

Meeting Date: March 8, 2016

Agenda Item 1D
Memorandum No. 16-088

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop

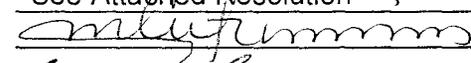
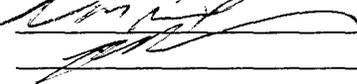
SHORT TITLE OR MOTION: A RESOLUTION ASSESSING AS A LIEN THE CITY'S COST TO ABATE PUBLIC NUISANCES ON REAL PROPERTIES IN THE TOTAL AMOUNT OF \$13,712.68.

Summary of Purpose and Why:

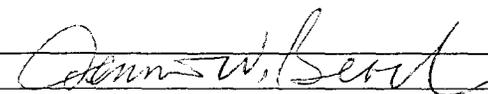
The Code Compliance Division had **23** parcels cleared of nuisance violations through the Nuisance Abatement Program. In that the respective owners have failed to pay for the costs and administrative fees, it is necessary to place a lien against the property. In order to place these liens the City Commission 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
Building Division	02/22/16	Approval	<u>See Attached Resolution</u>
Dev. Services	02/22/16	Approval	
City Attorney	02/22/16	Approval	

Advisory Board
 City Manager 



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading	1st Reading	Results:	Results:
2 nd 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 _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
2/10/16
l:reso/2016-131

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
3/23/2015	76659	SOVEREIGN BANK FSB PO BOX 12646 READING, PA 19612	200 NE 18 St POMPANO BEACH, FL 33060 484226061920 KENDALL GREEN SEC A 43-49 B LOT 6 BLK 11	4/16/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	SKKV PROPERTY MAINTENANCE				\$315.00	\$101.00	\$416.00	\$0.00	\$416.00
4/10/2015	78257	FLORIDA EAST COAST RAILWAY LLC 7411 FULLERTON ST STE 300 JACKSONVILLE, FL 32256	No Address #LYING E OF DIXIE HWY 484224000050 24-48-42 FEC RAILROAD R/W 100 FT WIDE IN THE SW1/4 & NW1/4 OF SEC 244842, LYING E OF DIXIE HWY	5/13/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	PRECISON CUTS LAWN CARE AND MAINTENANCE SERVICES, INC				\$2,500.00	\$101.00	\$2,601.00	\$0.00	\$2,601.00
5/6/2015	80041	COCHRAN,CHRISTOPHER R COCHRAN,ROBERT BALINE JR ETAL 5911 GRANDVILLE RD TAMPA, FL 33617	1200 NE 27 Ave POMPANO BEACH, FL 33062 484330230250 HARBOR VILLAGE SEC H 45- 46 B LOT 13 BLK 3	6/19/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	R&A WOOD ENTERPRISES INC				\$337.36	\$101.00	\$438.36	\$0.00	\$438.36
5/8/2015	80228	7TH CAVALRY CORP % JOEL ISRAEL 2501 ANTIGUA TER APT E2 COCONUT CREEK , FL 33066-1017	MARTIN LUTHER KING Blvd POMPANO BEACH, FL 33060 484235220070 BEVILL & SAXONS ADD 3-2 B LOT 12 LESS N 8	6/19/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
		R&A WOOD ENTERPRISES INC			\$166.40	\$101.00	\$267.40	\$0.00	\$267.40
5/8/2015	80224	TARPON IV LLC 18305 Biscayne Blvd #400 AVENTURA, FL 33160	141 NW 11 St POMPANO BEACH, FL 33060 484235320010 MONTICELLO PARK AMENDED PLAT 16-21 B LOT 1 BLK 1	6/19/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	R&R WOODS ENTERPRISES INC				\$624.00	\$101.00	\$725.00	\$0.00	\$725.00
5/28/2015	82076	POMPANO MASONRY CORP %JULIAN M BRESLOW 880 S ANDREWS AVE POMPANO BEACH, FL 33069	SW 8 St POMPANO BEACH, FL 33069 494202030850 FAIRVIEW AMENDED PLAT 10 -25 B LOT 10,11,12 LESS W 30 BLK 10	6/19/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	R & A WOODS ENTERPRISES INC				\$745.20	\$101.00	\$846.20	\$0.00	\$846.20
6/1/2015	82433	BROWARD COUNTY URBAN GROUP LLC PO BOX 53 DANIA BEACH, FL 33004	2801 NW 4 St POMPANO BEACH, FL 33069 484233045870 33-48-42 E 50 OF S1/5 OF SW1/4 OF NE1/4 OF SW1/4 LESS S 25 AKA 956 CC	7/1/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	IRF IRRIGATION LLC				\$154.90	\$101.00	\$255.90	\$0.00	\$255.90

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue	Case	Owner info	Address/Folio/Legal Desc	Date Abated					
6/2/2015	82470	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	6/27/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	R&R HONEST LAWN SERVICES				\$395.72	\$101.00	\$496.72	\$0.00	\$496.72
6/2/2015	82501	RECONOR MIAMI LLC %GERARDO AMZEL PO BOX 546812 MIAMI BEACH , FL 33154-8812	690 HAMMONDVILLE Rd POMPANO BEACH, FL 33060 484235210210 NELSON PARK 2-95 PB LOT 24 LESS S 42	6/26/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	FLOYD ROBINSON LAWN & TREE SERVICES				\$84.51	\$101.00	\$185.51	\$0.00	\$185.51
6/2/2015	82505	RECONOR MIAMI LLC % GERARDO AMZEL PO BOX 546812 MIAMI BEACH , FL 33154-8812	236 NW 7 Ave POMPANO BEACH, FL 33060 484235210080 NELSON PARK 2-95 FB LOT 10 LESS N 8	6/26/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	FLOYD ROBINSON LAWN & TREE SERVICES				\$166.41	\$101.00	\$267.41	\$0.00	\$267.41
6/2/2015	82487	WILLIAMSON,GEORGE A EST 1111 SE 3 AVE FORT LAUDERDALE, FL 33316	NW 10 Ave POMPANO BEACH, FL 33060 #lot next 612 nw 10 ave 484235410120 SCOTTS PARK FIRST ADD 23- 44 B LOT 5 BLK 2	6/25/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
		CREATIVE LAWN MAINTENANCE, LLC			\$385.88	\$101.00	\$486.88	\$0.00	\$486.88
6/2/2015	82485	MONTESTE, FEDLINE 3120 NW 99 ST MIAMI, FL 33141	504 NW 10 Ave POMPANO BEACH, FL 33060 484235400260 SCOTT'S PARK 19-38 B LOT 15 BLK 2	6/25/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	CREATIVE LAWN MAINTENANCE				\$262.69	\$101.00	\$363.69	\$0.00	\$363.69
6/2/2015	82483	THALLER, SIVAN 191 BRIGHTON E BOCA RATON, FL 33434	508 NW 10 Ave POMPANO BEACH, FL 33060 484235400270 SCOTT'S PARK 19-38 B LOT 16 BLK 2	6/25/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	CREATIVE LAWN MAINTENANCE LLC				\$252.69	\$101.00	\$353.69	\$0.00	\$353.69
6/2/2015	82529	KING, F & EMMA L 613 NW 15 AVE POMPANO BEACH, FL 33069	109 NW 16 Ave POMPANO BEACH, FL 33069 484234030740 SEABOARD HIGHLANDS ADDITION 19-13 B LOT 14 BLK 6	6/24/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	SKKV PROPERTY MAINTENANCE				\$305.19	\$101.00	\$406.19	\$0.00	\$406.19

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
6/2/2015	82473	NANAN,CLANCY 4848 SW 25 AVE FORT LAUDERDALE, FL 33312	NW 6 St POMPANO BEACH, FL 33060 #Across from 607 NW 8TH AVE 484235030060 35-48-42 N 82.84 OF S 107.84 OF E 141.5 OF E1/2 OF NW1/4 OF NW1/4 OF SW1/4	6/25/2015					
Book/Page	Contractor		Abatement	Admin Fee	Total	Payment	Balance		
	CREATIVE LAWN MAINTENANCE		\$392.87	\$101.00	\$493.87	\$0.00	\$493.87		
6/3/2015	82650	HICKS,IDA L 1478 NEW HOPE ROAD SNEEDVILLE, TN 37869	NW 8 St POMPANO BEACH, FL 33069 #VACANT LOT EAST OF 1870 NW 8 ST 484234040630 HUNTER'S MANOR 19-27 B LOT 9 E 50 LESS N 25 & LESS S 150 BLK 11	6/25/2015					
Book/Page	Contractor		Abatement	Admin Fee	Total	Payment	Balance		
	SKKV PROPERTY MAINTENANCE		\$315.00	\$101.00	\$416.00	\$0.00	\$416.00		
6/3/2015	82652	CANION,RANDOLPH EST % CANION,AUDREY 470 E MCNAB RD APT 3 POMPANO BEACH, FL 33060-9335	NW 7 St POMPANO BEACH, FL 33069 #LOT SE OF 1870 NW 8 ST 484234040650 HUNTER'S MANOR 19-27 B LOT 9 N 50 OF S 150 OF E 50 BLK 11	6/25/2015					
Book/Page	Contractor		Abatement	Admin Fee	Total	Payment	Balance		
	SKKV PROPERTY MAINTENANCE		\$320.63	\$101.00	\$421.63	\$0.00	\$421.63		

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
6/3/2015	82653	CANION,RANDOLPH EST % CANION,AUDREY 470 E MCNAB RD APT 3 POMPANO BEACH, FL 33060-9335	NW 7 St POMPANO BEACH, FL 33069 #LOT SOUTH OF 1870 NW 8 ST 484234040660 HUNTER'S MANOR 19-27 B LOT 9 W 50 OF N 50 OF E 100 OF S 150 BLK 11	6/25/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	SKKV PROPERTY MAINTENANCE				\$320.63	\$101.00	\$421.63	\$0.00	\$421.63
6/3/2015	82655	TAULBERT,MOSES EST %TAULBERT,CLIFTON 7802 S LOUISVILLE AVE TULSA , OK 74136	NW 23 Ave POMPANO BEACH, FL 33069 #lot behind 2270 NW 2ND ST 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	6/26/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	R&R HONEST MAN LAEN SERVICE				\$1,318.92	\$101.00	\$1,419.92	\$0.00	\$1,419.92
6/4/2015	82712	JOHNSON,DEMEKO & JOHNSON,VINCE 3102 BAYBERRY WAY MARGATE, FL 33063	NW 5 St POMPANO BEACH, FL 33069 #LOT WEST OF 3019 NW 5 ST 484233044440 33-48-42 W 50 OF E 285 OF N1/5 OF SE1/4 OF NW1/4 OF SW1/4 LESS S 25 FOR ST AKA 787 CC	6/23/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	PRECISON CUTS LAWN CARE AND MAINTENANCE SERVICES, INC				\$464.22	\$101.00	\$565.22	\$0.00	\$565.22

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated					
6/4/2015	82694	TAYLOR,EVERLINE EST % TYRONE L TAYLOR 730 NE 25 ST POMPANO BEACH, FL 33064	2432 NW 8 St POMPANO BEACH, FL 33069 484233050350 33-48-42 E 60 OF W 330 OF N1/2 OF S2/5 OF SE1/4 OF SW1/4 OF NE1/4 LESS N 25 FOR ST AKA 1199 CC	6/26/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	R&R HONESTMAN LAWN SERVICE				\$472.68	\$101.00	\$573.68	\$0.00	\$573.68
6/4/2015	82715	IQ INVESTMENTS LLC 5079 N DIXIE HWY #270 OAKLAND PARK, FL 33334	NW 6 Ct POMPANO BEACH, FL 33069 #lot next 3040 nw 6 ct 484233120040 COLLIER CITY ADD NO 2 74- 14 B LOT 779 W 1,1158	6/25/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	R&R HONEST MAN LAWN SERVICE				\$325.32	\$101.00	\$426.32	\$0.00	\$426.32
7/20/2015	86015	SOVEREIGN BANK FSB PO BOX 12646 READING, PA 19612	200 NE 18 St POMPANO BEACH, FL 33060 484226061920 KENDALL GREEN SEC A 43-49 B LOT 6 BLK 11	8/18/2015					
Book/Page	Contractor				Abatement	Admin Fee	Total	Payment	Balance
	CREATIVE LAWN MAINTENANCE				\$763.46	\$101.00	\$864.46	\$0.00	\$864.46

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 3/8/2016

Date Issue Case Owner Info Address/Folio/Legal Desc Date Abated

Total Cases for Nuisance Abatement	23
Total Cost of Abatement	\$11,389.68
Total Administrative Cost	\$2,323.00
Total Cost of Nuisance Abatement	\$13,712.68
Total Payments	\$0.00
Balance	\$13,712.68