RESOLUTION 12-R94

COUNCIL ITEM 11A
DATE 8/20/12

A RESOLUTION IDENTIFYING CERTAIN PROPERTY WITHIN THE CITY OF PORT ST. LUCIE A THREAT TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY PURSUANT TO CHAPTER 40 OF THE PORT ST. LUCIE CITY CODE; PROVIDING FOR A HEARING DATE TO DETERMINE WHETHER THE AFFECTED PROPERTIES SHOULD BE FOUND A PUBLIC NUISANCE; PROVIDING NOTICE TO THE OWNERS AND MORTGAGEE(S) OF THE PROPERTIES OF SAID HEARING DATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Conditions exist on certain properties located within the City of Port St. Lucie located at:

- 1001 SW Deauville Avenue
- 1247 SE Nancy Lane
- 2012 SE Pyramid Road
- 2881 SE San Jeronimo Road
- 3108 SE Overbrook Drive
- 4665 SW Vahalla Street

WHEREAS, the property and conditions thereof are more specifically identified and described in Exhibits A, B, C, D, E, and F, attached hereto and incorporated herein; and

WHEREAS, the conditions violate Port St. Lucie City Code Chapter 41; and

WHEREAS, the owners and mortgagees of said properties shall be provided notice of the apparent violation(s) and shall have the opportunity to be heard as to why said properties should not be declared a public nuisance pursuant to Chapter 40, Port St. Lucie City Code; and

WHEREAS, the owners and mortgagees are hereby informed that a failure to timely respond to this notice and/or appear at the hearing as set forth herein shall be deemed an admission of the existence of a public nuisance on the property at issue and may result in abatement of the nuisance by the City; and

WHEREAS, the cost of such abatement by the City shall constitute a special assessment against said properties;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE THAT:

Section 1. Conditions exist on certain property as set forth herein, which violate Chapter 41, Port St. Lucie City Code and constitute a threat to the public health, safety, and general welfare.

Section 2. The property owners and mortgagees of record shall be notified of this proceeding by service pursuant to Port St. Lucie City Code Section 40.17(3).

Section 3. A show cause hearing shall be set upon proper service of the parties having been made in the Chambers of the Port St. Lucie City Council, located at City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. Further information concerning the hearing may be obtained by calling the Legal Department of the City of Port St. Lucie at 772-873-6525.

Section 4. At said hearing, the property owners and mortgagees of the property may present all evidence and argument to show cause why the removal or abatement of the violations on their property should not be required.

Section 5. If good and sufficient cause cannot be shown, the City Council upon review of each property, evidence, and argument may declare such property a public nuisance and shall require the removal or abatement of the public nuisance by the property owner and mortgagee because of the unlawful condition and detriment to the community.

Section 6. If the property owner or mortgagee fails to abate the nuisance, the City may do so with City forces or by independent contractor and levy the cost of the abatement against the property as a special assessment.

Section 7. In the event this Resolution is challenged or found invalid as it may affect any individual property identified herein, it shall not affect the validity of this Resolution as to the remaining properties.

Section 8. This Resolution becomes effective immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 20th day of August, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By:_____
JoAnn M. Faiella, Mayor

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:_____
Roger G. Orr, City Attorney

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EXHIBIT A

ORDER TO SHOW CAUSE
CITY OF PORT ST. LUCIE NUISANCE ABATEMENT

YOU ARE HEREBY ORDERED TO SHOW CAUSE:

A condition exists on certain property as set forth below, which constitutes a nuisance pursuant to Chapter 40, Port St. Lucie City Code and constitutes a threat to the public health, safety, and general welfare.

Address:

1001 SW Deauville Avenue, Port St. Lucie, Florida 34953

Legal Description:

Lot 9, Block 1445, Port St. Lucie Section Fifteen according to the Plat thereof, as recorded in Plat Book 13, Page 6 of the Public Records of St. Lucie County, Florida.

Pursuant to a search of the St. Lucie County Property Appraiser's records and St. Lucie County public records the property appears to be owned by: Rory Dowling and Elizabeth Dowling.

The Bank of New York Mellon, F/K/A The Bank of New York may have an interest in the property as owner or mortgagee.

The conditions at issue violate Port St. Lucie City Code Sections 41.08(b), 41.08(d), 41.09(a) and 41.09(b), and are more fully described as high grass and weeds, accessory structure in need of repair, unmaintained and unsecure pool.

A hearing is set for the 17th day of September, 2012 at 2:00 P.M. in the Chambers of the Port St. Lucie City Council, located at City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. A failure to respond or appear at the hearing shall be deemed an admission of the existence of a public nuisance and may result in the abatement of the nuisance by the City. Further information concerning the hearing may be obtained by calling the Legal Department of the City of Port St. Lucie at 772-873-6525.

At said hearing, the property owner and mortgagee may present all evidence and argument to show cause why the removal or abatement of the public nuisance should not be required. If good and sufficient cause cannot be shown, the City Council may declare the property a public nuisance and shall require the removal or abatement of the public nuisance by the property owner not later than 21 days after such finding. If the property owner fails to abate the nuisance, the City may do so with City forces or by independent contractor and levy the cost of the abatement against the property as a special assessment. Such special assessment lien shall be coequal with the lien of all state, county, district, and municipal taxes and superior in dignity to mortgages and all other liens regardless of the date of recording. A failure to pay said lien may result in a loss of title to your property.

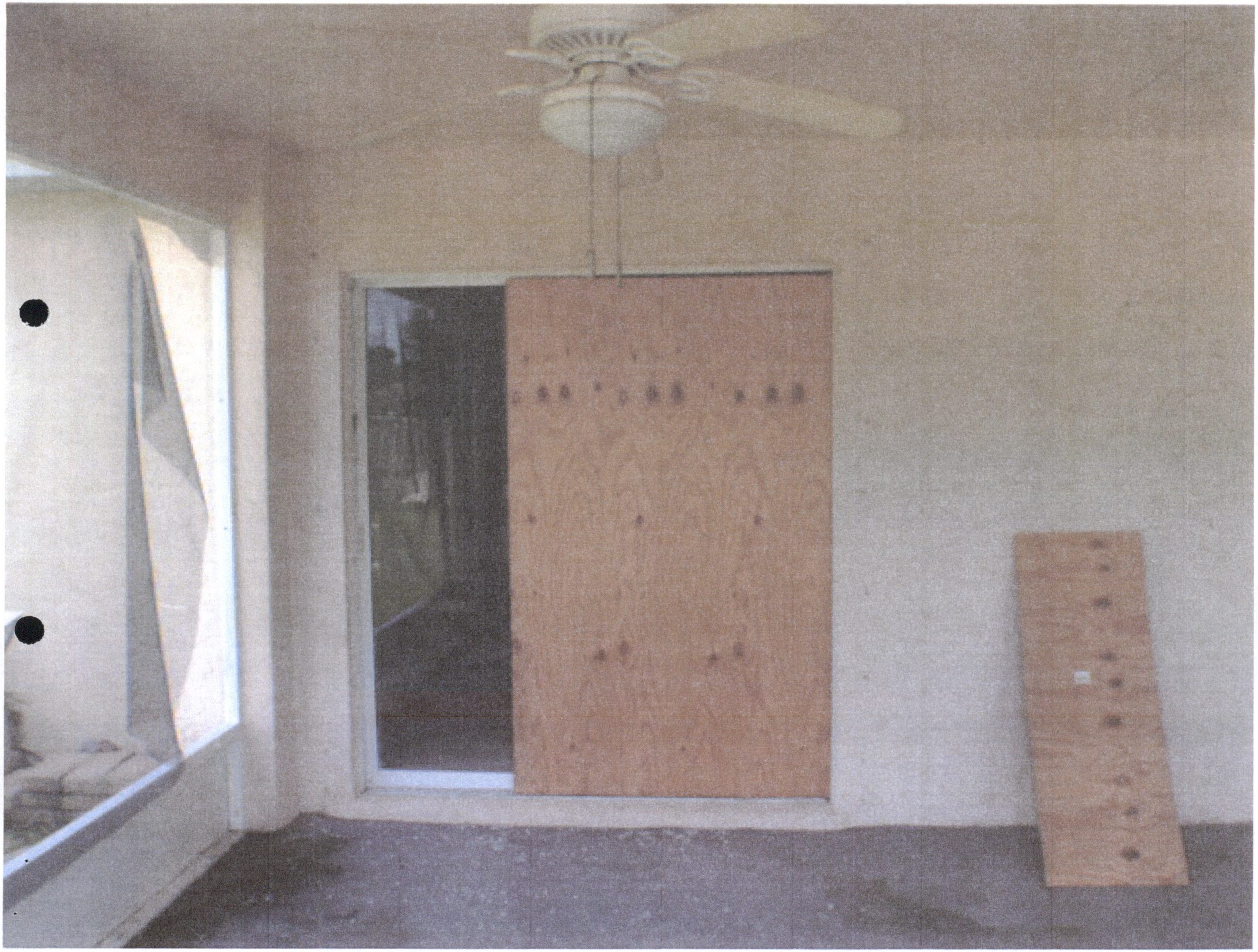

EXHIBIT B

ORDER TO SHOW CAUSE
CITY OF PORT ST. LUCIE NUISANCE ABATEMENT

YOU ARE HEREBY ORDERED TO SHOW CAUSE:

A condition exists on certain property as set forth below, which constitutes a nuisance pursuant to Chapter 40, Port St. Lucie City Code and constitutes a threat to the public health, safety, and general welfare.

Address:

1247 SE Nancy Lane, Port St. Lucie, Florida 34953

Legal Description:

Lot 7, Block 296, Port St. Lucie Section Two according to the Plat thereof, as recorded in Plat Book 12, Pages 12A through 12D of the Public Records of St. Lucie County, Florida.

Pursuant to a search of the St. Lucie County Property Appraiser's records and St. Lucie County public records the property appears to be owned by: Daniel Cotler.

Citimortgage may have an interest in the property as owner or mortgagee.

The conditions at issue violate Port St. Lucie City Code Sections 41.08(b), 41.09(a) and 41.09(b), and are more fully described as high grass and weeds, unmaintained and unsecure pool.

A hearing is set for the 17th day of September, 2012 at 2:00 P.M. in the Chambers of the Port St. Lucie City Council, located at City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. A failure to respond or appear at the hearing shall be deemed an admission of the existence of a public nuisance and may result in the abatement of the nuisance by the City. Further information concerning the hearing may be obtained by calling the Legal Department of the City of Port St. Lucie at 772-873-6525.

At said hearing, the property owner and mortgagee may present all evidence and argument to show cause why the removal or abatement of the public nuisance should not be required. If good and sufficient cause cannot be shown, the City Council may declare the property a public nuisance and shall require the removal or abatement of the public nuisance by the property owner not later than 21 days after such finding. If the property owner fails to abate the nuisance, the City may do so with City forces or by independent contractor and levy the cost of the abatement against the property as a special assessment. Such special assessment lien shall be coequal with the lien of all state, county, district, and municipal taxes and superior in dignity to mortgages and all other liens regardless of the date of recording. A failure to pay said lien may result in a loss of title to your property.

EXHIBIT C

ORDER TO SHOW CAUSE
CITY OF PORT ST. LUCIE NUISANCE ABATEMENT

YOU ARE HEREBY ORDERED TO SHOW CAUSE:

A condition exists on certain property as set forth below, which constitutes a nuisance pursuant to Chapter 40, Port St. Lucie City Code and constitutes a threat to the public health, safety, and general welfare.

Address:

2012 SE Pyramid Road, Port St. Lucie, Florida 34952

Legal Description:

Lot 2, Block 143, South Port St. Lucie Unit Eight, according to the Plat thereof, as recorded in Plat Book 14, Page 26 of the Public Records of St. Lucie County, Florida.

Pursuant to a search of the St. Lucie County Property Appraiser's records and St. Lucie County public records the property appears to be owned by: Curtis Grant and Cheryl E. Grant.

Federal National Mortgage Association may have an interest in the property as owner or mortgagee.

The conditions at issue violate Port St. Lucie City Code Sections 41.08(b), 41.09(a) and 41.09(b), and are more fully described as high grass and weeds, unmaintained and unsecure pool.

A hearing is set for the 17th day of September, 2012 at 2:00 P.M. in the Chambers of the Port St. Lucie City Council, located at City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. A failure to respond or appear at the hearing shall be deemed an admission of the existence of a public nuisance and may result in the abatement of the nuisance by the City. Further information concerning the hearing may be obtained by calling the Legal Department of the City of Port St. Lucie at 772-873-6525.

At said hearing, the property owner and mortgagee may present all evidence and argument to show cause why the removal or abatement of the public nuisance should not be required. If good and sufficient cause cannot be shown, the City Council may declare the property a public nuisance and shall require the removal or abatement of the public nuisance by the property owner not later than 21 days after such finding. If the property owner fails to abate the nuisance, the City may do so with City forces or by independent contractor and levy the cost of the abatement against the property as a special assessment. Such special assessment lien shall be coequal with the lien of all state, county, district, and municipal taxes and superior in dignity to mortgages and all other liens regardless of the date of recording. A failure to pay said lien may result in a loss of title to your property.

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EXHIBIT D

ORDER TO SHOW CAUSE
CITY OF PORT ST. LUCIE NUISANCE ABATEMENT

YOU ARE HEREBY ORDERED TO SHOW CAUSE:

A condition exists on certain property as set forth below, which constitutes a nuisance pursuant to Chapter 40, Port St. Lucie City Code and constitutes a threat to the public health, safety, and general welfare.

Address:

2881 SE San Jeronimo Road Port St. Lucie, Florida 34952

Legal Description:

The Southerly one half (1/2) of Lot 2 and all of Lot 3, Block 164, South Port St. Lucie Unit Nine, according to the plat thereof as recorded in Plat Book 14, Page 27 of the Public Records of St. Lucie County, Florida.

Pursuant to a search of the St. Lucie County Property Appraiser's records and St. Lucie County public records the property appears to be owned by: William J. Brisky and Margaret A. Brisky.

JP Morgan Chase Bank, N.A., may have an interest in the property as owner or mortgagee.

The conditions at issue violate Port St. Lucie City Code Sections 41.08(b), 41.09(a), 41.09(b) and 41.10(b) and are more fully described as high grass and weeds, unmaintained and unsecure pool and torn screens on screen enclosure.

A hearing is set for the 17th day of September, 2012 at 2:00 P.M. in the Chambers of the Port St. Lucie City Council, located at City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. A failure to respond or appear at the hearing shall be deemed an admission of the existence of a public nuisance and may result in the abatement of the nuisance by the City. Further information concerning the hearing may be obtained by calling the Legal Department of the City of Port St. Lucie at 772-873-6525.

At said hearing, the property owner and mortgagee may present all evidence and argument to show cause why the removal or abatement of the public nuisance should not be required. If good and sufficient cause cannot be shown, the City Council may declare the property a public nuisance and shall require the removal or abatement of the public nuisance by the property owner not later than 21 days after such finding. If the property owner fails to abate the nuisance, the City may do so with City forces or by independent contractor and levy the cost of the abatement against the property as a special assessment. Such special assessment lien shall be coequal with the lien of all state, county, district, and municipal taxes and superior in dignity to mortgages and all other liens regardless of the date of recording. A failure to pay said lien may result in a loss of title to your property.

EXHIBIT E

ORDER TO SHOW CAUSE
CITY OF PORT ST. LUCIE NUISANCE ABATEMENT

YOU ARE HEREBY ORDERED TO SHOW CAUSE:

A condition exists on certain property as set forth below, which constitutes a nuisance pursuant to Chapter 40, Port St. Lucie City Code and constitutes a threat to the public health, safety, and general welfare.

Address:

3108 SE Overbrook Drive, Port St. Lucie, Florida 34952

Legal Description:

Lot 18, Block 10, South Port St. Lucie Unit Two, according to the map or plat thereof, as recorded in Plat Book 12, Page 45 of the Public Records of St. Lucie County, Florida.

Pursuant to a search of the St. Lucie County Property Appraiser's records and St. Lucie County public records the property appears to be owned by: Laurie Lisk.

JP Morgan Chase Bank, N.A., may have an interest in the property as owner or mortgagee.

The conditions at issue violate Port St. Lucie City Code Sections 41.08(b), 41.09(a), 41.09(b), 41.10(b) and 158.211 and are more fully described as high grass and weeds, unmaintained and unsecure pool, broken and boarded windows and open storage.

A hearing is set for the 17th day of September, 2012 at 2:00 P.M. in the Chambers of the Port St. Lucie City Council, located at City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. A failure to respond or appear at the hearing shall be deemed an admission of the existence of a public nuisance and may result in the abatement of the nuisance by the City. Further information concerning the hearing may be obtained by calling the Legal Department of the City of Port St. Lucie at 772-873-6525.

At said hearing, the property owner and mortgagee may present all evidence and argument to show cause why the removal or abatement of the public nuisance should not be required. If good and sufficient cause cannot be shown, the City Council may declare the property a public nuisance and shall require the removal or abatement of the public nuisance by the property owner not later than 21 days after such finding. If the property owner fails to abate the nuisance, the City may do so with City forces or by independent contractor and levy the cost of the abatement against the property as a special assessment. Such special assessment lien shall be coequal with the lien of all state, county, district, and municipal taxes and superior in dignity to mortgages and all other liens regardless of the date of recording. A failure to pay said lien may result in a loss of title to your property.

EXHIBIT F

ORDER TO SHOW CAUSE
CITY OF PORT ST. LUCIE NUISANCE ABATEMENT

YOU ARE HEREBY ORDERED TO SHOW CAUSE:

A condition exists on certain property as set forth below, which constitutes a nuisance pursuant to Chapter 40, Port St. Lucie City Code and constitutes a threat to the public health, safety, and general welfare.

Address:

4665 SW Vahalla Street, Port St. Lucie, Florida 34953

Legal Description:

Lot 4, Block 2280, South Port St. Lucie Section 33, according to the map or plat thereof, as recorded in Plat Book 15, Page 1, of the Public Records of St. Lucie County, Florida.

Pursuant to a search of the St. Lucie County Property Appraiser's records and St. Lucie County public records the property appears to be owned by: Nancy L. Wells.

The Bank of New York may have an interest in the property as owner or mortgagee.

The conditions at issue violate Port St. Lucie City Code Sections 41.08(b), 41.09(a) and 41.09(b) and are more fully described as high grass and weeds, unmaintained and unsecure pool.

A hearing is set for the 17th day of September, 2012 at 2:00 P.M. in the Chambers of the Port St. Lucie City Council, located at City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. A failure to respond or appear at the hearing shall be deemed an admission of the existence of a public nuisance and may result in the abatement of the nuisance by the City. Further information concerning the hearing may be obtained by calling the Legal Department of the City of Port St. Lucie at 772-873-6525.

At said hearing, the property owner and mortgagee may present all evidence and argument to show cause why the removal or abatement of the public nuisance should not be required. If good and sufficient cause cannot be shown, the City Council may declare the property a public nuisance and shall require the removal or abatement of the public nuisance by the property owner not later than 21 days after such finding. If the property owner fails to abate the nuisance, the City may do so with City forces or by independent contractor and levy the cost of the abatement against the property as a special assessment. Such special assessment lien shall be coequal with the lien of all state, county, district, and municipal taxes and superior in dignity to mortgages and all other liens regardless of the date of recording. A failure to pay said lien may result in a loss of title to your property.

MEMORANDUM

TO: GREGORY J. ORAVEC, CITY MANAGER

THRU: ROGER G. ORR, CITY ATTORNEY

FROM: STEFANIE BESKOVOYNE, ASSISTANT CITY ATTORNEY SB

DATE: AUGUST 9, 2012

SUBJECT: RESOLUTION TO DECLARE CERTAIN PROPERTIES WITHIN THE CITY OF PORT ST. LUCIE A THREAT TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY

Attached hereto please find a proposed Resolution declaring the following properties a threat to the health, safety, and general welfare of the community, and setting a hearing date, to be placed on the August 20, 2012 City Council agenda for consideration.

- 1001 SW Deauville Avenue
- 1247 SE Nancy Lane
- 2012 SE Pyramid Road
- 2881 SE San Jeronimo Road
- 3108 SE Overbrook Drive
- 4665 SW Vahalla Street

Should you have any further questions or need any additional information, please contact me at 873-6332.

SB/liw
Attach.

RECEIVED
AUG 14 2012
City Manager's Office

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