

2. Consideration of deeming certain property as a public nuisance and authorize bringing the property into compliance upon expiration of the repair agreement (1881 Palm Bay Road).



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** Lisa Frazier, AICP, Growth Management Director

**DATE:** May 16, 2024

**RE:** Authorization to clean up public nuisance property located at 1881 Palm Bay Road.

### SUMMARY:

This item comes before the City Council at this specific time based on an anticipatory breach of the Repair Agreement set to expire on June 21, 2024. Staff anticipates the breach of this agreement due to the additional accumulation of trash and debris on the premises, the failure to remove any of the initial trash and debris, and the overall condition of the actual structure, which has had its Certificate of Occupancy (CO) revoked by the Chief Building Official. This approval IS ONLY seeking authorization to move forward, should the Repair Agreement be actually breached on June 21, 2024.

The Growth Management Department/Code Compliance Division is requesting approval to clean up the existing abandoned commercial property located at 1881 Palm Bay Road, formerly known as The Crystal Palace. The condition of the property is considered a safety, health and welfare nuisance to the City.

The following code violations on the property remain and are increasingly worsening.

Violation of City Codes Section(s):

93.031(A) (2) - Failure to maintain every surface free of graffiti

2015 IPMC 304.6 - Exterior walls shall be in good repair with no defects

2015 IPMC 304.7 - Roof and drainage shall be maintained in good repair

2015 IPMC 308.1 - Rubbish or garbage accumulation is not allowed on the premises

2015 IMPC 304.13 - Every window shall be in sound condition and good repair

The property has been processed through the Code Board Magistrate with liens already recorded, the property is not homestead and is vacant with no tenants.

On June 21, 2023, the Special Magistrate granted an Order of reduction to \$ 750.00 per each case with the understanding the reductions were to be paid within thirty (30) days, by July 21, 2023. The property owner has paid the lien reduction fees.

Along with the reduction of the liens, the City entered into a Repair Agreement with the property owner, 1611 Meridian LLC that is to be satisfied by bringing the property into compliance on or before June 21, 2024. The Repair Agreement was intended to allow the property owner to remedy the code violations through their redevelopment of the property for an affordable housing project, as presented to the City in summer 2023. To date, there has been no effort or progress to correct the code violations and staff has been unable to make contact with the property owner to discuss the requirements of the Repair Agreement. At this time the violations are currently protected by the Repair Agreement which will expire on June 21, 2024, however a breach of this Repair Agreement is expected based on the current condition of the building. In anticipation of the breach of the Repair Agreement we seek the authorization of Council to move forward immediately upon the breach on June 22, 2024. If the property owner fails to comply, the Repair Agreement provides that all liens will revert to their original amounts upon expiration of the Agreement.

The following is a breakdown of the liens that will revert to their original amounts if/when the repair agreement expires on June 21, 2024:

- Case 22-00173 - fines due of \$9,922.02 plus the \$50.00 per day fine since June 21, 2023
- Case 19-00504 - fines due of \$591,078.06 plus the \$500.00 a day fine since June 21, 2023
- Case 18-01735 - fines due of \$25,948.30 plus the \$100.00 a day fine since June 21, 2023

#### **REQUESTING DEPARTMENTS:**

Growth Management

#### **FISCAL IMPACT:**

The estimated cost to clean up the property will be determined upon bids obtained from contractors. Funding is available in Code Nuisance Fund/Other Contractual Service, account number 105-3330-529-3403

#### **STAFF RECOMMENDATION:**

Motion to authorize the City to deem the property a public nuisance and authorize the City to bringing the property into compliance upon the expiration of the Repair Agreement on June 21, 2024.

#### **ATTACHMENTS:**

Honorable Mayor and Members of the City Council

Legislative Memorandum

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1. Violation pictures.

# 1881 PALM BAY ROAD – CRYSTAL PALACE



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