



City Attorney's Communication #2019-17

December 28, 2018

TO: Mayor and City Commission

FROM: Fawn Powers, Assistant City Attorney

RE: *Alltech Group Parcel I, LLC v. City of Pompano Beach*

Attached for your review is a copy of the *Complaint* (Exhibit 1) Alltech Group Parcel I, LLC ("Alltech") filed last March against the City along with their recent settlement offer (Exhibit 2).

This litigation involves the City's destruction of numerous tennis courts, related structures and chain link fencing (the "Improvements") on a 2.2 acre undeveloped residential parcel in Palm Aire (the "Property") pursuant to action it took in March 2014 to abate the public nuisance conditions cited under Nuisance Abatement Case 47830. The *Complaint* alleges trespass, trespass to chattels, conversion and slander of title and seeks damages in excess of \$200,000.

Background

In October 2013, the City issued Notice of Public Nuisance, Case No. 45041, alleging the Improvements constituted a public nuisance because their poor, unmaintained condition was causing blight to the neighboring properties (Exhibit 3). Pursuant to the City's Code of Ordinances, the Notice informed Alltech it had seven (7) days to take corrective action or five (5) days to file a written request for a hearing before a three person board composed of the City Manager, the Public Works Director and the Building Official or their designee (the "Board"). Thereafter, Alltech timely filed a written request for a hearing before the Board with Dennis Beach, our former City Manager.

In early November 2013, Alltech requested a meeting with City staff who accommodated their request. At their meeting on November 23rd, staff advised Alltech that (1) the City was going to dismiss the violation because the Notice for Case 45041 was missing certain boilerplate provisions and (2) the City intended to abate the public nuisance(s) on the Property if Alltech didn't timely take the requisite remedial action. A review of City emails reveals the parties also discussed the possibility of City crews taking action to abate the public nuisance conditions although no specific details or attendant costs were provided.

On December 6, 2013, the City issued a second Notice of Public Nuisance, Case No. 47830 (Exhibit 4), that alleged Alltech's substandard maintenance of the Property was "causing a blighting influence in the neighborhood" and ordered it cleared of all litter/trash/debris; overgrown vegetation; asphalt, rock and other non-natural materials; and fencing, tennis court structures, foundations and materials. While this second Notice also contained the foregoing standard verbiage about the owner's right to timely appeal the City's decision before the Board, Alltech reps have advised they didn't forward the City Manager a second written request for a

hearing because they mistakenly thought their former written request was sufficient for this purpose as they'd never been afforded the hearing on the first Notice of Public Nuisance plus they had been actively communicating with staff about working together to solve the problem.

Sometime in January 2014, staff forwarded Mr. Usman an estimate of what it would cost for the City to abate the public nuisances on the Property. Although I am unable to determine the exact date or other pertinent details, based on my review of City emails and discussions with staff, sometime in February or March 2014, the City unsuccessfully sought Alltech's written permission to commence abating the public nuisances on the Property. While the records I reviewed contain conflicting information as to exactly when the City took the subject abatement action, it appears the City demolished the Improvements in late March or mid-April 2014 and thereafter recorded a lien in the amount of \$33,486 in the Public Records of Broward County (Exhibit 5).

City staff and Alltech representatives have continued to engage in good faith discussions over the past four (4) years in an effort to resolve the foregoing abatement dispute without the necessity of litigation. While Alltech has alleged the only reason it finally filed suit in this matter was because Florida law requires it to initiate litigation on this cause or risk being forever barred of its right to seek recourse against the City for destruction of its Improvements, in actuality, Alltech had another year or until October 2019 before its right to contest the lien expired. Notwithstanding the foregoing, it's in both parties best interest to resolve this matter as expeditiously as possible and only the City Commission has the authority to do this pursuant to the City's Code of Ordinances, a copy of which is set forth below for your reference.

§ 96.36 WAIVER OF NUISANCE ABATEMENT LIENS.

(A) The City Commission may waive nuisance abatement liens created pursuant to Chapter 96 and/or any accrued interest associated with the liens provided that the City Commission makes any one or more of the following findings:

(1) The real property subject to the lien is owned by or will be donated to a governmental agency or a not-for-profit organization which is exempt under Section 501(c)(3) of the Internal Revenue Code or corresponding provisions of any subsequent tax law.

(2) The proposed development on the real property subject to the lien shall provide housing for persons or families with a total household income of 140% or less of the area median income.

(3) A showing of a good cause has been made that demonstrates payment of the nuisance abatement lien and/or any accrued interest would be inequitable or unjust to the property owner and the circumstances which make the payment inequitable or unjust were not the result of the property owner's own action or non-action.

Litigation Status

Other than the subject *Complaint* which Alltech filed in March 2018, no other pleadings have been filed to date. Specifically, Alltech has provided the City an extension to file its responsive pleading pending the City Commission's response to its settlement offer.

Conclusion

As of December 31, 2018, the total principal balance (\$33,486.00) and interest \$(7,309.49) owed under Nuisance Abatement Case 47830 is \$40,805.49 as further detailed in Exhibit 6.

For the reasons summarized below, it is my recommendation you accept Alltech's settlement offer which equates to Alltech dismissing its lawsuit and claim for damages in excess of \$200,000.00 in return for the City waiving in full its subject lien and attendant interest.

- Despite its timely written request in accordance with the Code of Ordinances, Alltech was never provided a hearing before the Board to contest the City's determination that the deteriorated condition of the tennis courts and related structures constituted a public nuisance.
- It would involve significant time, expense and staff resources to defend this lawsuit and the relevant facts are not necessarily weighted in the City's favor.
- Should Alltech prevail in this cause, the potential exposure to the City would be well in excess of \$200,000 in damages and attorney's fees.
- It is very likely a reviewing Court will find in Alltech's favor.

It is my intention to place this matter on the Consent Agenda of your City Commission meeting to be held on January 22, 2019. Therefore, if you have any questions or suggestions, kindly contact me beforehand so we can discuss this matter further. Please feel free to stop by the office or call me at (954) 786-4083.

Thank you for your consideration.


FAWN POWERS

l:cor/comsn/2019-17f

Attachments

cc: Gregory P. Harrison, City Manager

Filing # 69032170 E-Filed 03/09/2018 09:40:37 AM

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

Alltech Group Parcel I, LLC, a Florida
Limited Liability Company

CASE NO.:
DIVISION:

Plaintiff,

v.

City of Pompano Beach, a Florida Municipal
Corporation

Defendant.

COMPLAINT

COMES NOW the Plaintiff, Alltech Group Parcel I, LLC, a Florida Limited Liability Company and sues the Defendant, City of Pompano Beach, a Florida Municipal Corporation, and alleges as follows:

GENERAL ALLEGATIONS

1. This is a Civil Action for damages in excess of \$15,000.00 and for equitable relief, and jurisdiction herein reposes with the Circuit Court of Broward County, Florida.
2. The Plaintiff is a Florida Limited Liability Company with its principal place of business and owned Real Property in Broward County, Florida.
3. The Defendant, City of Pompano Beach, is a Florida Municipal Corporation located in Broward County, Florida.
4. Plaintiff is now, and continuously at all times since October 2004 has been, the fee simple owner of a 2.2 acre parcel of real property located in the City of Pompano Beach, Broward County, Florida with a street address of 2606 Palm Aire Drive North, 33069, bearing

Property Identification number 494204-00-0145 upon the Broward County Florida Property Appraisers records; said real property is hereinafter referred to as the "Real property".

5. Plaintiff acquired the Real Property in October of 2004 and at the time of acquisition and continuously at all times since then the zoning code classification of the real property was and is RM-45, a medium density residential zoning classification in the City of Pompano Beach that allows 45 residential units per acre.

6. In accordance with a conditional use within the RM 45 zoning category of the Real Property, there lawfully existed Chattels upon and Improvements to the Real Property consisting of numerous tennis courts, tennis net stanchions and tennis fencing of a value in excess of \$200,000 upon the real property.

7. Beginning after March 12, 2014 and continuing for several days and concluding on or before March 24, 2014 Defendant, acting through its agents, servants and employees, did without due process and without permission of Plaintiff, wrongfully, unlawfully, willfully, deliberately and intentionally tortuously trespass and enter upon Plaintiff's Real Property and thereupon did damage, destroy, disassemble, remove and convert to its own use the aforesaid Real Property situated Chattels and Improvements belonging to Plaintiff.

8. Actions of the Defendant proximately caused damages in tort to Plaintiff in excess of \$200,000.00.

9. In accordance with Florida Statute Sect. 768.28, Plaintiff through Counsel did via written Letter sent via email and via U.S. registered/certified mail, postage prepaid, give the requisite Notice to Defendant City of Pompano Beach that Alltech Group Parcel I, LLC was/is seeking a waiver of sovereign immunity and asserting claim and will, unless resolved by final disposition of its claim within 6 months, initiate a Civil Action against the City of Pompano Beach in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County Florida

COUNT III
CONVERSION

14. Plaintiff realleges, reavers and incorporates herein by reference those allegations contained in paragraphs 1 through 9 hereinabove.

15. In doing the things herein alleged, Defendant committed conversion as to Plaintiff's chattel property.

WHEREFORE, Plaintiff demands judgment against Defendant for damages in excess of \$15,000, together with costs of suit, and any further relief as this Honorable Court deems just and proper.

COUNT IV
SLANDER OF TITLE/ DECLARATORY RELIEF

16. Plaintiff realleges, reavers and incorporates by reference those allegations contained in paragraphs 1 through 9 hereinabove.

17. Plaintiff's fee simple ownership of and title to the parcel of real property described in paragraph 4 of this complaint is absolute, and but for actions of the Defendant was at all times material to this civil action unencumbered, marketable and insurable.

18. On or about April 27, 2014 Defendant City of Pompano Beach asserted and filed in the public and official records of the City of Pompano Beach and Broward County, Florida a purported official document entitled "Notice of Assessment" (Amended), reciting "NAB Case no. 47830" pursuant to which Defendant did purport to claim entitlement to and obligation against Plaintiff and Plaintiff's Real Property of the sum of \$33,486.00 which Defendant alleged to incur in its wrongful destruction, removal and conversion of Plaintiffs chattels and improvements. Such actions by Defendant slandered Plaintiff's good and marketable Fee Simple Title to its property, precluded and/or impaired Plaintiff's use, enjoyment and benefit of the full

utility of its property and has resulted in ongoing damage to Plaintiff. By virtue of the continuing impairment and slander of title resulting from Defendant's action, Plaintiff has and continues to suffer damages, but has no adequate remedy at law, and respectfully requests relief pursuant to F.S. Chapter 86 by way of Declaratory order/judgment/decreed striking all such slanderous documents from the public and land title records and declaring same a nullity and of no force nor effect, thereby precluding ongoing slander of Plaintiff's title to its real property and continuing damages, and awarding Plaintiff judgement for damages thus far incurred.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant to it all damages and relief upon all Counts of this Civil Action Complaint to which it is entitled, and afford trial by jury upon timely demand.

Dated March 9, 2018

/s/Fred C. Bamman III
Fred C. Bamman, III, Esq.
Attorney for Plaintiff
2251 N. E. 32nd Street
Lighthouse Point, Florida 33064
(954) 977-8989 / Phone
bammankl@gmail.com / email
Florida Bar No.: 122302

/s/Patrick B. Giunta, Esq.
Patrick B. Giunta, Esq.
Patrick Giunta P.A.
Co-Counsel
2401 E. Atlantic Blvd. Ste 210
Pompano Beach, Florida 33062
(954)951-7995 / Phone
pbg@pgpalaw.com / email
Florida Bar No.: 650528

COMPOSITE EXHIBIT

“A”

Law Offices
FRED C. BAMMAN, III, P.A.
ATTORNEY AND COUNSELOR AT LAW

FRED C. BAMMAN, III

2251 N.E. 32ND STREET
LIGHTHOUSE POINT, FL 33064

CEL (954) 801-4717
Email: bammankl@gmail.com

March 8, 2017

MarkBerman, Esquire
City Attorney
City of Pompano Beach
Post Office Box 2083
Pompano Beach, Florida 33061
and
Honorable Lamar Fisher
Mayor
City of Pompano Beach
100 West Atlantic Blvd
Pompano Beach, FL 33060

Re: Our Client: Alltech Group Parcel I, LLC
FEIN: 20-1745746
Property: 2606 Palm Aire Drive North, Pompano Beach, FL 33069
ID Number: 494204-00-0145

**NOTICE PURSUANT TO §768.28, FLORIDA STATUTES –
WAIVER OF SOVEREIGN IMMUNITY IN COURT ACTIONS**

Greetings: This law office represents Alltech Group Parcel I, LLC, a Florida Limited Liability Company ("Alltech"), owner of real property in Palm Aire in the City of Pompano Beach, FL. The property, located at 2606 Palm Aire Drive North, is a 2.2 acre parcel bearing a Broward County residential use code, and was when acquired by Alltech in October of 2004, and continuously since then, zoned RM-45 in the City of Pompano Beach, which zoning category permits 45 residential units per acre. For a period during its ownership while awaiting market condition for development of the property to its highest and best use as residential units this property was used as a tennis facility.

The purpose of this letter is to provide each of you for and in behalf of the City of Pompano Beach a Florida Municipality, with the statutory condition precedent of Notice that Alltech is seeking a waiver of sovereign immunity and asserting claim and will, unless resolved by final disposition of its claim within 6 months, initiate a Civil Action against the City of Pompano Beach in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida seeking recovery of damages in tort of \$200,000 for the wrongful trespass, trespass to chattels, conversion, slander of title, and damages to Alltech and its real property identified above, as well as all relief to which it is entitled pursuant to

Florida law, because of and resulting from the negligent or wrongful acts or omissions of City of Pompano Beach employees while acting within the scope of the employees office or employment, insofar as such actions which occurred during the period beginning after March 12, 2014 and concluding by or before March 24, 2014 entailed the wrongful and unlawful denial of due process and damage to and the destruction and removal of real and personal property of Alltech inclusive of its property consisting of clay tennis courts, land contour, tennis stanchions and tennis fencing upon and part of its real property, and trespass thereupon, of a cost/value in excess \$200,000 as well as the City's alleged recordation in the public records of Broward County, Florida of an unlawful and slanderous claim of lien incidental to the destruction of Alltech's property, In accordance with sec. 768.28(6)(a), Fla.Statutes., this claim is being presented in writing to the City Attorney and to the Mayor of the City of Pompano Beach prior to the institution of an action and within three years of accrual of the claim. In accordance with sec. 768.28(6)(c), Fla.Statutes., the Federal Identification Number of Alltech is 20-1745746 and Alltech owes no adjudicated penalties, fines, fees, victim restitution fund or other judgments in excess of \$200, and Alltech hereby so states; however, the City of Pompano Beach has by virtue of "Notice of Assessment (Amended)" reciting NAB Case No. 47830 dated 05/27/2014 purported to contend that Alltech owes to the City of Pompano Beach the sum of \$33, 486.00 arising from costs allegedly incurred by the City in its wrongful and unlawful destruction of Alltech's property, which contended obligation is disputed and denied- the efficacy of which along with the City's continuing denial of due process and arbitrary and capricious denial of equal protection in regard to the City's preclusion of Alltech's right to the use, enjoyment and development of its property in accordance with its RM 45 zoning entitlement, vis a vis allowing utilization of nearby property for, and allocation of residential units to, a non-conforming zoned parcel while failing to allocate any such units to Alltech's property in accordance with its longstanding conforming zoning and taxation assessment that may give rise to independent subsequent formal assertion of future claim pursuant to sec.70.001, Fla Statutes, the " Bert J. Harris Jr., Private Property Rights Protection Act"- are also matters that Alltech will seek to have adjudicated in the Civil Action proceedings.

Under sec. 768.28, the City of Pompano Beach can within six months accept and pay the claim or in the alternative deny the claim. Failure to respond within the six-month period shall be deemed a denial and give rise to institution of the Civil Action against the City of Pompano Beach without further notice or demand. Nevertheless, our client much prefers and has long sought an amicable resolution of these matter as voluminous prior correspondence from Alltech representatives on file with the City clearly indicates.

If any further or additional information is needed, please do not hesitate to call me; thank you.

Very truly yours,

Fred C. Bamman, III

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARK Bermen Esq.
City Attorney
City of Pompano Beach
P.O. Box 2083, Pompano Beach
FL 33061



9590 9402 2561 6306 6489 37

2. Article Number (Transfer from service label)

7016 0600 0000 9726 5782

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Michael J. ...*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Michael J. ...

C. Date of Delivery

3-13-17

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HON. LAMAR FISHER
Mayor, City of Pompano Beach
100 West Atlantic Blvd.
Pompano Beach, FL 33060



9590 9402 2561 6306 6489 44

2. Article Number (Transfer from service label)

7016 0600 0000 9726 5751

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Michael J. ...*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Michael J. ...

C. Date of Delivery

3-13-17

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

LIGHTHOUSE POINT
2091 NE 36TH ST
LIGHTHOUSE POINT
FL

33064-9997
1176420432

03/08/2017 (800)275-8777 4:27 PM

Product Description	Qty	Final Price
First-Class Mail Letter	1	\$0.49

(Domestic)
(POMPANO BEACH, FL 33061)
(Weight: 0.1b 0.70 Oz)
(Expected Delivery Day)
(Friday 03/10/2017)

Certified Mail	1	\$3.35
(USPS Certified Mail #)		
(7016060000097265782)		
Return Receipt	1	\$2.75
(USPS Return Receipt #)		
(9590940225616306648937)		

First-Class Mail Letter	1	\$0.49
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(Domestic)
(POMPANO BEACH, FL 33060)
(Weight: 0.1b 0.70 Oz)
(Expected Delivery Day)
(Friday 03/10/2017)

Certified Mail	1	\$3.35
(USPS Certified Mail #)		
(7016060000097265751)		
Return Receipt	1	\$2.75
(USPS Return Receipt #)		
(9590940225616306648944)		

Pa	1	\$4.90
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(Unit Price: \$4.90)

Total		\$18.08
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Credit Card Rem'td		\$18.08
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(Card Name: VISA)
(Account #: XXXXXX XXXXX4547)
(Approval #: 018376)
(Transaction #: 070)

Text your tracking number to 28777
(USPS) to get the latest status.
Standard Message and Data rates may
apply. You may also visit USPS.com
USPS Tracking or call 1-800-222-1811

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POMPANO BEACH, FL 33060	
Certified Mail Fee	\$3.35
Extra Services & Fees (check box and fee)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$6.59

Sent to **Hon. LAMAR FISHER Mayor**
Street and Apt. No. or PO Box No. **100 W. Atlantic Blvd**
City, State, ZIP+4[®] **Pompano Beach, FL 33060**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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POMPANO BEACH, FL 33061	
Certified Mail Fee	\$3.35
Extra Services & Fees (check box and fee)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.49
Total Postage and Fees	\$6.59

Sent to **Mark Bermin Esq. City Attorney**
Street and Apt. No. or PO Box No. **P.O. Box 2083**
City, State, ZIP+4[®] **Pompano Beach, FL 33061**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

FRED C. BAMMAN III

ATTORNEY AT LAW

EXHIBIT

2

2251 N.E. 32ND STREET
LIGHTHOUSE POINT, FLORIDA 33064

CELL: (954) 801-4717
E-MAIL: bammankl@gmail.com

September 17, 2018

Honorable Mayor, City Commissioners and City Attorney
c/o Office of the City Attorney
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Fl 33060

Dear Mayor, Commissioners and City Attorney:

Please accept this correspondence as a Comprehensive Settlement Proposal as to pending Civil Action:

Court: Seventeenth Judicial Circuit in and for Broward County, Florida

Case #: 062018CA005597AXXXCE

Court Case #: CACE-18-005597

Case Style: ALLTECH GROUP PARCEL I, LLC VS CITY OF POMPANO BEACH

in Conjunction with grant of request for corrective removal/abatement and cancellation of City of Pompano Beach Code Enforcement Liens/claims on the part of the City of Pompano Beach against Alltech Group Parcel I, LLC (" Alltech") or its property located at 2606 North Palm Aire Drive, Pompano Beach, Florida, further described on the rolls of the Broward County Tax Assessor as Folio ID # 4942 04 00 0145 (the "Property") and including grant of Request for Waiver of Nuisance Abatement Lien #47830 on 2606 North Palm Aire Drive owned by Alltech Group Parcel I, LLC Pursuant to City of Pompano Beach Code of Ordinances sub part A (3) of § 96.36 WAIVER OF NUISANCE ABATEMENT LIENS:

" (A) The City Commission may waive nuisance abatement liens created pursuant to Chapter 96 and/or any accrued interest associated with the liens provided that the City Commission makes any one or more of the following findings:

... (3) A showing of a good cause has been made that demonstrates payment of the nuisance abatement lien and/or any accrued interest would be inequitable or unjust to the property owner and the circumstances which make the payment inequitable or unjust were not the result of the property owner's own action or non-action."

The Civil Action and the Nuisance Abatement Lien both arose as result of the destruction by the City of Pompano Beach, Fl of numerous Alltech tennis courts, tennis net stanchions, and tennis fencing during March 2014 which is the subject of Alltech's civil action against the City currently pending in Broward County Circuit Court which seeks a judicial determination that

said lien was unlawfully placed and recorded without the due process and in violation of procedures required by the City's Code and recovery of damages after timely notice by Alltech to the City of Pompano Beach, FL pursuant to Florida Statute § 768.28 seeking waiver of sovereign immunity for recovery in tort for wrongful trespass, trespass to chattels, conversion, slander of title and damages to Alltech and its Property in excess of \$200,000.

As showing of good cause demonstrating that payment of the referenced nuisance abatement lien and any accrued interest would be inequitable or unjust and that the circumstances were not the result of Alltech's own action or non-action, Alltech shows and respectfully asserts that the lien arose because of the wrongful and tortious conduct of the City acting pursuant to directive reasonably believed by Alltech (although absent discovery at this juncture-unknown with certainty) to have emanated from a former/prior City official, no longer in service to the City, for the destruction of Alltech's property.

It is believed that the Code Enforcement liens arose as result of error, mistake or misunderstanding as to cancellation of a prior scheduled hearing resulting in filing of such liens.

Over the past several years Alltech has been in frequent communication with City staff in attempts to amicably resolve matters concerning its Property. In February 2016 at a meeting with City personnel concerning a Code Compliance Notice of Public Nuisance dated 10/21/2013 Alltech provided a copy of various documents, including Request For Rehearing and other Relief dated January 10, 2014 as well as copy of Code Compliance Notice of Public Nuisance dated 10/21/2013, and also another (duplicate of the one that had long reposed in the City's file) copy of a written petition from Alltech requesting a hearing dated October 24, 2013 that had been filed in behalf of Alltech pertaining to its property at 2610 Palm Aire Drive North, Pompano Beach, FL, 33069, which hearing request timely invoked Alltech's City Code guaranteed right to the hearing to which it was entitled before a three-person board comprised of the City Manager, the Director of Public Works and the Building Official, or their designees prior to any destruction by the City of Alltech's property. During the meeting in February 2016 a City representative explained that some customary boilerplate language in the notice dated 10/21/16-to which Alltech had timely responded,- had not been recited in the notice, but rather than amending the notice a separate notice reciting a different case number was produced, and for whatever unknown reason the City of Pompano file apparently did not contain a copy of the initial notice citing the virtually identical purported nuisance violation, (although the City file definitely did show that Alltech had timely requested a hearing as to the exact alleged violations within the stated time parameter). Additionally, and well prior to the time the city brought bulldozers onto and destroyed Alltech's property improvements (six clay tennis courts and complete tennis fencing and gates and related improvements of a value in excess of two hundred thousand dollars), Alltech representatives also had several times in oral and written communication with City officials and representatives documented objection to the destruction of its property without first being afforded the due process mandated in the City code and under Florida law. The only reason Alltech filed the pending Broward Circuit Court lawsuit was the State Statute of Limitations which required Alltech to initiate litigation by March 2018 or risk being forever barred of its right to seek recourse against the City for tortuous conduct, destruction of Alltech's property and wrongful assertion of claims against its Property.

Accordingly, Alltech requests that the City of Pompano Beach waive, release and cancel Liens/Claims against Alltech and its Property, including liens asserted as follows:

9204-00-0145

<u>Violation Type</u>	<u>Case #</u>	<u>Complied</u>	<u>Daily Accural</u>	<u>Recording Reference</u> <u>Instr #/BK & PG/Date</u>	<u>Balance as of</u> <u>9/13/18</u>
Code Compliance	11050215	yes	\$0.00	n/a	\$100.00
Code Compliance	13090105	yes	\$0.00	Instr #112115490 02/21/14	\$42,700.00
Nuisance Abatement	47830	yes	\$5.48	Instr #112594287 10/17/14	\$40,198.37

such liens in the aggregate totaling \$82,998.37, together with any interest/penalties further accruing, and in exchange Alltech proposes comprehensive Settlement of all matters herein referenced, including waiver and relinquishment by Alltech of its entitlement to compensatory damages exceeding \$200,000 and other relief demanded against the City of Pompano Beach, and thereupon that parties effect prompt dismissal with prejudice of pending Civil Action pursuant to execution and filing of a joint stipulation and motion to the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida incorporating comprehensive settlement and reciprocal releases.

Respectfully submitted,

Alltech Group Parcel I, LLC

By: /s/ Fred C Bamman, III
Fred C Bamman, III, its Attorney



EXHIBIT

3

City of Pompano Beach
100 West Atlantic Boulevard, Suite 307
Pompano Beach, Florida 33060

CODE COMPLIANCE NOTICE OF PUBLIC NUISANCE

Sent To:	Case #:	Date:
ALLTECH GROUP PARCEL 1	45041	10/21/2013
555 S POMPANO PKWY, STE A POMPANO BEACH, FL 33069		
Property Owner:	Property Description:	Certified Mail #:
ALLTECH GROUP PARCEL 1	494204000145	70131710000218985878
555 S POMPANO PKWY, STE A POMPANO BEACH, FL 33069		
Legal Description:	AKA:	
4-49-42 & THE WORLD OF PALM-AIRE PLAT NO 1-114-50 B PT GOV LOT 8 & TR A OF 114-50 B DESC AS: BEG NE COR TR A, E 366.17 S 123.62, W 140.05, S 196.01, W 78.78, S 14, NWLY 106.88, NWLY 75.48, W 37.47, NW 80.77, SW 21.40 NW 13.82, SW 165.68, NW 38.56, NW 16.19, NLY 37.50, NELY 225.55, E 128 TO POB, LESS POR DESC IN OR 44154/1995, LESS PAR A & B DESC IN OR 45095/200	2610 PALM AIRE Dm POMPANO BEACH, FL 33069	

YOU ARE HEREBY NOTIFIED that Code Compliance Division by and through its Code Inspectors of the City of Pompano Beach, Florida, has on the 21st day of October, 2013 determined that a nuisance exists on your property in violation of the below referenced section(s) of the City of Pompano Beach Code of Ordinances:

Notes/Mean of Correction:

96.26 (E) Observed an abandoned / vacant property with a Tennis court structure and rusty fence in poor condition causing a public nuisance, unmaintained in such a manner that is causing blight influence in the neighborhood. ***The condition of the property is causing blight to the neighboring properties. Blighting influence is defined as: Any physical condition of building or property, which directly or indirectly causes, or is likely to cause, a reduction in the value of surrounding properties.***

a. Observed a vacant lot with an abandoned tennis court - remove all the tennis courts structures, foundations, materials associated to or attached and connected to the tennis court including chain link fence.

b. Plant drought resistant sod or ground cover over the entire property once demolition is complete as outlined in City Ordinance 155.5203.A.3.a before close-out of the demolition Building Permit and thereafter maintained.

Questions/Concerns: Please contact Code Compliance Inspector Ricardo Collings 754-367-3391

You, as the owner/owners of the above-described property have seven (7) days from the date of receipt of this notice or from the date of the physical posting of this notice on the property, whichever occurs earlier, to correct and/or to remove the condition causing the nuisance from the property in order to comply with the above-referred to City Ordinance. If the conditions are not corrected and/or removed within this time, the City of Pompano Beach shall proceed to correct and/or remove or cause to correct and/or remove the conditions at the expense of the owner/owners of the property, which expense shall include the costs of inspection and administration.

You also have the right within five (5) days from the receipt of this notice or from the date of the physical posting of the property, to file a written petition with the City Manager for a hearing before a three-person board composed of the City Manager, the Director of Public Works, and the Building Official, or their designees, which hearing shall be held within ten (10) days of the date the petition is received by the City Manager.

The issues to be determined at said hearing are whether the conditions do in fact exist and why the conditions should not be abated by the City at the expense of the owner, and the time limits for such abatement. The source of the condition shall not be a defense against the requirement that the condition shall be abated by the owner.

If after the hearing the Board determines that the conditions which exist on the property constitute a public nuisance, the owner of owners of the property shall have an additional seven (7) days to correct and/or remove the conditions after which the City shall have the right to have the conditions abated at the expense of the property owner. If the owner has not requested a hearing within seven (7) days, the City shall have the right to have the objectionable condition corrected and/or removed at the expense of the owner. If the City has the condition abated and payment is not received within thirty (30) days from the date of physical posting or receipt of the mailed notice of assessment for the cost of such work together with all costs of inspection and administration the City shall have a lien co-equal with liens of ad valorem taxes and superior to all other liens of record placed against the property for the cost of the work, including inspections and administration costs, plus interest as set forth in F.S. § 55.03 as now enacted or as may hereafter be amended, plus reasonable attorney's and other costs of collecting said sums, without further hearing by the Board or City Commission.

For additional **VIOLATION** information, or to request an inspection for compliance prior to the listed compliance date, contact the Code Compliance Inspector listed below at 954-786-4361.

If the referenced violations are corrected within seven (7) days from the date of issuance of this notice, you must contact the Code Compliance Inspector at 954-786-4361.

CITY OF POMPANO BEACH

Ricardo Collings, Code Compliance Inspector



10/21/2013



EXHIBIT

4

City of Pompano Beach
100 West Atlantic Boulevard, Suite 307
Pompano Beach, Florida 33060

CODE COMPLIANCE NOTICE OF PUBLIC NUISANCE

Sent To:

ALLTECH GROUP PARCEL 1

555 S POMPANO PKWY, STE A
POMPANO BEACH, FL 33069

Case #:

47830

Date:

12/06/2013

Property Owner:

ALLTECH GROUP PARCEL 1

555 S POMPANO PKWY, STE A
POMPANO BEACH, FL 33069

Property Description:

494204000145

Certified Mail #:

70131710000218987162

Legal Description:

4-49-42 & THE WORLD OF PALM-AIRE
PLAT NO 1 114-50 B PT GOV LOT 8 & TR A
OF 114-50 B DESC AS: BEG NE COR TR
A, E 366.17 S 123.62, W 140.05, S 196.01, W
78.78, S 14, NWLY 106.88, NWLY 75.48, W
37.47, NW 80.77, SW 21.40 NW 13.82, SW
165.68, NW 38.56, NW 16.19, NLY
37.50, NELY 225.55, E 128 TO POB, LESS
POR DESC IN OR 44154/1995, LESS PAR A
& B DESC IN OR 45095/200

AKA:

2610 PALM AIRE Drn POMPANO BEACH,
FL 33069

YOU ARE HEREBY NOTIFIED that Code Compliance Division by and through its Code Inspectors of the City of Pompano Beach, Florida, has on the 6th day of December, 2013 determined that a nuisance exists on your property in violation of the below referenced section(s) of the City of Pompano Beach Code of Ordinances:

Ordinance/Regulation	Section	Description	Days Comply
Chapter 96: Health and Safety	96.26(E) Public Nuisance; Maintenance of Premises Substandard	No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any public nuisance thereon, or shall any such person keep or maintain such premises in a manner causing a blighting influence in the neighborhood in which the premises are located. For purposes of this division, the term PREMISES shall be defined as including any swale area, sidewalk, or alley adjacent to private premises.	7

Notes/Mean of Correction:

Observed an abandoned facility with a Tennis court structure, cracked concrete and rusty fence in poor condition causing a public nuisance, unmaintained in such a manner that is causing blight influence in the neighborhood. ***The condition of the property is causing blight to the neighboring properties. Blighting influence is defined as: Any physical condition of building or property, which directly or indirectly causes, or is likely to cause, a reduction in the value of surrounding properties.***

- 1.- PROPERTY MUST BE FREE OF ANY LITTER, DEBRIS, TRASH.
- 2.- PROPERTY MUST BE FREE OF ANY OVERGROWN VEGETATION AND FREE OF ANY VEGETATION ENCROACHING INTO ANY PUBLIC PROPERTY (SIDEWALKS).
- 3.- ALL ASPHALT, ROCK, AND OTHER NON-NATURAL MATERIALS SHALL BE REMOVED FROM THE ENTIRE PROPERTY AND/OR DISTURBED AREAS AND THEN REFILLED WITH CLEAN SOIL BEFORE ANY PLANTING OR INSTALLATION OF THE DROUGHT-RESISTANT SOD OR GROUND COVER.
4. ALL FENCING SHALL BE REMOVED FROM PROPERTY. REMOVE ALL TENNIS COURT STRUCTURES, FOUNDATIONS AND MATERIALS ASSOCIATED TO OR ATTACHED AND CONNECTED TO THE TENNIS COURT INCLUDING THE CHAIN LINK FENCE.

THE CONDITION OF THE PROPERTY IS CAUSING BLIGHT TO THE NEIGHBORING PROPERTIES. BLIGHTING INFLUENCE IS DEFINED AS: ANY PHYSICAL CONDITION OF BUILDING OR PROPERTY WHICH DIRECTLY OR INDIRECTLY CAUSES, OR IS LIKELY TO CAUSE, A REDUCTION IN THE VALUE OF SURROUNDING PROPERTIES.

Questions/Concerns: Please contact Code Compliance Inspector Ricardo Collings 754-367-3391

You, as the owner/owners of the above-described property have seven (7) days from the date of receipt of this notice or from the date of the physical posting of this notice on the property, whichever occurs earlier, to correct and/or to remove the condition causing the nuisance from the property in order to comply with the above-referred to City Ordinance. If the conditions are not corrected and/or removed within this time, the City of Pompano Beach shall proceed to correct and/or remove or cause to correct and/or remove the conditions at the expense of the owner/owners of the property, which expense shall include the costs of inspection and administration.

You also have the right within five (5) days from the receipt of this notice or from the date of the physical posting of the property, to file a written petition with the City Manager for a hearing before a three-person board composed of the City Manager, the Director of Public Works, and the Building Official, or their designees, which hearing shall be held within ten (10) days of the date the petition is received by the City Manager.

The issues to be determined at said hearing are whether the conditions do in fact exist and why the conditions should not be abated by the City at the expense of the owner, and the time limits for such abatement. The source of the condition shall not be a defense against the requirement that the condition shall be abated by the owner.

If after the hearing the Board determines that the conditions which exist on the property constitute a public nuisance, the owner of owners of the property shall have an additional seven (7) days to correct and/or remove the conditions after which the City shall have the right to have the conditions abated at the expense of the property owner. If the owner has not requested a hearing within seven (7) days, the City shall have the right to have the objectionable condition corrected and/or removed at the expense of the owner. If the City has the condition abated and payment is not received within thirty (30) days from the date of physical posting or receipt of the mailed notice of assessment for the cost of such work together with all costs of inspection and administration the City shall have a lien co-equal with liens of ad valorem taxes and superior to all other liens of record placed against the property for the cost of the work, including inspections and administration costs, plus interest as set forth in F.S. § 55.03 as now enacted or as may hereafter be amended, plus reasonable attorney's and other costs of collecting said sums, without further hearing by the Board or City Commission.

For additional **VIOLATION** information, or to request an inspection for compliance prior to the listed compliance date, contact the Code Compliance Inspector listed below at 954-786-4361.

If the referenced violations are corrected within seven (7) days from the date of issuance of this notice, you must contact the Code Compliance Inspector at 954-786-4361.

CITY OF POMPANO BEACH

Ricardo Collings, Code Compliance Inspector

A handwritten signature in black ink, appearing to be 'R. Collings', written over a horizontal line.

12/06/2013



EXHIBIT

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City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

NOTICE OF ASSESSMENT (AMENDED)

NAB CASE NO. 47830

Sent To:

GHULAM H USMAN

555 S POMPANO PARKWAY STE A
POMPANO BEACH, FL 33069

Date:

05/27/2014

Certified Mail #:

70132250000103865315

Property Owner:

ALLTECH GROUP PARCEL 1

555 S POMPANO PKWY, STE A
POMPANO BEACH, FL 33069

Property Description:

494204000145

Legal Description:

4-49-42 & THE WORLD OF PALM-AIRE
PLAT NO 1 114-50 B PT GOV LOT 8 & TR
A OF 114-50 B DESC AS: BEG NE COR TR
A, E 366.17 S 123.62, W 140.05, S 196.01, W
78.78, S 14, NWLY 106.88, NWLY 75.48, W
37.47, NW 80.77, SW 21.40 NW 13.82, SW
165.68, NW 38.56, NW 16.19, NLY
37.50, NELY 225.55, E 128 TO POB, LESS
POR DESC IN OR 44154/1995, LESS PAR
A & B DESC IN OR 45095/200

AKA:

2610 PALM AIRE Dm POMPANO BEACH,
FL 33069

On or about 4/24/2014 the City of Pompano Beach ("City") abated the public nuisance(s) conditions described in the **NOTICE OF PUBLIC NUISANCE** previously issued in this case on 12/6/2013. The costs of such abatement, including inspection and administration costs, are as follows:

Abatement Fee: \$33,385.00

Administrative Fee: \$101.00

Total Owed: \$33,486.00

Failure to pay the total owed within thirty (30) days after the date of posting or receipt of this Notice will cause the City to place a lien against the subject property which shall be co-equal with liens of ad valorem taxes and bear interest as set forth in F.S. § 55.03 as now enacted or as may hereafter be amended, plus reasonable attorney fees and other costs of collection without further hearing by the City Commission.

Payment can be made in person or by mail. To ensure your account is properly credited, please reference the NAB case number located at the top of this Notice on your check or money order made payable to the **CITY OF POMPANO BEACH, Attn: Lien Search, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.**

VERNESSA STANISLAS-ALLAN

Lien Search

Building Division

Phone (954) 786-4069



PUBLIC WORKS

Robert McCaughan, Public Works Director

E: Robert.McCaughan@copbfl.com | P: 954.786.4061 | F: 954.786.4028

May 14, 2014

Mr. Mario Sotolongo
Code Compliance Supervisor
Calvin, Giordano & Associates, Inc.
100 West Atlantic Boulevard | Suite 420
Pompano Beach, FL 33060

Re: Summary of Cost to Accomplish Corrective Actions at 2606 Palm Aire Drive N
(FOLIO # 494204000145)


Based on Notice of Public Nuisance at subject property and non-response by property owner, the City of Pompano Beach Public Works Department took the appropriate and necessary actions to abate blighted conditions.

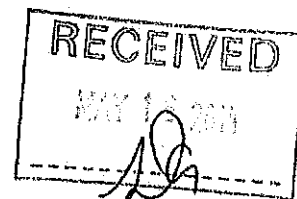
The costs necessary to accomplish this work is summarized in the table below and additional documentation and breakout of costs are attached.

Line Item	Cost
Labor	\$3,657
Equipment	\$4,820
Disposal Fee	\$4,583
Demolition Permit	\$ 879
Material (bahia turf sod)	\$19,946
Total	\$33,385

If you have any questions regarding this issue please do not hesitate to contact me at (954) 786-4097 or e-mail robert.mccaughan@copbfl.com.

Sincerely,


Robert A. McCaughan
Public Works Director



Attachments

Cc: Dennis W. Beach, City Manager
Robin Bird, Development Services Director
Miguel Nunez, Building Official

~~3016~~

Demolition Cost Breakdown : 2606 N. Palm Aire Drive

2606 N Palm Aire Drive

Labor Cost

Employee	Hourly	# Hours	Total	Totals With Benefits	
James Daniels-Foreman	\$27.83	19	\$528.77	58.5%	838.10
Brant Durias-SWII	\$22.89	19	\$434.91	58.5%	689.33
Steve McFadden-Operator	\$26.50	19	\$503.50	58.5%	798.05
Donell Geier-SWII	\$20.79	19	\$395.01	58.5%	626.09
Michael Keyes-Operator	\$27.83	16	\$445.28	58.5%	705.77
TOTAL			\$2,307.47		\$3,657.34

Equipment Cost

Vehicles	Hourly	#Hours	Totals
Loader # 42015	\$40.00	19	\$760.00
Loader # 42718	\$40.00	16	\$640.00
Tandem # 49006	\$60.00	19	\$1,140.00
Tandem # 42713	\$60.00	19	\$1,140.00
Tandem # 42405	\$60.00	19	\$1,140.00
TOTAL			\$4,820.00

Disposal Cost

Ticket #	Date	Cost	Ticket #	Date	Cost
728691	4/14/2014	\$ 104.00	729125	4/15/2014	\$ 97.50
728692	4/14/2014	\$ 97.50	729173	4/15/2014	\$ 97.50
728708	4/14/2014	\$ 91.00	729177	4/15/2014	\$ 91.00
728733	4/14/2014	\$ 104.00	729211	4/15/2014	\$ 104.00
728736	4/14/2014	\$ 97.50	729227	4/15/2014	\$ 97.50
728755	4/14/2014	\$ 91.00	729239	4/15/2014	\$ 91.00
728782	4/14/2014	\$ 97.50	729257	4/15/2014	\$ 104.00
728786	4/14/2014	\$ 104.00	729418	4/16/2014	\$ 91.00
728795	4/14/2014	\$ 91.00	729421	4/16/2014	\$ 97.50
728803	4/14/2014	\$ 97.50	729464	4/16/2014	\$ 91.00
728814	4/14/2014	\$ 104.00	729479	4/16/2014	\$ 97.50
728961	4/15/2014	\$ 91.00	729526	4/16/2014	\$ 91.00
728964	4/15/2014	\$ 104.00	729532	4/16/2014	\$ 97.50
728982	4/15/2014	\$ 97.50	729578	4/16/2014	\$ 104.00
729005	4/15/2014	\$ 104.00	729626	4/16/2014	\$ 91.00
729017	4/15/2014	\$ 91.00	729640	4/16/2014	\$ 97.50
729027	4/15/2014	\$ 97.50	729644	4/16/2014	\$ 104.00
729062	4/15/2014	\$ 91.00	729679	4/16/2014	\$ 91.00
729070	4/15/2014	\$ 97.50	729684	4/16/2014	\$ 97.50
729078	4/15/2014	\$ 104.00	729687	4/16/2014	\$ 104.00
729109	4/15/2014	\$ 91.00	729841	4/17/2014	\$ 97.50
729120	4/15/2014	\$104.00	729847	4/17/2014	\$ 104.00
TOTAL (pg.1)					

Disposal Cost

[illegible]

Demolition Permit
2606 Palm Aire Drive N

City of Pompano Beach
*** CUSTOMER RECEIPT ***
Order: NON-CASH Type: DC Drawer: 1
Date: 4/24/14 21 Receipt no: 97824

Year	Number	Amount
2014	2187	
2606 N PALM AIRE DR		
POMPAHO BEACH, FL 33068		
99	BUILDING PERMIT	\$878.78

Tender detail	
MC NON CASH	\$878.78
Total tendered	\$878.78
Total payment	\$878.78

Trans date: 4/23/14 Time: 16:50:55

*****THANK YOU-2-HAVE A NICE DAY*****

100 W Atlantic Blvd.
Pompano Beach, FL 33060
(954) 786-4198

*****BUILDING PERMIT*****

Application Number 14-00002187 Date 3/19/14
Application pin number 928541
Pin number 928541 WWW.MYPOMPANOBACH.ORG
Property Address 2606 N PALM-AIRE DR
Subd/Block/Lot/Str#/Apt: 9204-00-014-5 000000
Folio Number: 9204000145
Tenant nbr, name DEMO SITE RESTORATION
Application type description A~ BUILDING APPLICATION NO CO
Subdivision Name SECTION 04 UNPLATTED
Property Use OFFICE BUILDING MULTI ST.

Owner

Contractor

ALLTECH GROUP PARCEL 1
555 S POMPANO PKWY, STE A
POMPANO BEACH FL 33069

CITY OF POMPANO BEACH
1201 NE 5 AV
POMPANO BEACH FL 33060
(954) 786-4105

Permit A~B INTERIOR/MISCELL - DEMO
Additional desc DEMO TENNIS COURTS, POOL, FENC
Phone Access Code 2970903
Permit pin number 2970903
Permit Fee 490.70
Issue Date

Valuation 17040

Qty	Unit	Charge	Per		Extension
17040.00		.0260	A~	2.6% OF VALUATION CHARGE	443.04
18.00		.6800	THOU	12~BRA SURCH \$.68 PER \$1000	12.24
1.00		5.0000	EA	A~ CERTIFICATE OF COMPL CHARGE	5.00
171.00		.1000	HND	A~ CERTIF MAINT CHARGE .10/100	17.10
444.00		.0150		A DBPR SURCH 1.5% OF PER FEE	6.66
444.00		.0150		A DCA SURCH 1.5% OF PERMIT FEE	6.66

Special Notes and Comments

Approved for demo of tennis courts,
fence & pool.
Temp. fence and silk fence as per Fl
stormwater, erosion and sedimentation
manual.

March 19, 2014 1:52:04 PM mccgen.

March 19, 2014 8:12:11 AM bramic.

***** received letter from John Poag
stating that power has been removed from
area being demolished, letter in
file.*****

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	490.70	.00	.00	490.70

100 W Atlantic Blvd.
Pompano Beach, FL 33060
(954) 786-4198

*****BUILDING PERMIT*****

Application Number 14-00002187 Date 3/19/14
Application pin number 928541
Pin number 928541 WWW.MYPOMPANOBACH.ORG
Property Address 2606 N PALM-AIRE DR
Subd/Block/Lot/Str#/Apt: 9204-00-014-5 000000
Folio Number: 9204000145
Tenant nbr, name DEMO SITE RESTORATION
Application type description A~ BUILDING APPLICATION NO CO
Subdivision Name SECTION 04 UNPLATTED
Property Use OFFICE BUILDING MULTI ST.

Owner

Contractor

ALLTECH GROUP PARCEL 1
555 S POMPANO PKWY, STE A
POMPANO BEACH FL 33069

CITY OF POMPANO BEACH
1201 NE 5 AV
POMPANO BEACH FL 33060
(954) 786-4105

Permit TREE PERMIT
Additional desc TREE PROTECTION
Phone Access Code 2970747
Permit pin number 2970747
Permit Fee 288.00
Issue Date Valuation 0
Expiration Date 9/15/14

Qty	Unit	Charge	Per		Extension
1.00		50.0000	EA	ZONING NON RES TREE	50.00
34.00		7.0000	EA	ZONING MULTI FAM EACH ADD TREE	238.00

Special Notes and Comments

Approved for demo of tennis courts,
fence & pool.
Temp. fence and silk fence as per Fl
stormwater, erosion and sedimentation
manual.
March 19, 2014 1:52:04 PM mccgen.

March 19, 2014 8:12:11 AM bramic.
***** received letter from John Poag
stating that power has been removed from
area being demolished, letter in
file.*****

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	288.00	.00	.00	288.00
Grand Total	288.00	.00	.00	288.00

CITY OF POMPANO BEACH - BUILDING DEPARTMENT

100 W Atlantic Blvd.

Pompano Beach, FL 33060

(954) 786-4198

*****BUILDING PERMIT*****

Application Number 14-00002187 Date 3/19/14
 Application pin number 928541
 Pin number 928541 WWW.MYPOMPANOBACH.ORG
 Property Address 2606 N PALM-AIRE DR
 Subd/Block/Lot/Str#/Apt: 9204-00-014-5 000000
 Folio Number: 9204000145
 Tenant nbr, name DEMO SITE RESTORATION
 Application type description A~ BUILDING APPLICATION NO CO
 Subdivision Name SECTION 04 UNPLATTED
 Property Use OFFICE BUILDING MULTI ST.

Owner

ALLTECH GROUP PARCEL 1
 555 S POMPANO PKWY, STE A
 POMPANO BEACH FL 33069

Contractor

CITY OF POMPANO BEACH
 1201 NE 5 AV
 POMPANO BEACH FL 33060
 (954) 786-4105

Permit A~ ZONING COMPLIANCE PERMIT
 Additional desc . . DEMO SITE RESTORATION
 Phone Access Code . 2970739
 Permit pin number . 2970739
 Permit Fee 100.00
 Issue Date

Valuation 0

Qty	Unit Charge	Per	Extension
1.00	100.0000 EA	ZONING NONRES/MIXED COMP FEE	100.00

Special Notes and Comments

 Approved for demo of tennis courts,
 fence & pool.
 Temp. fence and silk fence as per Fl
 stormwater, erosion and sedimentation
 manual.
 March 19, 2014 1:52:04 PM mccgen.

 March 19, 2014 8:12:11 AM bramic.
 ***** received letter from John Poag
 stating that power has been removed from
 area being demolished, letter in
 file.*****

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	100.00	.00	.00	100.00
Grand Total	100.00	.00	.00	100.00

Approved By: _____

Received By: _____

Received Date: _____

Mullings Engineering Services -
Landscaping Division, Inc.
8110 Pelican Harbour Dr
Lake Worth, FL 33467

CONCURRED
PJM
4/25/14

Estimate

Date	Estimate #
4/24/2014	1323

Name / Address
City of Pompano Beach Accounts Payable 1190 N.E. 3rd Avenue Pompano Beach, FL 33060

Description	Qty	Rate	Total
Project Location: Powerline Road and Palm Air Dr. North Furnish, Deliver and Install 96,450 SF of Bahia Argentina Sod	96,450	0.22	21,219.00
<p>94% Applied to 2606 Palm Aire N = $.94(\\$21,219) = \\$19,946$</p>			
Thank you for your business.			
Total			\$21,219.00
Phone #	Fax #	E-mail	
954-583-2441	866-558-0486	mullingseng@hotmail.com	

RESOLUTION NO. 2014- 323

CITY OF POMPANO BEACH
Broward County, Florida

SEAL OF THE CITY OF POMPANO BEACH
OFFICE OF THE CITY CLERK
MARY B. CHAMBERS

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 96 of the Code of Ordinances of the City of Pompano Beach (the "Code") entitled "Health and Safety", the City Manager or the City Manager's agent or assigns (the "City's Designated Representative") declared that a public nuisance existed on the real property(ies) described in the list attached hereto and made a part hereof; and

WHEREAS, as provided by § 96.28 of the Code, the City's Designated Representative inspected said property(ies) and determined that a public nuisance as defined by § 96.26 of the Code existed, and thereafter provided the respective property owner(s) with written notice that described the subject nuisance(s) and advised if the owner(s) did not abate the nuisance(s) within seven (7) days or file a written request for a hearing within five (5) days, the City of Pompano Beach (the "City") would proceed to correct the public nuisance condition(s) and the cost thereof, including inspection, administration and collection costs would be levied as an assessment against the property(ies); and

WHEREAS, the property owner(s) failed to timely abate the nuisance(s) existing upon the property(ies) or request a hearing pursuant to § 96.30 of the Code, or the property owner(s) did request and receive a hearing which resulted in a determination that public nuisance conditions existed on the property(ies) and the owner(s) thereafter failed to timely abate said public nuisance(s); and

WHEREAS, the City, through agents or contractors, did therefore enter upon the property(ies) and incur costs to abate the public nuisance(s); and

WHEREAS, pursuant to § 96.32 of the Code, the City Commission desires to assess the City's costs to abate the subject public nuisance(s), including inspection and administration, which shall serve as a lien against the property(ies) described in the exhibit to this Resolution co-equal with liens of ad valorem taxes and prior in dignity to any other lien, including mortgages, irrespective of the date of recording of the lien or the date of recording any mortgage or other lien on the property, and such lien shall survive any action to foreclose such inferior lien; and

WHEREAS, such assessment, pursuant to Section 96.32 of the Code, shall bear interest as set forth in F. S. § 55.03 and if collection proceedings are necessary, property owner(s) would be assessed to pay the costs of such proceeding, including attorney's fees; now, therefore

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That assessments for the City's costs of abating nuisances in the individual amount(s) set forth in the attached exhibit are hereby levied against the subject property(ies) described therein and shall serve as a lien against the said property(ies) which shall be co-equal with liens of ad valorem taxes and prior in dignity to any other lien, including mortgages, irrespective of

the date of recording of the lien or the date of recording any mortgage or other lien on the property, and such lien shall survive any action to foreclose such inferior lien

SECTION 2. That said assessments shall be legal, valid and binding obligations on the subject property(ies).

SECTION 3. That the City Clerk is directed to record a certified copy of this Resolution in the Public Records of Broward County and simultaneously send a Notice of Lien as prescribed in § 96.32 of the Code to the property owner(s).

SECTION 4. Upon the date and time of recording of the certified copy of this Resolution in the Public Records, a lien shall become effective on the property(ies) to secure the cost of abatement, including inspection and administration. Interest on said lien shall accrue at the per annum rate prescribed by § 55.03, Florida Statutes, as now enacted or as may hereafter be amended.

SECTION 5. If collection proceeds are necessary and instituted, the cost of such proceeding, including reasonable attorney's fees, shall be assessed against the property owner(s).

SECTION 6. That this Resolution shall become effective immediately from the date of adoption.

PASSED AND ADOPTED this 23rd day of September, 2014.


LAMAR FISHER, MAYOR

ATTEST:


MARY L. CHAMBERS, CITY CLERK

GBL/ds
9/2/14
l:reso/2014-392

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT
Resolution No. 9/23/2014

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated	Admin Fee	Total	Payment	Balance
11/28/2013	47830	ALL TECH GROUP PARCEL 1 555 S POMPANO PKWY, SITE A POMPANO BEACH, FL 33069	2610 PALM AIRE Dm POMPANO BEACH, FL 33069 494204000145 4-49-42 & THE WORLD OF PALM-AIRE PLAT NO 1 114-50 B PT GOV LOT 8 & TRA OF 114-50 B DESC AS BEG NE COR TR A/E 366.17 S 123.82 W 140.05 S 186.01 W 78.78 S 14 NWLY 106.68 NWLY 75.48 W 37.47 NW 80.77 SW 21.40 NW 13.92 SW 165.68 NW 38.56 NW 16.19 NWLY 37.50 NWLY 225.56 E 128 TO POB LESS FOR DESC IN OR 44154/1995 LESS PAR A & B DESC IN OR 45095/200	4/24/2014	\$101.00	\$33,486.00	\$0.00	\$33,486.00
Book/Page	Contractor		Abatement					
	CITY OF POMPANO BEACH		\$33,385.00					
12/5/2013	48129	WALTERS, MARLON 12180 NW 4 ST PLANTATION, FL 33325	433 NW 7 Ave POMPANO BEACH, FL 33060 48423590070 TUXEDO PARK 18-19 B LOTS 10, 11 N 15'	3/17/2014				
Book/Page	Contractor		Abatement					
	R & A WOODS ENTERPRISES, INC.		\$247.20		\$101.00	\$348.20	\$0.00	\$348.20
12/5/2013	48128	PRINCE FENELLA 985 CORAL CLUB DR CORAL SPRINGS, FL 33071	433 NW 7TH Ave POMPANO BEACH, FL 33060 48423590071 TUXEDO PARK 18-19 B LOTS 11 S 19, 12	3/17/2014				
Book/Page	Contractor		Abatement					
	R & A WOODS ENTERPRISES, INC.		\$130.22		\$101.00	\$231.22	\$0.00	\$231.22

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 9/23/2014

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated	Abatement	Admin Fee	Total	Payment	Balance
1/30/2014	51152	AC HOMES LLC PO BOX 565192 MIAMI, FL 33256	412 NW 6 ST POMPANO BEACH, FL 33060 484235190480 SHEWMAKE PARK 2-52 B LOT 13 LESS N 5 BLK 4	3/20/2014	\$142.00	\$101.00	\$243.00	\$0.00	\$243.00
Book/Page	Contractor								
	R & A WOODS ENTERPRISES, INC.								
2/11/2014	52838	FLEMING, SALLY 3018 NW 4TH CT POMPANO BEACH, FL 33069	3019 NW 4 CT POMPANO BEACH, FL 33069 484233045020 33-48-42 W 50 OF E 235 OF N1/3 OF S3/5 OF SE1/4 OF NW1/4 OF SW1/4 LESS S 25 AKA 864 CC	3/18/2014					
Book/Page	Contractor								
	VELMA G. FLOWERS CONSTRUCTION & COMPANY								
2/14/2014	52229	AC HOMES LLC PO BOX 565192 MIAMI, FL 33256	No Address #412 NW 6 ST - PARKING LOT 484235190430 SHEWMAKE PARK 2-52 B LOT 11 LESS W 20 & LESS N 5, LOT 12 LESS N 5 BLK 4	3/21/2014	\$193.50	\$101.00	\$294.50	\$0.00	\$294.50
Book/Page	Contractor								
	R & A WOODS ENTERPRISES, INC.								
2/19/2014	52531	HABER OMAR JR & ORTIZ JOSE 220 SW 9TH AVE APT 203 HALLANDALE BEACH, FL 33009	712 NE 3 Ave POMPANO BEACH, FL 33060 484235450270 TOD ACRES SECOND SEC 33- 19 B LOT 9 BLK 3	5/7/2014	\$253.00	\$101.00	\$356.00	\$0.00	\$356.00
Book/Page	Contractor								
	R & A WOODS ENTERPRISES, INC.								

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT
Resolution No. 9/23/2014

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Abatement	Admin Fee	Total	Payment	Balance
Book/Page	Contractor							
	VELMA G FLOWERS CONSTRUCTION & CARPENTRY			\$312.91	\$101.00	\$413.91	\$0.00	\$413.91
3/4/2014	53554	ST JUSTE, THOMAS 3900 NE 3 AVE POMPANO BEACH, FL 33064	620 NE 23 PI POMPANO BEACH, FL 33064 48422504070 POMPANO GOLF ESTATES 1ST & 2ND ADD 49-2 B LOT 9 BLK 3		5/6/2014			
Book/Page	Contractor							
	VELMA G FLOWERS CONSTRUCTION & CARPENTRY			\$324.04	\$101.00	\$425.04	\$0.00	\$425.04
3/17/2014	54508	BARBARA R STEIN REV TR STEIN, BARBARA R TRSTEE 5403 SALKOVA AVE SHERMAN OAKS, CA 91411	1524 NE 28 ST POMPANO BEACH, FL 33064 484224070380 COLLIER MANOR 34-45 B LOT 10 BLK 2		5/7/2014			
Book/Page	Contractor							
	VELMA G FLOWERS CONSTRUCTION & CARPENTRY			\$237.88	\$101.00	\$338.88	\$0.00	\$338.88
3/20/2014	54673	CASA SANTA BARBARA LLC 100 N STATE ROAD 7 #300 MARGATE, FL 33063	601 SE 23 Ave POMPANO BEACH, FL 33062 494306070200 SANTA BARBARA ESTATES 9- 10 B LOT 10 11 BLK 3		5/7/2014			
Book/Page	Contractor							
	Velma G Flowers Construction & Carpentry			\$780.85	\$101.00	\$881.85	\$0.00	\$881.85

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 9/23/2014.

Date Issue	Cause	Owner Info	Address/Folio/Legal Desc	Data Abated
4/3/2014	55565	GILLIS, MICHAEL K 220 NW 15 PL POMPANO BEACH, FL 33060	401 NW 16 ST POMPA BEACH, FL 33060 484226041010 SANDERS PARK 31-49 B LOT 8 BLK 7	5/7/2014
Book/Page	Contractor		Abatement	Admin Fee
	VELMA G FLOWERS CONSTRUCTION & CARPENTRY		\$348.50	\$101.00
			Total	\$450.50
			Payment	\$0.00
			Balance	\$450.50
4/3/2014	55548	TATE, WILLIAM G II HIE TINDOL, TANYA 200 SE 9 CT POMPANO BEACH, FL 33060	200 SE 9 CT POMPA BEACH, FL 33060 494201280940 CYPRESS HARBOR 3RD SEC 49-33 E LOT 1 BLK G	5/7/2014
Book/Page	Contractor		Abatement	Admin Fee
	Velma G Flowers Construction & Carpentry		\$434.28	\$101.00
			Total	\$535.28
			Payment	\$0.00
			Balance	\$535.28
4/30/2014	57003	HICKS, IDAL 1478 NEW HOPE ROAD SNEEDVILLE, TN 37869	No Address #VACANT LOT EAST OF 1870 NW 8 ST 484234040630 HUNTERS MANOR 19-27 B LOT 9 E 30 LESS N 23 & LESS S 150 BLK 11	7/7/2014
Book/Page	Contractor		Abatement	Admin Fee
	R & R HOMEST MAN LAWN SERVICE		\$344.20	\$101.00
			Total	\$1,045.20
			Payment	\$0.00
			Balance	\$1,045.20
4/30/2014	57026	CANON, RANDOLPH EST % CANON, AUDREY 1880 NW 16 ST POMPANO BEACH, FL 33069	No Address #LOT BEHIND 1870 NW 8 ST 484234040650 HUNTERS MANOR 19-27 B LOT 9 N 50 OF S 160 OF E 50 BLK 11	7/7/2014
Book/Page	Contractor		Abatement	Admin Fee

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 9/23/2014

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Date Abated	Abatement	Admin Fee	Total	Payment	Balance
4/30/2014	57025	CANON, RANDOLPH EST % CANON, AUDREY 1880 NW 18 ST POMPANO BEACH, FL 33069	No Address #REAR LOT SE OF 1870 NW 8 ST 484234040660 HUNTERS MANOR 19-27 B LOT 9 W 50 OF N 50 OF E 100 OF S 150 BLK 11	7/7/2014	\$270.00	\$101.00	\$371.00	\$0.00	\$371.00
Book/Page	Contractor								
	R & R HONEST MAN LAWN SERVICE								
5/20/2014	58040	VELOZ CRISTOBAL VELOZ IRIS 20024 NW 64 CT MIAMI, FL 33015	1620 NE 41 CT POMPANO BEACH, FL 33064 484213080360 POMPANO BEACH HIGHLANDS 5TH SEC 42-21 B LOT 1 BLK 63	6/19/2014	\$270.00	\$101.00	\$371.00	\$0.00	\$371.00
Book/Page	Contractor								
	Public Works								
5/29/2014	58430	ORGANIC DYNAMICS LLC 17121 NICHOLS LN HUNTINGTN BCH, CA 92647-5719	1300 SW 2 ST POMPANO BEACH, FL 33069 484203000035 3-49-42 PT OF GOV LOT 1 DESC AS BEG SE COR, W 223.88 N 375 TO POB, W 146.13 N 507.93 E 146.10, S 508.71 TO POB AKA-PAR 2 IN OR 27169/107 TOG WITH PT GOV LOT 1 DESC AS COMM SE COR W 223.88 N 265.22 TO POB W 150.13 N 109.80, E 150.13 S 109.80 TO POB AKA PAR 1 IN OR 27169/107	7/5/2014	\$560.00	\$101.00	\$761.00	\$0.00	\$761.00
Book/Page	Contractor								
	Public Works								

NOTICES OF PUBLIC NUISANCE/NOTICE OF ASSESSMENT BATCH REPORT

Resolution No. 9/23/2014

Date Issue	Case	Owner Info	Address/Folio/Legal Desc	Abatement	Date Abated	Admin Fee	Total	Payment	Balance
Book/Page	Contractor								
	R & R HONEST MAN LAWN SERVICE			\$1,459.20		\$101.00	\$1,560.20	\$0.00	\$1,560.20

Total Cases for Nuisance Abatement

17

Total Cost of Abatement	\$40,395.78
Total Administrative Cost	\$1,717.80
Total Cost of Nuisance Abatement	\$42,112.78
Total Payments	\$0.00
Balance	\$42,112.78



LOCATION ID 163000 FOLIO # 9204000145 LOCATION ADDRESS: 2606 N PALM-AIRE DR POMPAÑO BEACH FL 33060

HOMESTEAD: YES FOR YEAR 2017

OWNER: ALLTECH GROUP PARCEL 1
61 NE 1 ST
POMPAÑO BEACH, FL 33060

NA NUISANCE ABATEMENT CASE NUMBER: 47830

Loan Number: 4082 Cust ID : 15298 Cust MST ID : 15,298

Cust Name: ALLTECH GROUP PARCEL 1 Closing Date: 9/23/2014 Payoff Date: 10/23/2018

	Total Interest for :	2014	431.42	
	Total Interest for :	2015	1,590.59	
	Total Interest for :	2016	1,615.56	
	Total Interest for :	2017	1,719.89	
Interest per day: 2018	5.58711	Total Interest for :	2018	1,566.53

Total Interest:	6,923.98
Recording Fee:	10.00
Principal:	33,486.00

AS OF: 10/23/2018

TOTAL DUE: 40,419.98



EXHIBIT

6

LOCATION ID FOLIO #
163000 9204000145 LOCATION ADDRESS: 2606 N PALM-AIRE DR POMPANO BEACH FL 33060

HOMESTEAD: YES FOR YEAR 2017

OWNER: ALLTECH GROUP PARCEL 1
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POMPANO BEACH, FL 33060

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Interest per day: 2018	5.58711	Total Interest for :	2018	1,566.53
		Total Interest:		6,923.98
		Recording Fee:		10.00
		Principal:		33,486.00
		TOTAL DUE:		40,419.98

AS OF: 10/23/2018