



# Council Report

776 N.E. 125 Street, North Miami, Florida 33161

To: The Honorable Mayor and City Council

From: Leonard Burgess, Chief of Police

Date: December 8, 2015

A handwritten signature in blue ink, appearing to read "Leonard Burgess", is written over the "From:" line.

RE: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY ATTORNEY AND CITY MANAGER TO TAKE ANY AND ALL LEGAL ACTION NECESSARY TO ABATE THE PUBLIC NUISANCE BY EFFECTUATING THE DEMOLISHMENT OF THE DENMARK PROPERTIES.

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## **RECOMMENDATION**

Staff is recommending that the Mayor and Council authorize the City Manager and City Attorney to file any and all legal action necessary to abate the public nuisance by demolishing the Denmark properties.

## **BACKGROUND**

The three Denmark properties are located at 635 NW 123 St, 645 NW 123 St, and 12351 NW 7 Ave. The properties were first noticed as being unmaintained by Code Compliance in 2011. There are current fine liens as well as notices of violation issued to said properties. All are unmaintained, unsafe, and are grounds for constant illegal dumping. Over the last few years, the city's Code Enforcement Special Magistrate has found the property owner guilty of multiple violations, yet the owner has failed to take an action to correct the public nuisance code violations.

## **Attachments**

Resolution

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE INTERIM CITY ATTORNEY TO TAKE ALL LEGAL ACTION NECESSARY, INCLUDING INITIATING ANY AND ALL LITIGATION, IN LAW OR IN EQUITY, TO ABATE THE PUBLIC NUISANCE EXISTING AT THE PROPERTIES LOCATED AT: 12351 NW 7 AVENUE, 635 NW 123 STREET AND 645 NW 123 STREET AND TO FORECLOSE ON ANY LIENS ATTACHED TO THE SUBJECT PROPERTIES; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, the properties owned by the Estate of Irving Denmark which are located at 12351 NW 7 Avenue, 635 NW 123 Street and 645 NW 123 Street (collectively referred to as the “Denmark Property”) have been abandoned for several years and are currently in a state of severe disrepair constituting a blight on the community with substantial public health, hazard and life safety issues; and

**WHEREAS**, over the last few years, the City of North Miami’s (“City”) Code Enforcement Special Magistrate has found the property owner to be guilty of multiple violations of the City’s Code of Ordinances and has entered several Orders to Comply and Orders Authorizing Fines and Liens against the Denmark Property, but the property owner has failed to take any action to cure the public nuisance code violations; and

**WHEREAS**, the City’s Building Official initiated proceedings against the Denmark Property before the Miami-Dade County Unsafe Structures Board, and on April 15, 2015, the Board entered an Order requiring the properties to be demolished within thirty (30) days and if not completed, that the City shall take action to demolish the subject properties; and

**WHEREAS**, the Denmark Property has remained in the same condition or worse since April 15, 2015 and none of the structures have undergone demolition as required by the Miami-Dade County Unsafe Structures Board; and

**WHEREAS**, the City Attorney’s Office is seeking authority from the Mayor and Council to file an action for injunctive and declaratory relief and all such other relief that may be available to the City to abate the public nuisance by effectuating the demolition of the Denmark Property in accordance with the Unsafe Structures Board’s Order, attached as Exhibit “A”; and

**WHEREAS**, court costs are estimated at One Thousand Five Hundred Dollars (\$1,500.00) and City Administration has received quotes in the range of Sixty-Five Thousand Dollars (\$65,000.00) to Ninety-Nine Thousand Dollars (\$99,000.00) from licensed and qualified contractors to demolish the subject properties; and

**WHEREAS**, all costs associated with litigation and the subsequent demolition of the Denmark Property will be assessed as a special assessment lien which will attach to the subject properties; and

**WHEREAS**, the Mayor and City Council, after being fully advised, have determined that it is in the best interest of the City and its residents to proceed to litigation against the Denmark Property and to abate the public nuisance as indicated above.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Authorization to Interim City Attorney.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the Interim City Attorney to initiate litigation to abate the public nuisance which exists at the properties located at 12351 NW 7 Avenue, 635 NW 123 Street and 645 NW 123 Street, North Miami, Florida and to foreclosure on any liens attached to the subject properties.

**Section 2. Authorization to Interim City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the Interim City Manager to take any and all action necessary to effectuate the demolition of the subject properties.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)



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CFN 2015R0577363
OR BK 29767 Pgs 3572-3573 (2Pgs)
RECORDED 09/08/2015 09:26:16
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Department of Regulatory and Economic Resources
Herbert Saffir Permitting & Inspection Center
11805 SW 26th Street (Coral Way)
Miami, Florida 33175
UNSAFE STRUCTURES BOARD
(786) 315-2573 FAX (786) 315-2570

Clerk of Courts Use

Date Transmitted: April 22nd, 2015

NOTICE OF BOARD DECISION
MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD

PLEASE NOTE: FOR FULL INFORMATION CONCERNING THE DECISION PLEASE READ
THIS DOCUMENT IN ITS ENTIRETY

Irving Denmark
12000 N. Bayshore Drive, #407
North Miami, Florida 33181

Re: 12351 NW 7 Avenue

Legal Description: 25 52 41, PB 17-54, Alhambra Heights, Lots 1 TO 12 INC & Lots 30 & 31, BLK 28 Lot
Size Irregular, City of North Miami, Florida.

Master Case No.: NM2015-004

Board action on (A) 1-Story Residential Building located at the above address is as follows:

At its meeting of April 15th, 2015, the Unsafe Structures Board ruled that:

Structure (A) shall be demolished by an individual qualified to obtain a demolition permit within ninety
(90) days from today. The demolition permit shall be obtained from the Unsafe Structure Unit or the
applicable equivalent in the enforcing municipality. All debris resulting from the demolition shall be
promptly removed from the premises. If any of the above conditions are not complied with, said structure
shall be demolished by the enforcing municipality as soon as possible.

April 22<sup>nd</sup>, 2015  
Irving Denmark  
Case No.: NM2015-004  
Re: 12351 NW 7 Avenue

Clerk of Courts Use

In accordance with Section 8-5(n) of the Code of Miami-Dade County, any owner or authorized representative may seek an extension of the timeframes set forth in an Order of the Unsafe Structures Board. Such request for a hearing to seek an extension must be in writing, directed to the Secretary of the Unsafe Structures Board. The written request for extension must be received by the Secretary of the Board prior to the deadline specified in the order. For example, in the event the Board Order states that a permit must be obtained within a specified period, the request for extension of the deadline to obtain the permit must be received prior to the expiration of that specified period. If the same order provides a deadline for completion of the structure, the request for the extension for the deadline of completion must be received prior to the deadline for completion, provide that the applicant has complied with the permit deadline. In no event may the Board grant more than one extension of time for each initial order.

To obtain an extension, the owner or applicant must demonstrate to the reasonable satisfaction of the Board that the structure that is the subject of the Order is secure at the time the extension is sought and that the owner or applicant has made a good faith attempt to comply with the Order which has been impeded by changed circumstances or other circumstances outside of the owner or applicant's control. As a further condition of the extension, the owner or applicant must submit in writing, together with the petition for an extension, a written timetable for compliance for compliance with the substantive provisions of the Order and for completion of all necessary repairs. The Board will limit its consideration of the petition to deciding whether the grounds for an extension have been satisfied.

The Board also ruled through this Board decision that, if compliance is not obtained within the time stipulated above then, the Building Official is further instructed to proceed as provided in Chapter 8, Section 8-5 of the Code of Miami-Dade County. There will be no further notices or communication from the Unsafe Structures Board regarding this case. **This document may be recorded by the Building Official with the Clerk of the Circuit Court. This recording will constitute constructive notice to all concerned, as well as any subsequent purchasers that a decision has been rendered by the Unsafe Structures Board on the above referenced property.**

**Repair or demolition permits, for property located at the above address must be obtained from the City of North Miami, Unsafe Structures Section, Building Department, 776 NE 125 Street, North Miami, FL 33161, (305) 893-6511. Please call this Department before coming in for a permit or for further information on this matter.**

The Unsafe Structures Board is Quasi-Judicial; the decision and specified compliance date is final and binding. Any person aggrieved by a decision of the Unsafe Structures Board may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure as indicated in Chapter 8, Section 8-5 (o) of the Code of Miami-Dade County.

Respectfully,

*Kathy Charles*  
for Secretary of the Board  
Unsafe Structures Board

This instrument was prepared by  
Latisha Byrd  
Miami-Dade County  
Department of Regulatory and Economic Resources  
Board Administration Section  
11805 SW 26 Street (Coral Way), 2nd Floor  
Miami, Florida 33135

LB

cc: Known Interested Parties: Owner's 2<sup>nd</sup> Mailing Address: Irving J. Denmark Tr., 12351 NW 7 Avenue, North Miami, Florida 33168-2603; Denmark's Estates, c/o Lawrence J. Denmark, 2300 Bayview Lane, North Miami, Florida 33181; Richard M. Denmark, 285 NE 201 Terrace, Miami, Florida 33179; City of North Miami, Code Enforcement Liens, 12330 NE 8 Avenue, North Miami, Florida 33161; City of North Miami, Unsafe Structures Section, 776 NE 125 Street, North Miami, Florida 33161, Attn: John H. Jackson, P.E., Building Official.

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Department of Regulatory and Economic Resources  
Herbert Saffir Permitting & Inspection Center  
11805 SW 26<sup>th</sup> Street (Coral Way)  
Miami, Florida 33175  
**UNSAFE STRUCTURES BOARD**  
(786) 315-2573 FAX (786) 315-2570

Date Transmitted: April 22<sup>nd</sup>, 2015



CFN 2015R0577365  
OR BK 29767 Pgs 3576-3577 (2Pgs)  
RECORDED 09/08/2015 09:26:16  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Clerk of Courts Use

**NOTICE OF BOARD DECISION  
MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD**

**PLEASE NOTE: FOR FULL INFORMATION CONCERNING THE DECISION PLEASE READ  
THIS DOCUMENT IN ITS ENTIRETY**

Irving J. Denmark Tr.  
12000 N. Bayshore Drive, #407  
North Miami, Florida 33181

**Re: 635 NW 123 Street**

**Legal Description: 25 52 41 Alhambra HGTS PB 17-54 LOT 27 LESS ELY PORT LYG IN N-S EXPWY  
BLK 28 Lot Size 32.600 X 135, City of North Miami, Florida.**

Master Case No.: NM2015-002

Board action on (A) Vacant Land located at the above address is as follows:

At its meeting of April 15<sup>th</sup>, 2015, the Unsafe Structures Board ruled that:

**Structure (A) shall be demolished by an individual qualified to obtain a demolition permit within ninety (90) days from today. The demolition permit shall be obtained from the Unsafe Structure Unit or the applicable equivalent in the enforcing municipality. All debris resulting from the demolition shall be promptly removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the enforcing municipality as soon as possible.**

**List of all materials not removed from site will be removed from site will be provided and repair and/or replace perimeter chain link fence.**

April 22<sup>nd</sup>, 2015  
Irving J. Denmark Tr.  
Case No.: NM2015-002  
Re: 635 NW 123 Street

Clerk of Courts Use

In accordance with Section 8-5(n) of the Code of Miami-Dade County, any owner or authorized representative may seek an extension of the timeframes set forth in an Order of the Unsafe Structures Board. Such request for a hearing to seek an extension must be in writing, directed to the Secretary of the Unsafe Structures Board. The written request for extension must be received by the Secretary of the Board prior to the deadline specified in the order. For example, in the event the Board Order states that a permit must be obtained within a specified period, the request for extension of the deadline to obtain the permit must be received prior to the expiration of that specified period. If the same order provides a deadline for completion of the structure, the request for the extension for the deadline of completion must be received prior to the deadline for completion, provide that the applicant has complied with the permit deadline. In no event may the Board grant more than one extension of time for each initial order.

To obtain an extension, the owner or applicant must demonstrate to the reasonable satisfaction of the Board that the structure that is the subject of the Order is secure at the time the extension is sought and that the owner or applicant has made a good faith attempt to comply with the Order which has been impeded by changed circumstances or other circumstances outside of the owner or applicant's control. As a further condition of the extension, the owner or applicant must submit in writing, together with the petition for an extension, a written timetable for compliance for compliance with the substantive provisions of the Order and for completion of all necessary repairs. The Board will limit its consideration of the petition to deciding whether the grounds for an extension have been satisfied.

The Board also ruled through this Board decision that, if compliance is not obtained within the time stipulated above then, the Building Official is further instructed to proceed as provided in Chapter 8, Section 8-5 of the Code of Miami-Dade County. There will be no further notices or communication from the Unsafe Structures Board regarding this case. **This document may be recorded by the Building Official with the Clerk of the Circuit Court. This recording will constitute constructive notice to all concerned, as well as any subsequent purchasers that a decision has been rendered by the Unsafe Structures Board on the above referenced property.**

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Respectfully,



Secretary of the Board  
Unsafe Structures Board

LB

This instrument was prepared by  
Latisha Byrd  
Miami-Dade County  
Department of Regulatory and Economic Resources  
Board Administration Section  
11805 SW 26 Street (Coral Way), 2nd Floor  
Miami, Florida 33175

cc: Known Interested Parties: : Owner's 2<sup>nd</sup> Mailing Address: Irving J. Denmark Tr., 12351 NW 7 Avenue, North Miami, Florida 33168-2603; Joel M. Gaulkin, Esq., 9130 S. Dadeland Blvd., Ste. 1504, Miami, FL 33156; Denmark's Estates c/o Lawrence J. Denmark, 2300 Bayview Lane, North Miami, Florida 33181; Richard M. Denmark, 285 NE 201 Terrace, Miami, Florida 33179; City of North Miami, Code Enforcement Liens, 12330 NE 8 Avenue, North Miami, Florida 33161; City of North Miami, Unsafe Structures Section, 776 NE 125 Street, North Miami, Florida 33161, Attn: John H. Jackson, P.E., Building Official.

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(786) 315-2573 FAX (786) 315-2570

Date Transmitted: April 22<sup>nd</sup>, 2015

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MIAMI-DADE COUNTY UNSAFE STRUCTURES BOARD**

**PLEASE NOTE: FOR FULL INFORMATION CONCERNING THE DECISION PLEASE READ  
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Irving Denmark  
12000 N. Bayshore Drive, #407  
North Miami, Florida 33181

**Re: 645 NW 123 Street**

**Legal Description: 25 52 41, Alhambra Heights, PB 17-54, Lots 28 & 29 BLK 28 Lot Size 100.000 X 135,  
City of North Miami, Florida.**

Master Case No.: NM2015-003

Board action on **(A) 1-Story Residential Building** located at the above address is as follows:

At its meeting of April 15<sup>th</sup>, 2015, the Unsafe Structures Board ruled that:

**Structure (A) shall be demolished by an individual qualified to obtain a demolition permit within ninety (90) days from today. The demolition permit shall be obtained from the Unsafe Structure Unit or the applicable equivalent in the enforcing municipality. All debris resulting from the demolition shall be promptly removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the enforcing municipality as soon as possible.**

**Demolish Structure (A) and remove debris around the house.**



**CFN 2015R0577364**  
OR BK 29767 Pgs 3574-3575 (2Pgs)  
RECORDED 09/08/2015 09:26:16  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Clerk of Courts Use

April 22<sup>nd</sup>, 2015  
Irving Denmark  
Case No.: NM2015-003  
Re: 645 NW 123 Street

Clerk of Courts Use

In accordance with Section 8-5(n) of the Code of Miami-Dade County, any owner or authorized representative may seek an extension of the timeframes set forth in an Order of the Unsafe Structures Board. Such request for a hearing to seek an extension must be in writing, directed to the Secretary of the Unsafe Structures Board. The written request for extension must be received by the Secretary of the Board prior to the deadline specified in the order. For example, in the event the Board Order states that a permit must be obtained within a specified period, the request for extension of the deadline to obtain the permit must be received prior to the expiration of that specified period. If the same order provides a deadline for completion of the structure, the request for the extension for the deadline of completion must be received prior to the deadline for completion, provide that the applicant has complied with the permit deadline. In no event may the Board grant more than one extension of time for each initial order.

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Respectfully,

  
Secretary of the Board  
Unsafe Structures Board

This instrument was prepared by  
Latiasha Byrd  
Miami-Dade County  
Department of Regulatory and Economic Resources  
Board Administration Section  
11805 SW 26 Street (Coral Way), 2nd Floor  
Miami, Florida 33175

LB

cc: Known Interested Parties: Owner's 2<sup>nd</sup> Mailing Address: Irving J. Denmark Tr., 12351 NW 7 Avenue, North Miami, Florida 33168-2603; Denmark's Estates, c/o Lawrence J. Denmark, 2300 Bayview Lane, North Miami, Florida 33181; Richard M. Denmark, 285 NE 201 Terrace, Miami, Florida 33179; City of North Miami, Unsafe Structures Section, 776 NE 125 Street, North Miami, Florida 33161, Attn: John H. Jackson, P.E., Building Official.

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