

Meeting Date: January 27, 2015

Agenda Item 6  
Memorandum No. 15-005

REQUESTED COMMISSION ACTION:

Consent       Ordinance       Resolution       Consideration       Workshop

SHORT TITLE OR MOTION: A RESOLUTION ASSESSING AS A LIEN THE CITY'S COST TO ABATE PUBLIC NUISANCES ON REAL PROPERTIES IN THE TOTAL AMOUNT OF \$3,369.90.

Summary of Purpose and Why:

The Code Compliance Division had 6 parcels cleared of nuisance violations through the Nuisance Abatement Program. In that the respective owners have failed to pay for the costs and administrative fees, it is necessary to place a lien against the property. In order to place these liens the City Commission is required by section 96.32 of the City Code of Ordinances to adopt the attached resolution.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Development Services Department
- (2) Primary staff contact: Miguel A. Núñez / Robin M. Bird Ext. 7774 / 4634
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

| DEPARTMENTAL COORDINATION | DATE     | DEPARTMENTAL RECOMMENDATION | DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER |
|---------------------------|----------|-----------------------------|---|
| City Attorney             | 01/13/15 | Approved                    | See Attached Resolution <i>ABZ</i>                  |
| Building Division         | 01/13/15 | Approval                    | <i>[Signature]</i>                                  |
| Dev. Services             | 01/13/15 | Approval                    | <i>[Signature]</i>                                  |
|                           |          |                             |   |
|                           |          |                             |   |
|                           |          |                             |   |

Advisory Board  
 Development Services Director  
 City Manager *[Signature]*

*Dennis W. Beard*

ACTION TAKEN BY COMMISSION:

| Ordinance               | Resolution  | Consideration | Workshop |
|-------------------------|-------------|---------------|----------|
| 1 <sup>st</sup> Reading | 1st Reading | Results:      | Results: |
|                         |             |               |          |
| 2 <sup>nd</sup> Reading |             |               |          |
|                         |             |               |          |
|                         |             |               |          |

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Chapter 96 of the Code of Ordinances of the City of Pompano Beach (the "Code") entitled "Health and Safety", the City Manager or the City Manager's agent or assigns (the "City's Designated Representative") declared that a public nuisance existed on the real property(ies) described in the list attached hereto and made a part hereof; and

WHEREAS, as provided by § 96.28 of the Code, the City's Designated Representative inspected said property(ies) and determined that a public nuisance as defined by § 96.26 of the Code existed, and thereafter provided the respective property owner(s) with written notice that described the subject nuisance(s) and advised if the owner(s) did not abate the nuisance(s) within seven (7) days or file a written request for a hearing within five (5) days, the City of Pompano Beach (the "City") would proceed to correct the public nuisance condition(s) and the cost thereof, including inspection, administration and collection costs would be levied as an assessment against the property(ies); and

**WHEREAS**, the property owner(s) failed to timely abate the nuisance(s) existing upon the property(ies) or request a hearing pursuant to § 96.30 of the Code, or the property owner(s) did request and receive a hearing which resulted in a determination that public nuisance conditions existed on the property(ies) and the owner(s) thereafter failed to timely abate said public nuisance(s); and

**WHEREAS**, the City, through agents or contractors, did therefore enter upon the property(ies) and incur costs to abate the public nuisance(s); and

**WHEREAS**, pursuant to § 96.32 of the Code, the City Commission desires to assess the City's costs to abate the subject public nuisance(s), including inspection and administration, which shall serve as a lien against the property(ies) described in the exhibit to this Resolution co-equal with liens of ad valorem taxes and prior in dignity to any other lien, including mortgages, irrespective of the date of recording of the lien or the date of recording any mortgage or other lien on the property, and such lien shall survive any action to foreclose such inferior lien; and

**WHEREAS**, such assessment, pursuant to Section 96.32 of the Code, shall bear interest as set forth in F. S. § 55.03 and if collection proceedings are necessary, property owner(s) would be assessed to pay the costs of such proceeding, including attorney's fees; now, therefore

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That assessments for the City's costs of abating nuisances in the individual amount(s) set forth in the attached exhibit are hereby levied against the subject property(ies) described therein and shall serve as a lien against the said property(ies) which shall be co-equal with liens of ad valorem taxes and prior in dignity to any other lien, including mortgages, irrespective of

the date of recording of the lien or the date of recording any mortgage or other lien on the property, and such lien shall survive any action to foreclose such inferior lien

**SECTION 2.** That said assessments shall be legal, valid and binding obligations on the subject property(ies).

**SECTION 3.** That the City Clerk is directed to record a certified copy of this Resolution in the Public Records of Broward County and simultaneously send a Notice of Lien as prescribed in § 96.32 of the Code to the property owner(s).

**SECTION 4.** Upon the date and time of recording of the certified copy of this Resolution in the Public Records, a lien shall become effective on the property(ies) to secure the cost of abatement, including inspection and administration. Interest on said lien shall accrue at the per annum rate prescribed by § 55.03, Florida Statutes, as now enacted or as may hereafter be amended.

**SECTION 5.** If collection proceeds are necessary and instituted, the cost of such proceeding, including reasonable attorney's fees, shall be assessed against the property owner(s).

**SECTION 6.** That this Resolution shall become effective immediately from the date of adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**MARY L. CHAMBERS, CITY CLERK**

GBL/jrm  
1/6/15  
l:reso/2015-159

**NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT**

**Resolution No. 1/27/2015**

| <b>Date Issue</b> | <b>Case</b>  | <b>Owner Info</b>   | <b>Address/Folio/Legal Desc</b>   | <b>Date Abated</b> |                  |                  |              |                |                |
|-------------------|--|---|---|--------------------|------------------|------------------|--------------|----------------|----------------|
| 8/24/2014         | 64242  | CAMARDA,GARY<br>3414 DOVER ROAD<br>POMPANO BEACH, FL 33062                                      | 3414 DOVER Rd POMPANO<br>BEACH, FL 33062<br>484329040800<br>HILLSBORO SHORES SEC A<br>21-14 B LOT 19 BLK 6                                    | 10/10/2014         |                  |                  |              |                |                |
| <b>Book/Page</b>  | <b>Contractor</b>                                      |   |   |                    | <b>Abatement</b> | <b>Admin Fee</b> | <b>Total</b> | <b>Payment</b> | <b>Balance</b> |
|                   | Precision Cuts Lawn Care And Maintenance Services, INC |   |   |                    | \$320.00         | \$101.00         | \$421.00     | \$0.00         | \$421.00       |
| 9/5/2014          | 64953  | MENTONE MANAGEMENT LLC<br>PO BOX 409584<br>ATLANTA, GA 30384                                    | No Address #LOT SOUTH OF<br>616 NW 3 AVE<br>484235100070<br>SUMPTERS COL ADD TO<br>POMPANO AMENDED PLAT 1-<br>12 B LOT 10 LESS W 10 FOR<br>RD | 11/15/2014         |                  |                  |              |                |                |
| <b>Book/Page</b>  | <b>Contractor</b>                                      |   |   |                    | <b>Abatement</b> | <b>Admin Fee</b> | <b>Total</b> | <b>Payment</b> | <b>Balance</b> |
|                   | IRF IRRIGATION, LLC.                                   |   |   |                    | \$347.50         | \$101.00         | \$448.50     | \$0.00         | \$448.50       |
| 9/5/2014          | 64952  | GASSETT-WILLIAMS,CHELSEA LE<br>WILLIAMS,LORENZO D<br>8813 NIGHT WIND LN<br>FORT WORTH, TX 76244 | 700 NW 3 Ave POMPANO<br>BEACH, FL 33060<br>484235100040<br>SUMPTERS COL ADD TO<br>POMPANO AMENDED PLAT 1-<br>12 B LOT 7                       | 11/15/2014         |                  |                  |              |                |                |
| <b>Book/Page</b>  | <b>Contractor</b>                                      |   |   |                    | <b>Abatement</b> | <b>Admin Fee</b> | <b>Total</b> | <b>Payment</b> | <b>Balance</b> |
|                   | IRF IRRIGATION, LLC.                                   |   |   |                    | \$244.25         | \$101.00         | \$345.25     | \$0.00         | \$345.25       |
| 9/27/2014         | 67152  | WELLS FARGO BANK NA<br>4101 WISEMAN BLVD TX<br>SAN ANTONIO, TX 78251                            | 3140 ESTATES Dr POMPANO<br>BEACH, FL 33069<br>494204030170<br>PALM-AIRE ESTATES 1ST<br>SEC 73-19 B LOT 17 BLK 1                               | 11/15/2014         |                  |                  |              |                |                |

**NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT**

**Resolution No. 1/27/2015**

| <b>Date Issue</b>                         | <b>Case</b>          | <b>Owner Info</b>   | <b>Address/Folio/Legal Desc</b>   | <b>Date Abated</b> |                  |                  |                   |                |                |
|---|----------------------|---|---|--------------------|------------------|------------------|-------------------|----------------|----------------|
| <b>Book/Page</b>                          | <b>Contractor</b>    |   |   |                    | <b>Abatement</b> | <b>Admin Fee</b> | <b>Total</b>      | <b>Payment</b> | <b>Balance</b> |
|   | IRF IRRIGATION, LLC. |   |   |                    | \$905.65         | \$101.00         | \$1,006.65        | \$0.00         | \$1,006.65     |
| 10/9/2014                                 | 66986                | SIMMONDS,STUART W<br>338 AVONDALE DR #3<br>POMPANO BEACH, FL 33060                              | 1581 NE 48 St POMPANO<br>BEACH, FL 33064<br>484307022420<br>POMPANO BEACH<br>HIGHLANDS 34-38 B LOT 16<br>BLK 11 | 11/15/2014         |                  |                  |                   |                |                |
| <b>Book/Page</b>                          | <b>Contractor</b>    |   |   |                    | <b>Abatement</b> | <b>Admin Fee</b> | <b>Total</b>      | <b>Payment</b> | <b>Balance</b> |
|   | IRF IRRIGATION, LLC. |   |   |                    | \$635.00         | \$101.00         | \$736.00          | \$0.00         | \$736.00       |
| 10/23/2014                                | 67679                | COCHRAN,CHRISTOPHER R<br>COCHRAN,ROBERT BALINE JR ETAL<br>5911 GRANDVILLE RD<br>TAMPA, FL 33617 | 1200 NE 27 Ave POMPANO<br>BEACH, FL 33062<br>484330230250<br>HARBOR VILLAGE SEC H 45-<br>46 B LOT 13 BLK 3      | 11/15/2014         |                  |                  |                   |                |                |
| <b>Book/Page</b>                          | <b>Contractor</b>    |   |   |                    | <b>Abatement</b> | <b>Admin Fee</b> | <b>Total</b>      | <b>Payment</b> | <b>Balance</b> |
|   | IRF IRRIGATION, LLC. |   |   |                    | \$311.50         | \$101.00         | \$412.50          | \$0.00         | \$412.50       |
| <b>Total Cases for Nuisance Abatement</b> |                      |   |   |                    |                  |                  | <b>6</b>          |                |                |
| <b>Total Cost of Abatement</b>            |                      |   |   |                    |                  |                  | <b>\$2,763.90</b> |                |                |
| <b>Total Administrative Cost</b>          |                      |   |   |                    |                  |                  | <b>\$606.00</b>   |                |                |
| <b>Total Cost of Nuisance Abatement</b>   |                      |   |   |                    |                  |                  | <b>\$3,369.90</b> |                |                |
| <b>Total Payments</b>                     |                      |   |   |                    |                  |                  | <b>\$0.00</b>     |                |                |
| <b>Balance</b>                            |                      |   |   |                    |                  |                  | <b>\$3,369.90</b> |                |                |