

Meeting Date: April 28, 2015

Agenda Item 4  
Memorandum No. 15-198

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 \$8,345.06.

Summary of Purpose and Why:

The Code Compliance Division had **12** 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	04/13/15	Approved	See Attached Resolution <u>1752</u>
Building Division	04/13/15	Approval	<u>[Signature]</u> 4/13/15
Dev. Services	04/13/15	Approval	<u>[Signature]</u>

Advisory Board  
 Development Services Director  
 City Manager [Signature]

[Signature: Juan W. Beod]

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:**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

GBL/jrm  
4/3/15  
l:reso/2015-290

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

Resolution No. 4/28/2015

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
9/9/2014	65094	WACHOVIA BANK NA % MOSKOWITZ MANDELL S & S PA 800 CORPORATE DR STE 500 FORT LAUDERDALE, FL 33334	501 NW 7 Ter POMPANO BEACH, FL 33060 484235490160 COLEMAN PARK SUBDIVISION 111-25 B LOT 16	12/12/2014					
<b>Book/Page</b>	<b>Contractor</b>		<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>		
	TRADITIONAL SERVICES		\$429.96	\$101.00	\$530.96	\$0.00	\$530.96		
10/16/2014	67361	STANGE, JAMES B 2970 NE 16TH AVENUE APT B105 OAKLAND PARK, FL 33334-5201	2501 NE 15 Ter POMPANO BEACH, FL 33064 484319130180 FAIRWAY HEIGHTS 48-17 B LOT 10	12/12/2014					
<b>Book/Page</b>	<b>Contractor</b>		<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>		
	TRADITIONAL SERVICES		\$644.38	\$101.00	\$745.38	\$0.00	\$745.38		
11/4/2014	68606	US BANK NA TRUSTEE 3815 SW TEMPLE SALT LAKE CITY, UT 84415	2726 SE 11 St POMPANO BEACH, FL 33062 494306140010 POMPANO ISLES SEC B 31-8 B LOT 1 BLK 5	12/12/2014					
<b>Book/Page</b>	<b>Contractor</b>		<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>		
	TRADITIONAL SERVICES		\$826.16	\$101.00	\$927.16	\$0.00	\$927.16		
11/14/2014	69638	CARSON, JAY A 561 SE 11 ST POMPANO BEACH, FL 33060	561 SE 11 St POMPANO BEACH, FL 33060 494201140140 HIGH RIDGE ESTATES ADD 46 -18 B LOT 9 BLK 2	12/17/2014					
<b>Book/Page</b>	<b>Contractor</b>		<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>		
	TRADITIONAL SERVICES		\$576.73	\$101.00	\$677.73	\$0.00	\$677.73		

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**Resolution No. 4/28/2015**

<b>Date Issue</b>	<b>Case</b>	<b>Owner Info</b>	<b>Address/Folio/Legal Desc</b>	<b>Date Abated</b>					
11/18/2014	69390	BAYVIEW LOAN SERVICING LLC 4425 PONCE DE LEON BLVD CORAL GABLES, FL 33146	1650 NE 27 Ave POMPANO BEACH, FL 33062 484330060070 CALIBAN AMENDED PLAT 27- 17 B LOT 26	12/19/2015					
<b>Book/Page</b>	<b>Contractor</b>				<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>
	TRADITIONAL SERVICES				\$726.75	\$101.00	\$827.75	\$0.00	\$827.75
12/19/2014	71612	THOMAS,ANIES B 621 NW 15 MNR POMPANO BEACH, FL 33060	NW 4 Ct POMPANO BEACH, FL 33069 #lot next to 2156 nw 4 ct 484233020680 COLLIER CITY 31-1 B LOT 71	1/24/2015					
<b>Book/Page</b>	<b>Contractor</b>				<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>
	FLOYD ROBINSON LAWN & TREE SERVICES				\$291.11	\$101.00	\$392.11	\$0.00	\$392.11
12/19/2014	71611	SUMA,IVONE D 221 NE 18 AVE POMPANO BEACH, FL 33060	2149 NW 3 St POMPANO BEACH, FL 33069 484233021320 COLLIER CITY 31-1 B LOT 138	1/26/2015					
<b>Book/Page</b>	<b>Contractor</b>				<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>
	FLOYD ROBINSON LAWN & TREE SERVICES				\$378.23	\$101.00	\$479.23	\$0.00	\$479.23
12/19/2014	71610	BROUN,SAMANTHA ANN 13131 SW 19 DR MIRAMAR, FL 33027	2140 NW 3 St POMPANO BEACH, FL 33069 484233021670 COLLIER CITY 31-1 B LOT 170	1/26/2015					
<b>Book/Page</b>	<b>Contractor</b>				<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>
	FLOYD ROBINSON LAWN & TREE SERVICES				\$280.82	\$101.00	\$381.82	\$0.00	\$381.82

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

Resolution No. 4/28/2015

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
12/22/2014	71504	DIXON, ANDRE 20401 NW 2 AVE #300 MIAMI, FL 33169	1091 NW 24 Ave POMPANO BEACH, FL 33069 484233060110 ESQUIRE LAKE ESTATES SEC 1 62-20 B LOT 11 BLK 3	1/24/2015					
<b>Book/Page</b>	<b>Contractor</b>		<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>		
	FLOYD ROBINSON LAWN & TREE SERVICES		\$811.36	\$101.00	\$912.36	\$0.00	\$912.36		
1/9/2015	71682	JEHS, JULIA 2789 EAGLE ROCK CIR UNIT 204 WEST PALM BEACH, FL 33411	3049 NW 4 St POMPANO BEACH, FL 33069 484233045660 33-48-42 W 50 OF E 485 OF S1/5 OF SE1/4 OF NW1/4 OF SW1/4 LESS S 25 AKA 935 CC	1/24/2015					
<b>Book/Page</b>	<b>Contractor</b>		<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>		
	FLOYD ROBINSON LAWN & TREE SERVICES		\$395.72	\$101.00	\$496.72	\$0.00	\$496.72		
1/9/2015	71660	TAULBERT, MOSES EST %WHITE, CLARA 3804 MIMOSA AVE BROKEN ARROW, OK 74011	NW 23 Ave POMPANO BEACH, FL 33069 ##190 NW 23 Avenue 484233054280 33-48-42 N1/5 OF SW1/4 OF SE1/4 OF SE1/4 E OF C/L NW 21 AVE LESS W 25 AKA TR 1- A	1/26/2015					
<b>Book/Page</b>	<b>Contractor</b>		<b>Abatement</b>	<b>Admin Fee</b>	<b>Total</b>	<b>Payment</b>	<b>Balance</b>		
	FLOYD ROBINSON LAWN & TREE SERVICES		\$1,057.32	\$101.00	\$1,158.32	\$0.00	\$1,158.32		

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

Resolution No. 4/28/2015

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
1/9/2015	71659	TERRY, GLADYS 301 NW 20 AVE POMPANO BEACH, FL 33069	NW 2 St POMPANO BEACH, FL 33069 ##FIRST LOT EAST OF LOT # 190 NW 23 AVE/ NW 2 ST 484233054282 33-48-42 W 69.6 OF W1/2 OF N1/5 OF SE1/4 OF SE1/4 OF SE1/4 LESS N 25 A/K/A PT TR A CC	1/26/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	FLOYD ROBINSON LAWN & TREE SERVICES				\$714.52	\$101.00	\$815.52	\$0.00	\$815.52

<b>Total Cases for Nuisance Abatement</b>	12
<b>Total Cost of Abatement</b>	\$7,133.06
<b>Total Administrative Cost</b>	\$1,212.00
<b>Total Cost of Nuisance Abatement</b>	\$8,345.06
<b>Total Payments</b>	\$0.00
<b>Balance</b>	\$8,345.06