

RESOLUTION NO. 37-06-24

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO EXECUTE PAYMENT FOR THE ABATEMENT COSTS ASSOCIATED WITH 142 EVERGREEN DRIVE AND 919 MAGNOLIA DRIVE IN THE TOWN OF LAKE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (hereinafter “Town”) is a municipality and corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered pursuant to the Code Enforcement procedure in Chapter 9 of the Town of Lake Park Code of Ordinances to request that nuisance violations are abated pursuant to a Final Order Finding Violation/Order to Abate by the Special Magistrate (**Exhibit “A”**); and

WHEREAS, a Final Order Finding Violation/Order (**Exhibit “A”**) to Abate was issued to 142 Evergreen Drive and 919 Magnolia Drive (“Property”) pursuant to Case No. 23030006 for 142 Evergreen Drive and Case No. 24020006 for 919 Magnolia Drive; and

WHEREAS, the total cost for the abatement is a not-to-exceed amount of \$15,871.20 for 142 Evergreen Drive and \$17,053.60 for 919 Magnolia Drive (**Exhibit “B”**); and

WHEREAS, Chapter 2 of the Town Code requires Town Commission approval for the purchase of any goods or services exceeding \$10,000.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:

Section 1. The whereas clauses are true and correct and are incorporated herein.

Section 2. The Town Commission hereby authorizes the abatement costs for 142 Evergreen Drive and 919 Magnolia Drive.

Section 3. This Resolution shall become effective immediately upon adoption.

EXHIBIT "A"

SPECIAL MAGISTRATE
ORDER FINDING VIOLATION/ORDER TO ABATE

TOWN OF LAKE PARK, FLORIDA
CODE COMPLIANCE DIVISION

Case No. 24020006

TOWN OF LAKE PARK, FLORIDA

Petitioner,

v.

BERNEICE G. CONERLY



PCN: 36-43-42-20-01-079-0400

Respondent

ORDER FINDING VIOLATION/ORDER TO ABATE

THIS CAUSE, having come before the Special Magistrate for the Town of Lake Park, Florida, on **March 21, 2024**, and the Special Magistrate having heard the testimony of the Parties, and having considered the evidence presented by the Parties; and having been fully apprised of the circumstances, does hereby find as follows:

FINDINGS OF FACT

The Respondent is the owner of the real property located at **919 MAGNOLIA DRIVE, LAKE PARK, FL, 33403** ("Property"), and which is legally described as follows: **KELSEY CITY LTS 40 TO 42 INC BLK 79**

A Town of Lake Park Code Compliance Officer conducted a personal inspection of the Property on **02/06/2024** and determined that a violation of the Town of Lake Park Code of Ordinances, as charged in the Notice of Violation, existed on the Property. The Respondent was given a reasonable time in which to correct the violation, but failed to comply within the allotted time period. As of the date of this Order, the Property remains in violation.

CONCLUSIONS OF LAW

The Findings of Fact support, by a preponderance of the evidence that the Respondent has violated **Sections 10-73; 34-12; 68-3(1)(7)(9); 78-253(b)(1); 72-2(a); and 10-35 of the Town of Lake Park Code of Ordinances**, as charged in the Notice of Violation issued in this case. The Town of Lake Park is entitled to recover all costs, including attorney's fees and Special Magistrate fees, incurred in successfully prosecuting this action.

IT IS HEREBY ORDERED, that the Respondent shall comply with **Sections 10-73; 34-12; 68-3(1)(7)(9); 78-253(b)(1); 72-2(a); and 10-35 of the Town of Lake Park Code of Ordinances**, as charged in the Notice of Violation, as follows:

COMPLIANCE DATES:

On or before July 25, 2024, the Respondent shall come into compliance with **Sections 34-12 and 78-253(b)(1)** of the Town of Lake Park Code of Ordinances, as charged in the Notice of violation in this case. If the Respondent fails to comply by the Compliance Date specified herein, a fine in the amount of \$ 75⁰⁰ per day is hereby imposed for each and every day of non-compliance.

On or before APRIL 12, 2024, the Respondent shall come into compliance with Section 68-3(1)(7)(9) as charged in the Notice of Violation in this case. If the Respondent fails to comply by the Compliance Date specified herein, the Town may enter upon the property and abate the nuisance (*abandoned vehicles and prohibited outdoor storage*), and place an Assessment Lien on said property for all costs associated with abating the nuisance.

On or before JULY 25, 2024, the Respondent shall come into compliance with Section 72-2(a), as charged in the Notice of Violation in this case. If the Respondent fails to comply by the Compliance Date specified herein, the Town may enter upon the property and abate the nuisance (*maintenance of public sidewalk*), and place an Assessment Lien on said property for all costs associated with abating the nuisance.

Pursuant to Chapter 162, Florida Statutes, if the fines are not paid by the date specified herein, a certified copy of this Order shall be recorded in the Public Records of Palm Beach County, Florida, and shall constitute a lien against the Property upon which the violation exists, and any other real or personal property owned by the Respondent. In addition, a recorded copy of this Order shall constitute notice that the findings contained herein are binding any subsequent purchasers, successors-in-interest, or assigns of the Respondent.

The Respondent may submit a written request for a hearing to challenge the fine imposed by this Order within 15 days from the date of this Order. If a hearing challenging the amount of the fine assessed is requested testimony as to the existence of the violation is not permitted; rather the hearing is limited to the amount of the fine and costs assessed by this Order, and why a lien to recover the fines and costs should not have been authorized by this Order. The Respondent shall bear the burden of demonstrating why the fines and costs assessed herein should not constitute a Final Order Assessing Fine and authorizing the imposition of a Lien against the property. If the Respondent fails to timely make such a request, and the violation remains, the Order shall be constitute a FINAL ORDER ASSESSING A FINE, the Town may record a Certified Copy of the Order in the Public Records of Palm Beach County, Florida, which shall constitute a lien against the Respondent's real and/or personal property and any other real or personal property owned by the Respondent; and at any time more than THREE MONTHS after its recordation the Town is hereby authorized to foreclose on the Lien of the Town against the real and/or personal property owned by the Respondent.

IT IS FURTHER ORDERED THAT the Respondent is assessed the administrative costs of this action in the amount of **\$254.39**, as provided by law, and shall pay the same to the Town Clerk, at 535 Park Avenue, Lake Park, Florida.

DONE AND ORDERED this 21st day of March, 2024.



Paul J. Nicoletti, Special Magistrate
Town of Lake Park, Florida

Case No. 24020006
March 21, 2024

ATTEST:


VIVIAN MENDEZ,
TOWN CLERK



TOWN OF LAKE PARK, FLORIDA
CODE COMPLIANCE DIVISION

Case No. 23030006

TOWN OF LAKE PARK, FLORIDA

Petitioner,

v.

RONNIE L. COHEN



CFN 20240040120
OR BK 34812 PG 1453
RECORDED 8/5/2024 3:15 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pg: 1453 - 1454; (Open)

PCN: 36-43-42-20-01-040-0101

Respondent

ORDER FINDING VIOLATION/ORDER TO ABATE

THIS CAUSE, having come before the Special Magistrate for the Town of Lake Park, Florida, on **May 18, 2023**, and the Special Magistrate having heard the testimony of the Parties, and having considered the evidence presented by the Parties; and having been fully apprised of the circumstances, does hereby find as follows:

FINDINGS OF FACT

The Respondent is the owner of the real property located at **142 EVERGREEN DRIVE, LAKE PARK, FL, 33403** ("Property"), and which is legally described as follows: **KELSEY CITY W 11 FT OF LT 10, LTS 11 & 12 & E 4 FT OF LT 13 BLK 40**

A Town of Lake Park Code Compliance Officer conducted a personal inspection of the Property on **March 3, 2023**, and determined that violations of the Town of Lake Park Code of Ordinances, as charged in the Notice of Violation, existed on the Property. The Respondent was given a reasonable time in which to correct the violation, but failed to comply within the allotted time period. As of the date of this Order, the Property remains in violation.

CONCLUSIONS OF LAW

The Findings of Fact support, by a preponderance of the evidence that the Respondent has violated **Sections 68-3(3)(4)(7); 78-253(1); 34-12; 54-73; 54-100; 54-129; 10-35 of the Town of Lake Park Code of Ordinances** as charged in the Notice of Violation issued in this case. The Town of Lake Park is entitled to recover all costs, including attorney's fees and Special Magistrate fees, incurred in successfully prosecuting this action.

IT IS HEREBY ORDERED that the Respondent shall comply with **Sections 68-3(3)(4)(7); 78-253(1); 34-12; 54-73; 54-100; 54-129; 10-35** of the Town of Lake Park Code of Ordinances as charged in the Notice of Violation, as follows:

COMPLIANCE DATE:

On or before JULY 31, 2023, the Respondent shall come into compliance with Section 68-3(3)(4)(7) and 10-35 of the Town of Lake Park Code of Ordinances, as charged in the Notice of Violation in this case. **If the Respondent fails to comply by the Compliance Date specified herein, the Town may enter upon the property and abate the nuisance and place an Assessment Lien on said property for all costs associated with abating the nuisance.**

On or before JULY 31, 2023, the Respondent shall come into compliance with Sections 54-73 and 54-100 of the Town of Lake Park Code of Ordinances, as charged in the Notice of violation in this case. If the Respondent fails to comply by the Compliance Date specified herein, a fine in the amount of \$ 50⁰⁰ per day is hereby imposed for each and every day of non-compliance.

Pursuant to Chapter 162, Florida Statutes, if the fines are not paid by the date specified herein, a certified copy of this Order shall be recorded in the Public Records of Palm Beach County, Florida, and shall constitute a lien against the Property upon which the violation exists, and any other real or personal property owned by the Respondent. In addition, a recorded copy of this Order shall constitute notice that the findings contained herein are binding any subsequent purchasers, successors-in-interest, or assigns of the Respondent.

The Respondent may submit a written request for a hearing to challenge the fine imposed by this Order within 15 days from the date of this Order. If a hearing challenging the amount of the fine assessed is requested testimony as to the existence of the violation is not permitted; rather the hearing is limited to the amount of the fine and costs assessed by this Order, and why a lien to recover the fines and costs should not have been authorized by this Order. The Respondent shall bear the burden of demonstrating why the fines and costs assessed herein should not constitute a Final Order Assessing Fine and authorizing the imposition of a Lien against the property. If the Respondent fails to timely make such a request, and the violation remains, the Order shall be constitute a FINAL ORDER ASSESSING A FINE, the Town may record a Certified Copy of the Order in the Public Records of Palm Beach County, Florida, which shall constitute a lien against the

Respondent's real and/or personal property and any other real or personal property owned by the Respondent; and at any time more than THREE MONTHS after its recordation the Town is hereby authorized to foreclose on the Lien of the Town against the real and/or personal property owned by the Respondent.

IT IS FURTHER ORDERED THAT the Respondent is assessed the administrative costs of this action in the amount of \$254.10, as provided by law, and shall pay the same to the Town Clerk, at 535 Park Avenue, Lake Park, Florida.

Kimberly B Rowley
DONE AND ORDERED this 18th day of May, 2023

do hereby certify that the foregoing is a true and correct copy of the original Code Compliance document as maintained in the Official Records of the Town of Lake Park.

Witness my hand, this 29 day of January 2024

Kimberly B Rowley
CODE COMPLIANCE DIVISION
TOWN OF LAKE PARK, FLORIDA

Paul J. Nicoletti

Paul J. Nicoletti, Special Magistrate
Town of Lake Park, Florida

ATTEST:

Vivian Mendez
VIVIAN MENDEZ,
TOWN CLERK



EXHIBIT "B"

ABATEMENT ESTIMATES

EXHIBIT B



**Trusted
Junk Removal
Since 1989**

Kimberly Rowley Property Estimate (removal of outdoor items only)
Town of Lake Park
Service Address 919 Magnolia Dr, Lake Park FL, 33403
Dates April 26th - May 6, 2024

Good afternoon Kimberly,

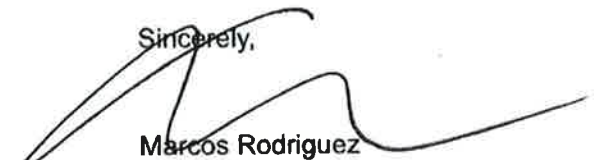
Please review the information below. If you have any questions or concerns, please feel free to contact me directly.

Approximately up to 6 Project Days (multiple teams)	Price
Cost of removal	\$16,997
Labor	\$4,320
20% Discount	(\$4,263.40)
Total cost (w/discount applied)	\$17,053.6 (NTE)

*Please be advised that this estimate may change if there are any items added or if the job exceeds 23 trucks. Any trucks that are added will be charged \$591.20 per truck. We will make sure to get approval for any added trucks prior to completion.

Thanks again for choosing 1800-Got-Junk?

Sincerely,



Marcos Rodriguez
General Manager

EXHIBIT B



**Trusted
Junk Removal
Since 1989**

Kimberly Rowley Property Estimate (removal of outdoor items only)
Town of Lake Park
Service Address 142 Evergreen Dr, Lake Park FL, 33403
Dates April 26th - May 6, 2024

Good afternoon Kimberly,

Please review the information below. If you have any questions or concerns, please feel free to contact me directly.

Approximately up to 6 Project Days (multiple teams)	Price
Cost of removal	\$15,519
Labor	\$4,320
20% Discount	(\$3,967.80)
Total cost (w/discout applied)	\$15,871.20 (NTE)

*Please be advised that this estimate may change if there are any items added or if the job exceeds 21 trucks. Any trucks that are added will be charged \$591.20 per truck. We will make sure to get approval for any added trucks prior to completion.

Thanks again for choosing 1800-Got-Junk?

Sincerely,



Marcos Rodriguez
General Manager