

ORDINANCE NO. 2018-098

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT OF WAY DEED ATTACHED AS EXHIBIT "1" FROM FLORIDA RECYCLING CENTER, LLC, A FLORIDA LIMITED LIABILITY COMPANY, CONVEYING VACANT LAND COMPRISED OF APPROXIMATELY 1,150 SQUARE FEET OR 0.026 ACRES IN AREA FOR PUBLIC HIGHWAY PURPOSES AND ALL PURPOSES INCIDENTAL THERETO; 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 City of Hialeah has embarked on the construction and improvements of a network of roads throughout the once barren northwestern park of the city; and

WHEREAS, this network of roads running about N.W. 97 Avenue to N.W. 107 Avenue, N.W. 102 Avenue, N.W. 138 Street to N.W. 145 Place and N.W. 165 Place to N.W. 170 Street among other thoroughfares and roadways shall facilitate the continuing development of commerce and industry, including the progress of the City, and other advances; and

WHEREAS, the dedication of a portion of the vacant land as depicted in the sketch attached to the proposed right-of-way deed, funded in part by the State of Florida Job Growth Grant Fund, shall advance and progress the City into the future.

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 1,150 square feet of land or 0.026 acres more or less in area for public highway purposes and all purposes incidental thereto, from Florida Recycling Center, LLC, for right-of-way purposes, as set forth in the Right-of-way Deed attached hereto and made a part hereof as Exhibit 1.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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: 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 4: 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.

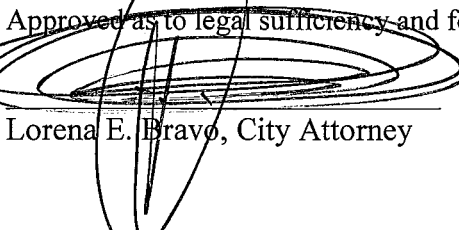
PASSED and ADOPTED this 25 day of September, 2018.

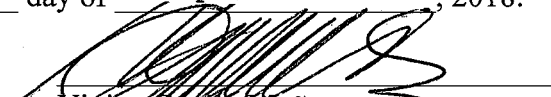
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:

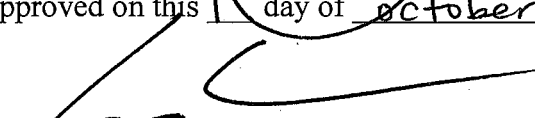

Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney


Vivian Casals-Muñoz
Council President

Approved on this 1 day of October, 2018.


Mayor Carlos Hernandez

Ordinance was adopted by a 6-0-1 vote with Councilmembers, Zogby, Lozano, Casals-Munoz, Hernandez, Caragol, and Cue-Fuente voting "Yes" and Garcia-Martinez absent.

Instrument prepared by:

George J. Lott, Esq.
Lott & Levine
8950 SW 74 Court, Suite 1711
Miami, Florida 33156

Property Appraiser's Parcel Identification (Folio)
Numbers: 04-2017-001-0211

**RIGHT-OF-WAY DEED TO CITY OF HIALEAH,
FLORIDA FOR HIGHWAY PURPOSES**

THIS INDENTURE, made this 1 day of ^{August} ~~July~~, 2018, by and between FLORIDA RECYCLING CENTER, LLC, a Florida Limited Liability Company f/k/a Florida Recycling Center, Inc., a Florida corporation, whose address is 3601 S.W. 128th Avenue, Miramar, FL 33027, party of the first part, and the CITY OF HIALEAH, 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, 501 Palm Avenue, 4th Floor – Law Dept., 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 Highway and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

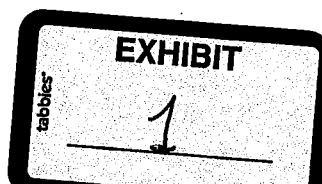
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

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

It is expressly provided that, if and when the said Highway shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its successors, heirs and/or assigns, and it shall have the right to repossess the same.

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 caused these presents to be executed in its name, the day and year aforesaid.



Signed, sealed and delivered
in the presence of:

Witness

Mirca Nunez
[Print Name]

Witness

Janet John - Sanchez
[Print Name]

Witness

Mirca Nunez
[Print Name]

Witness

Janet John - Sanchez
[Print Name]

GRANTOR:

FLORIDA RECYCLING CENTER, LLC
a Florida limited liability company
f/k/a FLORIDA RECYCLING CENTER, INC.
a Florida corporation

By: Maggie Casas
Name: MAGGIE CASAS
Title: as Manager

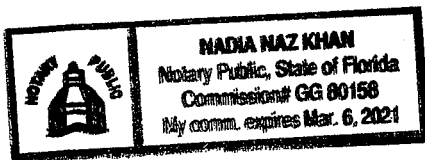
By: Jose L. Casas
Name: JOSE L. CASAS
Title: as Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE Broward

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared MAGGIE CASAS, as Manager of FLORIDA RECYCLING CENTER, LLC, a Florida Limited Liability Company f/k/a FLORIDA RECYCLING CENTER, INC., a Florida corporation, 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 I relied upon the following form of identification of the above-named person:

Maggie Casas and Jose L. Casas
or 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 1 day of August 2018

Notary Signature Nadia Naz Khan
Typed/printed name

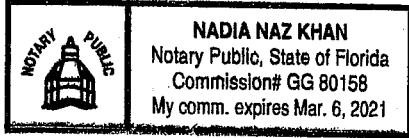
My commission no:

STATE OF FLORIDA
COUNTY OF ~~MIAMI-DADE~~ Broward

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared JOSE L. CASAS, as Manager of FLORIDA RECYCLING CENTER, LLC, a Florida Limited Liability Company f/k/a FLORIDA RECYCLING CENTER, INC., a Florida corporation, 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 I relied upon the following form of identification of the above-named person:

Maggie Casas and Jose L. Casas
or 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 1 day of Aug, 2018


Notary Signature

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A" PARCEL "4"

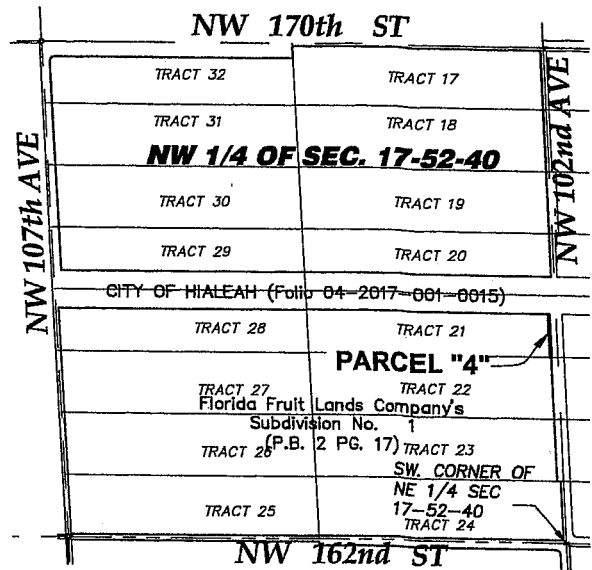


LEGAL DESCRIPTION

That portion of Tract 21 less the North 100 feet thereof, in the NW 1/4 of Section 17, Township 52 South, Range 40 East, of Florida Fruit Land Company's Subdivision No. 1, according to the plat thereof recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, that lies within the West 5 feet of the East 40 feet of the NW 1/4 of said Section 17.

SURVEYOR'S NOTES:

- This Site lies in the Northwest 1/4 of Section 17, Township 52 South, Range 40 East, Miami-Dade County Florida.
- This site contains an area of 1,150 square feet (0.026 Acres) more or less.
- Parent Tract Folio: 04-2017-001-0211
- Surveyor makes no statement as to ownership.



LOCATION SKETCH
SCALE: 1"=1000'

SURVEYOR'S CERTIFICATE:

I hereby certify that the attached "SKETCH TO ACCOMPANY LEGAL DESCRIPTION" was prepared in accordance with the Standards of Practice for Surveying and Mapping, as set forth in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

THIS IS NOT A SURVEY

Biscayne Engineering Company, Inc.
529 West Flagler Street, Miami, FL 33130
Tel. (305) 324-7671, Fax (305) 324-0809
State of Florida Department of Agriculture
LB-0000129
Date: 05-10-2018

 6-12-18

Mike J. Bartholomew
Professional Surveyor and Mapper No. 5666
State of Florida

NOTE: THIS IS NOT A SURVEY

BEC REF. NOTE: THIS DOCUMENT IS VALID ONLY WHEN ALL THE SHEETS ARE COMBINED FORMING THE COMPLETE DOCUMENT

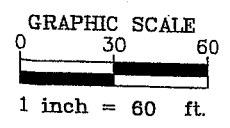
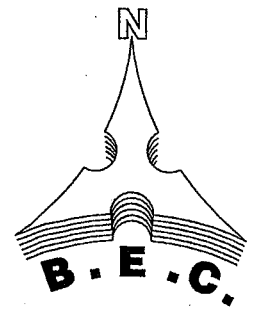
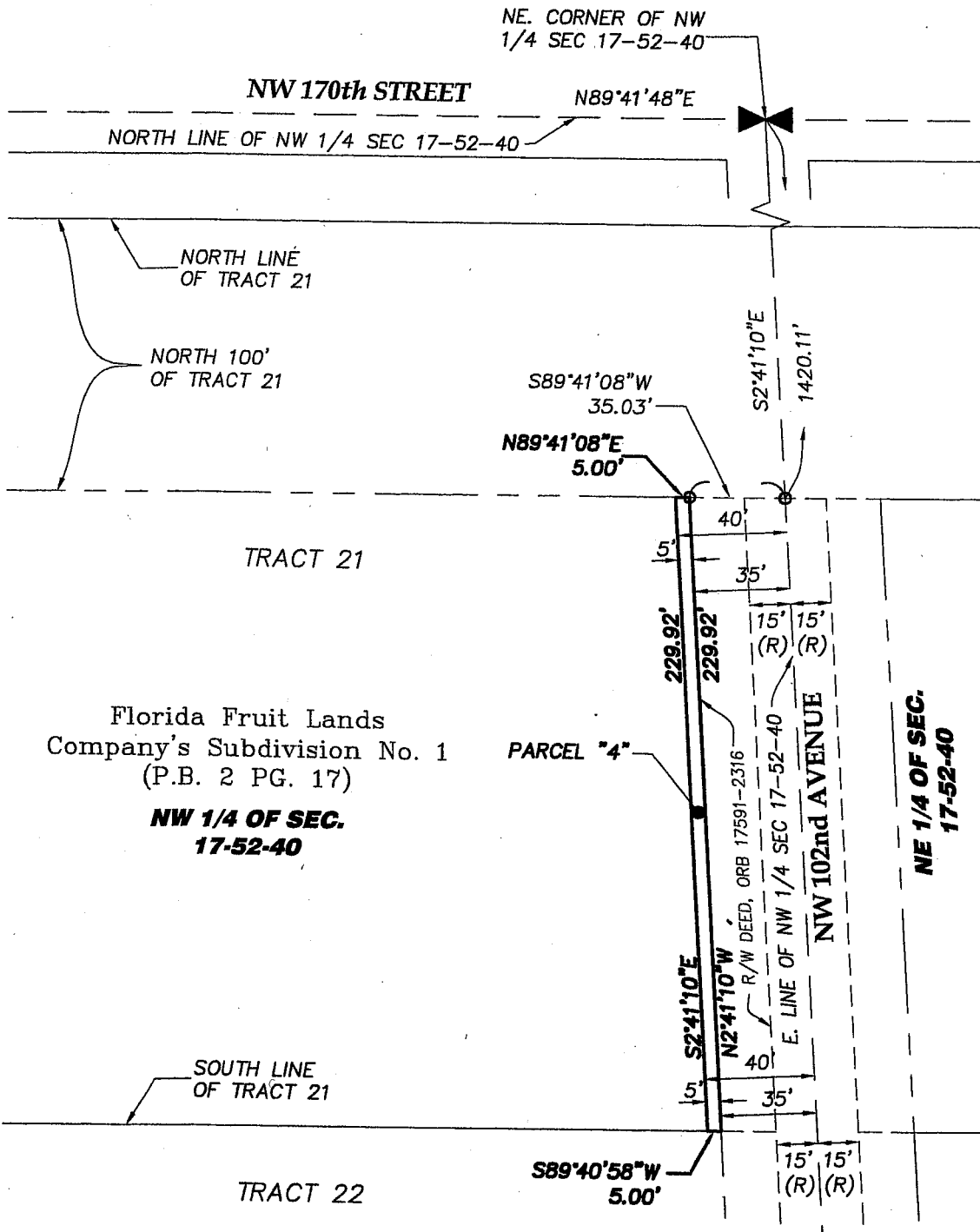
DATE: Jun 05, 2018 - 3:22pm EST FILE: \\BES-DC-02\Desktop\WAlvarez\Desktop\Projects\03-86124 - Hialeah NW 102nd Ave\DWG\Updated\03-86124_Parcels_C_E_MB.dwg

DRAWING:	2281-SS-06	CLIENT NAME:	CITY OF HIALEAH
DATE:	05-10-18	BEC ORDER #	03-86124
		DRAWN BY	N.A.W.H.
		SHEET	1 OF 2

 **BISCAYNE ENGINEERING COMPANY, INC.**
Since 1898 529 WEST FLAGLER ST, MIAMI FL 33130

TEL (305) 324-7671, FAX (305) 324-1700
WWW.BISCAYNEENGINEERING.COM

SKETCH TO ACCOMPANY LEGAL DESCRIPTION EXHIBIT "A" PARCEL "4"



- SYMBOLS AND ABBREVIATIONS:**
- ESMT = EASEMENT
 - FP&L = FLORIDA POWER AND LIGHT
 - NE. = NORTHEAST
 - NW. = NORTHWEST
 - ORB = OFFICIAL RECORDS BOOK
 - P.B. - PLAT BOOK
 - PG. = PAGE
 - (R) = RECORD
 - R/W = RIGHT OF WAY
 - SE = SOUTHEAST
 - SEC = SECTION

BEC REF.		NOTE: THIS IS NOT A SURVEY	
NOTE: THIS DOCUMENT IS VALID ONLY WHEN ALL THE SHEETS ARE COMBINED FORMING THE COMPLETE DOCUMENT			
DRAWING:	2281-SS-06	CLIENT NAME:	CITY OF HIALEAH
DATE:	05-10-18	BEC ORDER #	03-86124
		DRAWN BY	N.A./W.H.
		SHEET	2 OF 2