

Meeting Date: 9/22/09

Agenda Item 13  
Memorandum No. 09-324

REQUESTED COMMISSION ACTION:

Consent     Ordinance     Resolution     Consideration     Workshop

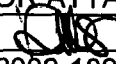
SHORT TITLE OR MOTION: A RESOLUTION TO CHAPTER 96 OF THE CODE OF ORDINANCES ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCES ON REAL PROPERTY(IES), ASSESSMENT AND ATTENDANT ADMINISTRATION, INSPECTION AND COLLECTION COSTS AND ATTORNEY'S FEES.

Summary of Purpose and Why:

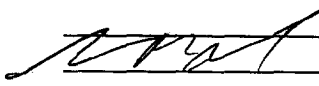
The Code Enforcement Division had 16 parcels cleared of nuisance violations through the Nuisance Abatement Program. In that the respective owners have failed to pay for the costs and administrative fees, it is necessary to place a lien against the property. In order to place these liens the City Commission is required by Section 96.32 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: Barbara Schubert / Robin M. Bird Ext. 4519 / 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	9/9/09	Approval	 2009-1892
City Attorney	9/8/09	--	

- Advisory Board
- Development Services Director
- Interim City Manager

  
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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 CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCES ON REAL PROPERTY(IES) LOCATED WITHIN THE CITY OF POMPANO BEACH; SETTING FORTH ACTUAL COSTS THE CITY INCURRED TO ABATE SAID NUISANCE(S); PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT AND ATTENDANT ADMINISTRATION, INSPECTION AND COLLECTION COSTS, INCLUDING A REASONABLE ATTORNEY'S FEE, SHALL BECOME EFFECTIVE AS A LIEN AGAINST THE PROPERTY(IES); PROVIDING THAT SAID ASSESSMENT SHALL BEAR INTEREST AS SET FORTH IN § 55.03, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in violation of the provisions of Chapter 96 of the Code of Ordinances of the City of Pompano Beach entitled, "Health and Safety" (the "Code"), the City Manager or the City Manager's agent or assigns (the "City's designated representative"), declared that public nuisance conditions existed on the real properties described in the list attached hereto and made a part hereof as Exhibit 1;

**WHEREAS**, 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 and the cost thereof, including inspection,

administration and collection costs as well as a reasonable attorney's fee, 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 the conditions on the property(ies) constituted a public nuisance and the owner(s) thereafter failed to timely abate the subject nuisance(s);

**WHEREAS**, the City, through agents or contractors, did therefore enter upon the property(ies) and incur costs to abate the subject 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, administration and collection costs as well as a reasonable attorney's fee, which shall serve as a lien against the property(ies) described in Exhibit 1 to this Resolution; now, therefore

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

**SECTION 1.** That assessments in the individual amount(s) set forth in Exhibit 1 are hereby levied against the subject property(ies) and shall serve as a lien which may be foreclosed in the same manner as mortgages are foreclosed under state law.

**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 to the property owner.

**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, administration and collection costs as well as a reasonable attorney's fee. 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.** That this Resolution shall become effective immediately from the date of adoption.

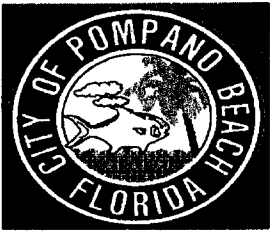
**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

**ATTEST:**

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

FP/ds  
7/17/09  
l:reso/2009-277



CODE ENFORCEMENT  
 PUBLIC SAFETY BUILDING  
 100 SW 3rd STREET  
 POMPANO BEACH FL 33060

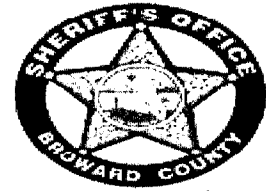
# NUISANCE ABATEMENT

Batch/Quote Number: Q-08-038T

Status Type: AC

For Department: CL

Case Type: NAB



*Pride in Service with Integrity*  
 BROWARD SHERIFF'S OFFICE  
 DISTRICT 11  
 POMPANO BEACH

Case #	Owner Name Owner Address	Property Address Folio Number Legal Description	Cost of Abatement Administrative Cost Total Cost
08-2073	BUETTNER, LUISE 1341 SE 3RD TER  POMPANO BEACH, FL 33060-9208	1341 SE 3 TE 9201201180 CYPRESS HARBOR 1ST SEC 45-40 B LOT 12 BLK 8	Cost of Abate: 175.00 Administrative Cost: 101.00 <hr/> Total Cost: 276.00

Total Cases for Nuisance Abatement: 1  
 Total Cost of Abatement: 175.00  
 Total Administrative Cost: 101.00  
 Total Cost of Nuisance Abatement: 276.00



**CODE ENFORCEMENT  
PUBLIC SAFETY BUILDING  
100 SW 3rd STREET  
POMPANO BEACH FL 33060**

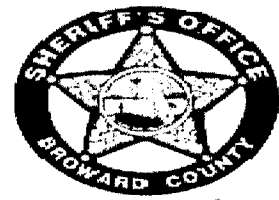
# NUISANCE ABATEMENT

Batch/Quote Number: Q-08-042T

Status Type: AC

For Department: CL

Case Type: NAB



*Pride in Service with Integrity*  
**BROWARD SHERIFF'S OFFICE  
DISTRICT 11  
POMPANO BEACH**

Case #	Owner Name Owner Address	Property Address Folio Number Legal Description	Cost of Abatement Administrative Cost Total Cost
08-2225	YEARBY,FRANKLIN PO BOX 816014  HOLLYWOOD, FL 33081-	3050 NW 6 CT 8233120040 COLLIER CITY ADD NO 2 74-14 B LOT 779 W 1,1158	Cost of Abate: 250.00 <u>Administrative Cost: 101.00</u> Total Cost: 351.00
08-2226	FEDERAL NATIONAL MTGE ASSN PO BOX 35005  WASHINGTON, DC 20012-	2661 NW 6 CT 8233110951 COLLIER CITY ADD 73-47 B LOT 100 W 61	Cost of Abate: 80.00 <u>Administrative Cost: 101.00</u> Total Cost: 181.00
08-2227	ROBERTS,JAMES W JR % FLORA R ROBERTS 1261 NW 68TH TER MIAMI, FL 33147-7139	2812 NW 2 ST 8233047510 33-48-42 E 50 OF W 150 OF E1/2 OF S1/5 OF NW1/4 OF SE1/4 OF SW1/4 AKA: 1137 CC	Cost of Abate: 125.00 <u>Administrative Cost: 101.00</u> Total Cost: 226.00
08-2228	ROBERTS,MARTIN B % J B ROBERTS 1245 NW 68TH TER MIAMI, FL 33147-7139	2808 NW 2 ST 8233047500 33-48-42 E 50 OF W 200 OF E1/2 OF S1/5 OF NW1/4 OF SE1/4 OF SW1/4 LESS N 25 AKA: 1136 CC	Cost of Abate: 125.00 <u>Administrative Cost: 101.00</u> Total Cost: 226.00
08-2229	ROZIER,LATOYA 2900 NW 2 ST  POMPANO BEACH, FL 33069-2594	2900 NW 2 ST 8233047520 33-48-42 E 50 OF W 100 OF E1/2 OF S1/5 OF NW1/4 OF SE1/4 OF SW1/4 LESS N 25 FOR ST AKA 1138 CC	Cost of Abate: 250.00 <u>Administrative Cost: 101.00</u> Total Cost: 351.00

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08-2341 GOLDSTEIN,PAUL &  
FULLWOOD,EUGENE W  
3525 GRIFFIN ROAD  
FT LAUDERDALE, FL 33312-

1080 SE 3 ST  
9201031020  
OCEAN DRIVE ESTATES 8-2 B LOT  
23 BLK 6

Cost of Abate: 50.00  
Administrative Cost: 101.00  
Total Cost: 151.00

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**Total Cases for Nuisance Abatement:** 6  
**Total Cost of Abatement:** 880.00  
**Total Administrative Cost :** 606.00  
**Total Cost of Nuisance Abatement:** 1,486.00



CODE ENFORCEMENT  
 PUBLIC SAFETY BUILDING  
 100 SW 3rd STREET  
 POMPANO BEACH FL 33060

# NUISANCE ABATEMENT

Batch/Quote Number: Q-09-002T

Status Type: AC

For Department: CL

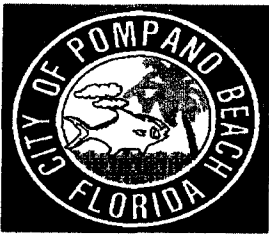
Case Type: NAB



*Pride in Service with Integrity*  
 BROWARD SHERIFF'S OFFICE  
 DISTRICT 11  
 POMPANO BEACH

Case #	Owner Name Owner Address	Property Address Folio Number Legal Description	Cost of Abatement	
			Administrative Cost	Total Cost
08-3153	REIMER, ARMIN 1120 NE 42ND CT  POMPANO BEACH, FL 33064-	1120 NE 42 CT 8213020920 PINE BEACH 4-7 B LOT 6 LESS S 10,7 LESS S 10, 8 W 10 LESS S 10 BLK 12	Cost of Abate: 250.00 Administrative Cost: 101.00	<u>351.00</u>

Total Cases for Nuisance Abatement: 1  
 Total Cost of Abatement: 250.00  
 Total Administrative Cost: 101.00  
 Total Cost of Nuisance Abatement: 351.00



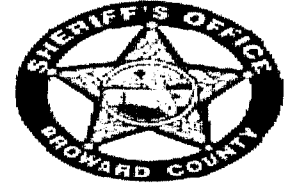
# NUISANCE ABATEMENT

Batch/Quote Number: Q-09-004T

Status Type: AC

For Department: CL

Case Type: NAB

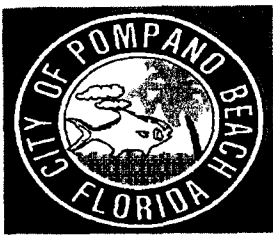


*Pride in Service with Integrity*  
**BROWARD SHERIFF'S OFFICE**  
DISTRICT 11  
POMPANO BEACH

**CODE ENFORCEMENT**  
**PUBLIC SAFETY BUILDING**  
100 SW 3rd STREET  
POMPANO BEACH FL 33060

Case #	Owner Name Owner Address	Property Address Folio Number Legal Description	Cost of Abatement Administrative Cost Total Cost
08-3257	LANDOSKEY, MARIA T 5621 NW 66 AVE  CORAL SPRINGS, FL 33067-	3750 NE 15 AV 8318013020 NORTH POMPANO BEACH SEC A 29-15 B LOT 39 BLK 8	Cost of Abate: 60.00 <u>Administrative Cost: 101.00</u> Total Cost: 161.00
08-3258	CHRIST, CHRISTOPHER & MELISSA PO BOX 944  POMPANO BEACH, FL 33061-	4100 NE 15 AV 8213060740 POMPANO BEACH HIGHLANDS 5TH SEC 42-21 B LOT 20 BLK 65	Cost of Abate: 70.00 <u>Administrative Cost: 101.00</u> Total Cost: 171.00
08-3259	CORBETT, CHRIS 5228 NE 18 TER  POMPANO BEACH, FL 33064-	5228 NE 18 TE 8307041500 POMPANO BEACH HIGHLANDS 2ND SEC 36-21 B LOT 4 BLK 21	Cost of Abate: 140.00 <u>Administrative Cost: 101.00</u> Total Cost: 241.00
08-3271	BENNETT, JOSEPHINE P PO BOX 6263  POMPANO BEACH, FL 33060-	2321 NW 3 ST 8233021430 COLLIER CITY 31-1 B LOT 147,148	Cost of Abate: 384.00 <u>Administrative Cost: 101.00</u> Total Cost: 485.00

**Total Cases for Nuisance Abatement:** 4  
**Total Cost of Abatement:** 654.00  
**Total Administrative Cost :** 404.00  
**Total Cost of Nuisance Abatement:** 1,058.00



CODE ENFORCEMENT  
PUBLIC SAFETY BUILDING  
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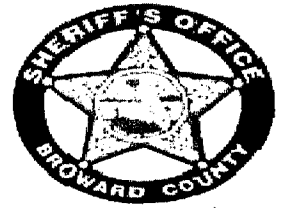
# NUISANCE ABATEMENT

Batch/Quote Number: Q-09-013T

Status Type: AC

For Department: CL

Case Type: NAB



*Pride in Service with Integrity*  
BROWARD SHERIFF'S OFFICE  
DISTRICT 11  
POMPANO BEACH

Case #	Owner Name Owner Address	Property Address Folio Number Legal Description	Cost of Abatement Administrative Cost Total Cost
8-3502	RODRIGUEZ, JOSELINE & TEJADA, EFRAIN 735 PARK AVE 1-H PLAINFIELD, NJ 07060-	1560 NE 28 ST 8224070410 COLLIER MANOR 34-45 B LOT 13 BLK 2	Cost of Abate: 60.00 Administrative Cost: 101.00 <u>Total Cost: 161.00</u>
8-3503	ABOLSKY & ROZENBLAT LLC 800 E HALLANDALE BEACH BLVD 15  HALLANDALE, FL 33009-	2348 SE 13 CT 9306130340 POMPANO ISLES 27-15 B LOT 34 BLK 1	Cost of Abate: 50.00 Administrative Cost: 101.00 <u>Total Cost: 151.00</u>
8-3504	DAVIDSON, NINA 1091 HARWOOD F BLVD  DEERFIELD BEACH, FL 33442-	311 NW 20 AV 8234060170 HUNTERS MANOR RESUB LOTS 1 TO 5 BLK 2 30-48 B LOT 11 BLK B	Cost of Abate: 60.00 Administrative Cost: 101.00 <u>Total Cost: 161.00</u>
8-3505	HOLLAND, CLAUDIA A EST % MARK A VALENTINE 4770 BISCAYNE BLVD #1150 MIAMI, FL 33137-	2101 NW 4 ST 8233020770 COLLIER CITY 31-1 B LOT 82	Cost of Abate: 80.00 Administrative Cost: 101.00 <u>Total Cost: 181.00</u>

Total Cases for Nuisance Abatement: 4  
Total Cost of Abatement: 250.00  
Total Administrative Cost: 404.00  
Total Cost of Nuisance Abatement: 654.00