

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO 2016-\_\_**

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING THE INSTITUTION OF A FORFEITURE ACTION IN RELATION TO THE PROPERTY LOCATED AT 1411 MANTUA AVENUE IN CORAL GABLES, FLORIDA.

**WHEREAS**, the City has established a process to address the deterioration of and harm to City neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the City, and to identify, regulate, limit and reduce the number of abandoned properties located within the city;

**WHEREAS**, the City has established a registration program as a mechanism to protect neighborhoods from being seriously harmed due to the lack of adequate maintenance and security of abandoned and foreclosed properties;

**WHEREAS**, the City passed City Code Sections 34-175 through 34-186 of the City Code to ensure that properties on the abandoned property registry are lawfully maintained pursuant to applicable law, the failure of which is a cause for serious concern, creating hazardous and unsafe conditions, and constituting unlawful conduct, which makes the property subject to forfeiture;

**WHEREAS**, the City has been made aware of, and intends to address, an extraordinary situation involving the real property located at 1411 Mantua Avenue (hereinafter "the subject property");

**WHEREAS**, the subject property is non-homestead, real property, which qualifies for registration as abandoned real property under Chapter 34, Article VI, "Abandoned Real Property," of the City Code;

**WHEREAS**, the subject property is or has been vacant for a substantial period of time;

**WHEREAS**, the subject property presently has two or more violations of Sections 34-166 (Abandoned Real Property Maintenance Requirements) and/or Sections 105-146 through 105-342 (Minimum Housing Code) of the City Code, which have existed for a period in excess of six months;

**WHEREAS**, the following significant violations remain pending with the subject property, and have not been addressed by the subject property's owner:

Violation of Sections 278, 280, 281, and 289 of Chapter 105, Minimum Housing Code, and Section 34-166, Abandoned Real Property, of the City Code. Porch is in disrepair. Finding of violation dated October 16, 2013.

Violation of Section 281, 279, and 289 of Chapter 105, Minimum Housing Code, and Section 34-166, Abandoned Real Property, of the City Code. Roof is in disrepair. Finding of violation dated October 27, 2010.

Violation of Section 289 of Chapter 105, Minimum Housing Code, and Section 34-166, Abandoned Real Property, of the City Code. Roof is dirty/mildewed and is in need of cleaning. Finding of violation dated March 20, 2013.

Violation of Section 34-21 of the City Code and Section 34-165, Abandoned Real Property, of the City Code. Property is not consistently maintained, including but not limited to, by allowing weeds, overgrown grass, trash, junk, and debris.

**WHEREAS**, the violations at the subject property are particularly severe, and relate to the structure of the subject property, including the roof and collapsing portions of the structure, which present a cause for great concern for this Commission and for the health, safety and welfare of the citizens of the community;

**WHEREAS**, the subject property is located less than one-mile from David Fairchild Elementary School and has the potential for attracting children to the structure as there is no fencing preventing children from approaching the front door of the residence;

**WHEREAS**, the roof directly over the front door of the subject property is collapsing and has the potential to harm any member of the public who might approach the subject property;

**WHEREAS**, the subject property is or has been vacant for a substantial period of time and ,as a result, is a potentially attractive location for squatters;

**WHEREAS**, the earliest Minimum Housing Code Violation has been pending since October 27, 2010, and the most recent violation of the Minimum Housing Code has been pending, uncorrected, since October 16, 2013;

**WHEREAS**, the City has unpaid special assessment liens for the subject property for the amount of \$3,679.46 as of March 14, 2016;

**WHEREAS**, the City has unpaid code enforcement liens for the subject property for the amount of \$596,185.00 as of March 17, 2016;

**WHEREAS**, the City has recorded numerous special assessment liens against the subject property for its costs in taking action to maintain the subject property when the responsible parties have failed to do so, yet, in spite of the City's efforts, the subject property remains abandoned and constitutes a public nuisance;

**WHEREAS**, in an effort to compel compliance, the City, by and through Special Counsel, transmitted a formal Demand Letter on March 23, 2016, informing the property owner and all parties with an interest in the subject property, of the City's intent to institute legal proceedings;

**WHEREAS**, as of the date of the instant Resolution, the subject property remains in violation as described herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

**SECTION 2.** The City Commission finds that the seizure and forfeiture of the subject property substantially promotes or protects the health, safety, and welfare of the community.

**SECTION 3.** The City Commission does hereby, based upon the foregoing, pursuant to Article VII, "Forfeiture of Abandoned Real Property" of Chapter 34, "Nuisances," of the City of Coral Gables Code, and in accordance with the Forfeiture Ordinance Enforcement Policy adopted by this Commission through Resolution No. 2015-90, dated May 26, 2015, in order to address the deterioration and blight of the City neighborhoods caused by abandoned, foreclosed or distressed real property located within the City, which is not being maintained in violation of the City's laws, authorize the City Attorney and/or Special Counsel to pursue forfeiture of the property located at 1411 Mantua Avenue, the legal description of which is as follows:

LOTS 22 AND 23, IN BLOCK 62, CORAL GABLES RIVIERA SECTION PART FIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 38, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

**SECTION 4.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWELTH DAY OF APRIL, A.D., 2016.

APPROVED:

JIM CASON

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

MAYOR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY