-Fuente, Casals-Munoz, Hernandez, Garcia, and Lozano voting "Yes".