



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** April 15, 2014

**TITLE:** Motion for Discussion approving City Attorney's Office to file a lawsuit  
against Lawrence and Barbara Cohen – code violations – public nuisance  
at 3316 NE 38 Street

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### **Recommendation**

Pursuant to City Code Section 1-6(e) "penalty for violations" the Department of Sustainable Development recommends that the City Commission grant approval to the City Attorney's Office to initiate legal action to abate a public nuisance regarding a homestead property located at 3316 NE 38 Street, Fort Lauderdale.

### **Background**

In its current condition, this property constitutes a public nuisance and poses a serious threat to the health, safety, and welfare of the public. Since 2007 violations have continued to exist on this property that includes the unsafe wooden dock that was installed without the required permits that is in disrepair between the retaining wall and the canal. Additionally, there are several other items that are not maintained and in disrepair such as: light fixtures, chain link fence, roof fascia, stucco, and peeling and missing paint. Further there are expired mechanical and roof permits per the Site Inspection report (**Exhibit 1**).

The City of Fort Lauderdale has four active code enforcement cases on this property with eight code violations that remain in non-compliance with fines accruing daily. As of March 23, 2014 the lien amounts on the four cases total \$116,050.00 and continue to accrue at \$150 a day.

The property is in foreclosure and the action is still pending. All attempts at gaining compliance by the Department of Sustainable Development have been futile. All administrative enforcement options available have been exhausted as liens exist against the property for these violations and fines continue to accrue daily. The property owners are either unable or unwilling to comply.

**Resource Impact**

There will be a fiscal impact to the City in the amount of \$35,459.00

<i>Funds available as of April 9, 2014</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	OBJECT CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Object Code)	AVAILABLE BALANCE (Object Code)	PURCHASE AMOUNT
001-DSD040101-3225	Community Inspections	Services-Materials/Demolitions	\$ 307,546	\$ 115,992	\$ 35,000.00
<b>PURCHASE TOTAL ►</b>					\$35,000.00

<i>Funds available as of April 9, 2014</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	OBJECT CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Object Code)	AVAILABLE BALANCE (Object Code)	PURCHASE AMOUNT
001-DSD040101-3119	Community Inspections	Services-Materials/Legal Fees	\$ 307,546	\$ 155,992	\$ 459.00
<b>PURCHASE TOTAL ►</b>					\$ 459.00

**Strategic Connections**

This item is a *Press Play Fort Lauderdale, Our Strategic Plan 2018* initiative, included within the *Neighborhood Enhancement Cylinder of Excellence*, specifically advancing:

- **Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
  
- **Objective 2:** Enhance the beauty, aesthetics and environmental quality of neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

Attachment:  
Exhibit 1 – Site Inspection Report

Prepared by: Jeri Pryor, Code Enforcement Services Supervisor

Department Director: Greg Brewton, Sustainable Development

April 15, 2014

**14-0441**