

RESOLUTION 20- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA DECLARING A PUBLIC NUISANCE AT THE PROPERTY LOCATED AT 749 NW CARDINAL DRIVE AFTER A SHOW CAUSE HEARING; AUTHORIZING THE CITY ATTORNEY TO FILE A COMPLAINT IN A COURT OF COMPETENT JURISDICTION FOR INJUNCTIVE RELIEF; PROVIDING FOR THE RECOVERY OF ABATEMENT COSTS AS A SPECIAL ASSESSMENT AGAINST THE PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, on October 12, 2020, the City of Port St. Lucie identified and declared a threat to the health, safety and general welfare of the community due to conditions of the property located at 749 NW Cardinal Drive, Port St. Lucie, Florida 34983 (the “Property”), legally described as follows:

LOT 9, BLOCK 61, PORT ST LUCIE SECTION TWENTY-FIVE, according to the plat thereof as recorded in Plat Book 25, Page(s) 13, 32A to 32I, of the public records of St. Lucie County, Florida; and

**WHEREAS**, according to the property appraiser’s records, Bruce V. Chambers (“Owner”) is the owner of the real property; and

**WHEREAS**, the City’s Code Compliance Special Magistrate has previously conducted public hearings and issued Orders finding violations of the City’s Code of Ordinances, requiring compliance, and imposing fines which currently exceed \$125,000.00; and

**WHEREAS**, certified copies of the Special Magistrate orders were subsequently recorded in the Public Records of St. Lucie County and constitute liens on the Property; and

**WHEREAS**, the Owner was served with notice and provided an order to show cause attached hereto as Exhibit “A” and hearing date pursuant to Port St. Lucie Code Section 40.17(3); and

**WHEREAS**, on October 12, 2020, the Owner failed to show cause why the condition should not be designated a public nuisance; and

**WHEREAS**, pursuant to Chapter 40, Port St. Lucie City Code, the City Council shall set a reasonable time for the condition to be abated; and

**WHEREAS**, should the Owner fail to abate the nuisance within the time set forth herein, the City, without further action of the Council, is hereby authorized to file a complaint for injunctive relief, post a bond in the amount of \$25,000 for authorization to enter the Property and abate the nuisance with City forces or an independent contractor and record the costs of abatement

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as a special assessment against the Property; and

**WHEREAS**, abatement of such nuisances constitutes a municipal service, which specifically benefits the property upon which the nuisance is abated and all costs incurred by the city in abating such nuisances shall be levied as a special assessment pursuant to section 170.201, Florida Statutes and/or all other applicable law; and

**WHEREAS**, the Council finds the apportionment of the assessment to be fair and equitable,

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

Section 1. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. The following conditions exist on the Property which are violations of the City's Code of Ordinances and constitute a threat to the public health, safety, and welfare of the community:

- |             |                                     |
|-------------|-------------------------------------|
| 41.10(M)(1) | Storm Shutters on home              |
| 41.08(B)    | Tall grass and weeds over 12 inches |
| 41.08(E)    | Inoperable vehicle                  |
| 154.05(C)   | Responsibility of Overgrowth        |
| 158.211     | Open Storage of misc. items         |

Section 3. A show cause hearing was held on **October 12, 2020**, in the Chambers of the Port St. Lucie City Council. A reasonable time to abate said nuisance by is not later than **November 1, 2020**. When or if the Owner abates the nuisance as directed herein, in order to prevent further action by the City, it is the Owner's responsibility to contact Neighborhood Services Department and request a re-inspection of the property. if it is found upon re-inspection that the nuisance has been abated as directed herein, no further action will be taken by the City and this matter will be dismissed. A failure by the Owner to appear at the show cause hearing shall be deemed an admission of the existence of a public nuisance on the Property.

Section 4. In the event the Owner has not abated the nuisance by the date set forth herein, the City shall file a complaint for injunctive relief seeking authorization from a court of competent jurisdiction to enter the premises and abate the nuisance with City forces or by independent

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contractors 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 to mortgages and all other liens, irrespective of the date of recording. A failure to pay said assessment, even upon homestead property, may be collected pursuant to any manner specified by law and may result in the loss of title to the property.

Section 5. Any subsequent violation of the same nuisance classifications on the Property within a 12-month period of the declaration of public nuisance will be considered a repeat nuisance. The violations may be abated by the City without further notice so long as the initial notice and order of abatement specifically provides for such subsequent abatement herein.

Section 6. The City Council hereby authorizes the expenditure not to exceed **\$25,000** in abating said nuisance, including the costs of filing a complaint for injunctive relief.

Section 7. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions, except as otherwise provided herein.

Section 8. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 9. This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney