

ORDINANCE NO. 2018-149

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A PERPETUAL NON-EXCLUSIVE EASEMENT TO FLORIDA POWER AND LIGHT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC UTILITY FACILITIES IN AN AREA APPROXIMATELY 215 SQUARE FEET, MORE OR LESS, SERVING PUMP STATION 106 LOCATED AT 3474 WEST 10 AVENUE; APPROVING THE TERMS OF EASEMENT IN SUBSTANTIAL CONFORMITY WITH THE FORM ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT 1; AND AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE THE EASEMENT ON BEHALF OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City owns approximately .86 acres of land with a postal address of 3474 West 10 Avenue improved with sewer lift station 106 ("PS106") more specifically described and depicted in Exhibit 2 to this resolution; and

WHEREAS, the City has made substantial improvements to the sewer lift station; and

WHEREAS, the easement in favor of Florida Power and Light for the construction, operation and maintenance of electric power service to PS106 is necessary to ensure the proper functioning of the lift station;

WHEREAS, the easement serves a paramount public purpose and protects the public's interest in the proper functioning of the City's sewer system;

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 grants a perpetual non-exclusive easement to Florida Power and Light for the construction, operation and maintenance of electric utility facilities in an area approximately 215 square feet of land, more or less, as set forth and described in the exhibit to the form Easement, attached hereto and made a part hereof as Exhibit 1, to serve Pump Station 106 located at 3474 West 10 Avenue.

Section 2: The easement is granted subject to the terms and conditions set forth in the form Easement attached as Exhibit 1 and the Mayor and the City Clerk, as attesting witness, are authorized to execute the form Easement on behalf of City of Hialeah.

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All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

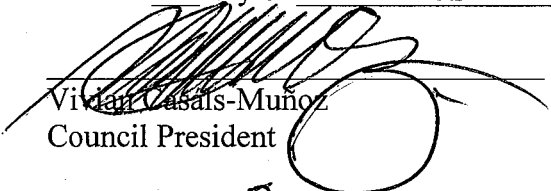
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

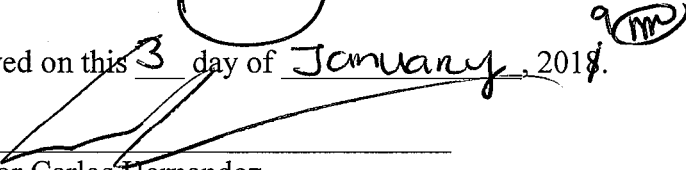
Section 5: Effective Date.

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.

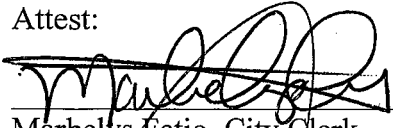
PASSED and ADOPTED this 11 day of December, 2018.

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-Munoz
Council President

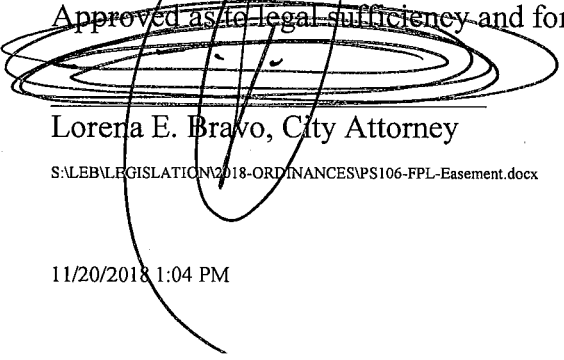
Approved on this 3 day of January, 2018. 

Attest:


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, Zogby, Lozano, Casals-Munoz, Garcia-Martinez, Caragol, Cue-Fuente, Hernandez, voting "Yes."

Work Request No. _____

Sec. __, Twp __ S, Rge __ E

Parcel I.D. _____
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: _____
Co. Name: _____
Address: _____

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

~~Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes, the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.~~

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered in the presence of:

(Witness' Signature)

Print Name: _____
(Witness)

(Witness' Signature)

Print Name: _____
(Witness)

Entity name

By: _____

Print Name: _____

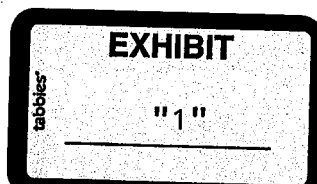
Print Address: _____

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the _____ of _____ a _____, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

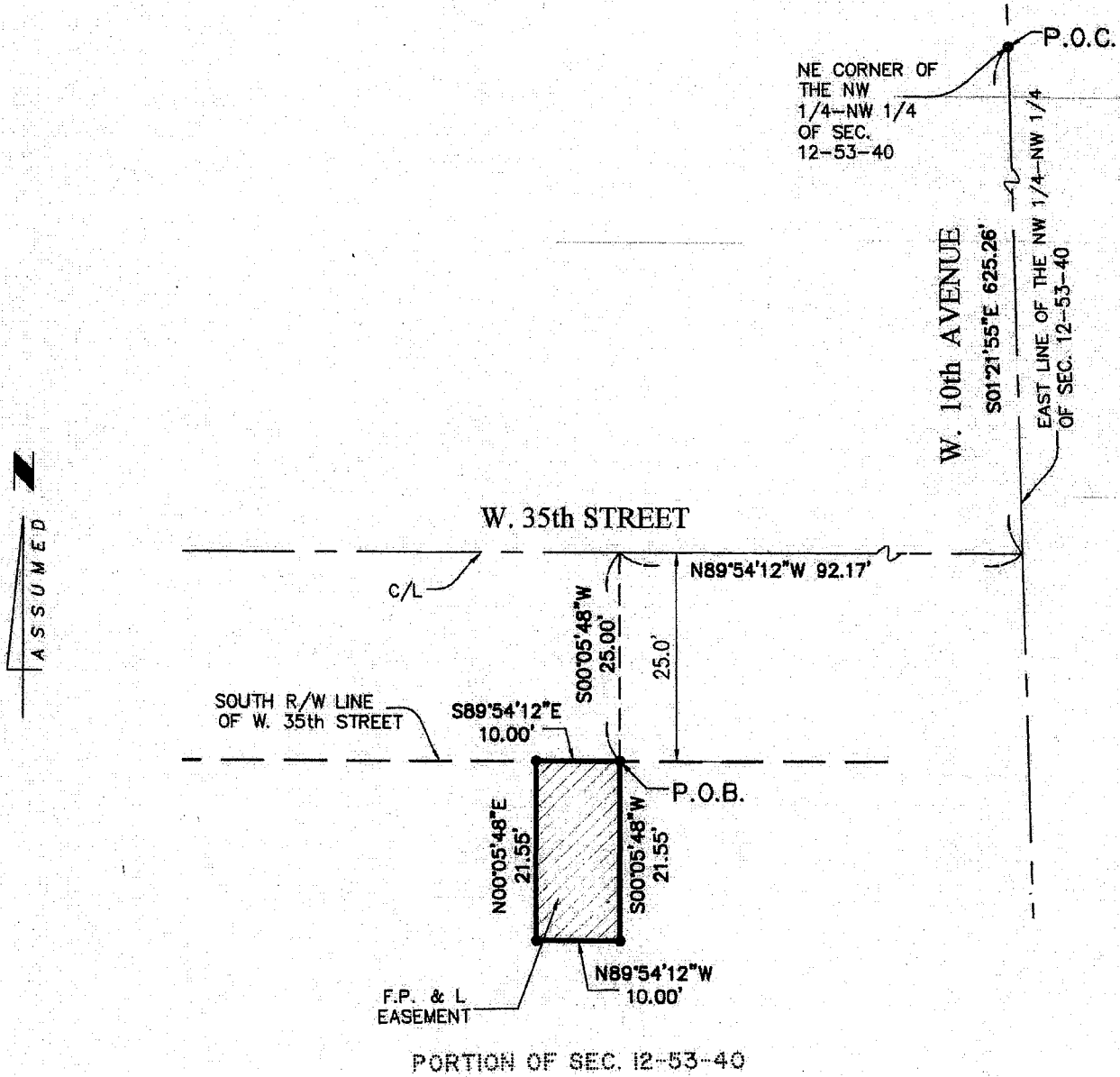
My Commission Expires:

Notary Public, Signature

Print Name _____

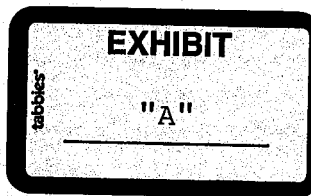


SKETCH AND LEGAL DESCRIPTION



LEGEND

P.O.B.	Point of Beginning	SEC.	Section
P.O.C.	Point of Commence	TWP.	Township
P.B.	Plat Book	RGE.	Range
PG.	Page	C/L	Centerline
R/W	Right-of-Way	COR	Corner
		M/L	Monument line

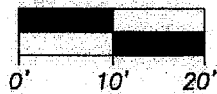


NOTICE:

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GRAPHIC SCALE



SCALE: 1" = 20'

SKETCH
-THIS IS NOT A
BOUNDARY SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

F.P. & L EASEMENT
Pump Station # 106, 3474 West 10th Avenue, Hialeah,
Miami-Dade County, Florida 33012
Folio No. 04-3012-000-0130
Section 12, Township 53 South, Range 40 East
Date: September 25th, 2018

SKETCH AND LEGAL DESCRIPTION

F.P. & L Easement:

A portion of the Northwest 1/4 of Section 12, Township 53 South, Range 40 East, Miami-Dade County, Florida; more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 12, Township 53 South, Range 40 East, Miami-Dade County, Florida; thence S01°21'55"E along the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 12, Township 53 South, Range 40 East, Miami-Dade County, Florida, a distance of 625.26 feet; thence N89°54'12"W along the centerline of West 35th Street, a distance of 92.17 feet; thence S00°05'48"W, a distance of 25.00 feet to the Point of Beginning; thence continue S00°05'48"W a distance of 21.55 feet; thence N89°54'12"W a distance of 10.00 feet; thence N00°05'48"E, a distance of 21.55 feet; thence S89°54'12"E, a distance of 10.00 feet to the Point of Beginning.

Containing 215.50 Square feet more or less by calculations.

J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

Project: 18-0245 Job: 18-0245 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.

NOTICE:

Not complete without all Pages.

Page 2 of 3

LEGAL DESCRIPTION
-THIS IS NOT A SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
F.P. & L EASEMENT
Pump Station # 106, 3474 West 10th Avenue, Hialeah,
Miami-Dade County, Florida 33012
Folio No. 04-3012-000-0130
Section 12, Township 53 South, Range 40 East
Date: September 25th, 2018

SKETCH AND LEGAL DESCRIPTION

SOURCES OF DATA:

The Legal Description of the Subject Parcels of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:

- North Arrow and Bearings refer to an assumed value of N89°54'12"W along the centerline of W. 35th Street, Miami-Dade County, Florida. Said line is considered well-established and monumented.
- Plat Book 172, Page 46, Villas de las Palmas, of the Public Records of Miami-Dade County, Florida.
- Plat Book 140, Page 57 Oria Subdivision, of the Public Records of Miami-Dade County, Florida.

CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the insistence of:

CITY OF HIALEAH

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami-Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

This sketch is an accurate graphic depiction of the legal description to which it is attached as per client's request.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch and Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief. Further, that said Sketch meets the intent of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

By: 

Oria Jannet Suarez, P.S.M.

Professional Surveyor and Mapper No. 6781

State of Florida

September 25th, 2018

Project: 18-0245 Job: 18-0245 Sketch & Legal

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17 of the Florida Administrative Code.

NOTICE:

Not complete without all Pages.

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SURVEYOR'S NOTES

-THIS IS NOT A SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION F.P. & L EASEMENT

Pump Station # 106, 3474 West 10th Avenue, Hialeah,
Miami-Dade County, Florida 33012

Folio No. 04-3012-000-0130

Section 12, Township 53 South, Range 40 East

Date: September 25th, 2018

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 11/2/2018

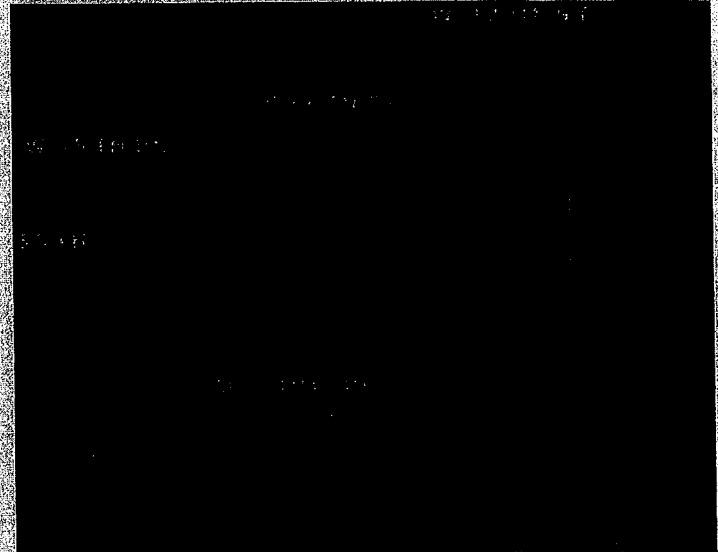
Property Information	
Folio:	04-3012-000-0130
Property Address:	3474 W 10 AVE Hialeah, FL 33012-4910
Owner	DEPT OF WATER & SEWERS CITY OF HIALEAH
Mailing Address	3700 W 4 AVE HIALEAH, FL 33012-4201
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	8940 MUNICIPAL - MUNICIPAL
Beds / Baths / Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	Sq. Ft.
Living Area	Sq. Ft.
Adjusted Area	1,790 Sq. Ft.
Lot Size	37,024 Sq. Ft.
Year Built	1970

Assessment Information			
Year	2018	2017	2016
Land Value	\$337,168	\$337,168	\$337,168
Building Value	\$79,257	\$79,257	\$79,257
XF Value	\$0	\$0	\$0
Market Value	\$416,425	\$416,425	\$416,425
Assessed Value	\$416,425	\$416,425	\$416,425

Benefits Information				
Benefit	Type	2018	2017	2016
Municipal	Exemption	\$416,425	\$416,425	\$416,425

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional)

Short Legal Description
12 53 40 .86 AC BEG AT SE COR OF N858FT OF NW1/4 OF NW1/4 TH W30FT TH N208FT TH W178FT TH S208FT TH E178FT TO POB LOT SIZE SITE VALUE



Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	\$416,425	\$416,425	\$416,425
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$416,425	\$416,425	\$416,425
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$416,425	\$416,425	\$416,425
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$416,425	\$416,425	\$416,425
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

