

Resolution # 2016-01

A RESOLUTION REQUESTING THE NUISANCE ABATEMENT OF A STRUCTURE SUBJECT TO A CONDEMNATION ORDER OF THE BUILDING OFFICIAL PURSUANT TO SECTION 6-171 THROUGH SECTION 6-183 OF THE CODE OF ORDINANCES OF THE CITY OF NEW PORT RICHEY; FINDING A HAZARD TO THE SAFETY OF PERSONS OR PROPERTY IN THE SUBJECT PROPERTY; CONDEMNING THE SUBJECT PROPERTY & AUTHORIZING THE DEMOLITION AND REMOVAL OF THE NUISANCE AT THE SUBJECT PROPERTY; FINDING THE SUBJECT PROPERTY TO CONSIST OF PARCEL ID: 06-26-16-0030-00000-0670 LOCATED AT 6829 GARDEN DRIVE, LEGALLY DESCRIBED AS LOT 67, EDGEWATER GARDENS, UNIT 1, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 67, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA. TOGETHER WITH MOBILE HOME SITUATED THEREON AND ALL IMPROVEMENTS AND APPURTENANTS THERETO, AKA 6829 GARDEN DRIVE, NEW PORT RICHEY, FLORIDA AND SHOWN ON EXHIBIT A; AND FOR OTHER PURPOSES AND RELIEF.

WHEREAS, the structure whose location is set forth herein is vacant and has become run down, dilapidated, unsightly, dangerous, obnoxious, unsafe, not fit for human habitation and detrimental to the public welfare of the City of New Port Richey, its citizens, and its residents;

WHEREAS, the condition of the Subject Property is unfit and unsafe to the safety of persons or property in the vicinity of the Subject Property;

WHEREAS, the condition of the Subject Property constitutes a serious fire and health hazard to the City of New Port Richey, and unless actions are taken to remedy this situation by demolition and removal of said nuisance, there is a great likelihood that the surrounding property may be destroyed by fire originating from such unsafe and hazardous structures, and also that since structures contain litter, trash and debris with breeding rats, rodents, insects and other germ carriers of diseases;

WHEREAS, the Subject Property consists of a mobile unit which has been condemned and is uninhabitable;

WHEREAS, the condemned building on the Subject Property possesses no electricity;

WHEREAS, raw sewage is emitted from various buildings and lack of maintenance of sewer lines on the Subject Property;

WHEREAS, buildings on the Subject Property show exposed insulation and exposed electrical wiring;

WHEREAS, the buildings on the Subject Property are built and contain flammable material creating an imminent safety and fire hazard;

WHEREAS, the Building Official has posted an Order of Condemnation subject to Section 6-751, of the Code of New Port Richey upon the structure on the Subject Property;

WHEREAS, the structure on the Subject Property constitutes a hazard to the health and safety of the citizens of New Port Richey, and they should be dismantled, demolished, abated, or removed for the purpose of eliminating such hazards.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY FLORIDA:

SECTION 1: That City Council hereby declares the structure located at the Subject Property identified in Section 4 below to be vacant while constituting a hazard to the safety of persons or property.

SECTION 2: That City Council hereby declares that the structure located at the Subject Property identified in Section 4 have been ordered condemned by the City Building Official and the habitation or occupation of such structures has been prohibited.

SECTION 3: That City Council hereby declares the Subject Property consists of a dilapidated mobile unit that was damaged beyond 50% of the value of the structure; the building on the Subject Property possesses no electricity; the building on Subject Property shows exposed insulation and exposed electrical wiring; the building on the Subject Property is built and contains flammable material creating an imminent safety and fire hazard; and because of such conditions, the City Council declares the structure on the Subject Property to be a public nuisance and orders that they be dismantled, demolished, abated, or removed within 16 days.

SECTION 4: The property subject to this Resolution identified by parcel number 06-26-16-0030-00000-0670 and is located with physical address 6829 Garden Drive, New Port Richey, Florida 33652 and a legal description of: LOT 67, EDGEWATER GARDENS, UNIT 1, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 67, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, TOGETHER WITH MOBILE HOME SITUATED THEREON AND ALL IMPROVEMENTS AND APPURTENANTS THERETO, AKA 6829 GARDEN DRIVE, NEW PORT RICHEY, FLORIDA (the "Subject Property"). The Subject Property is owned by Ronald Howarth and Brady Nihart whose address is 6829 Garden Drive, New Port Richey, FL 34652. The City of New Port Richey has made a reasonable effort under the circumstances to provide notice to Ronald Howarth and Brady Nihart and any other person known to have an interest in the Subject Property.

SECTION 5: The City Council hereby declares the nuisance provided herein to constitute an unsafe and unfit structure which is a nuisance to the safety of persons or property pursuant to Section 6-171 of the Code of Ordinances of the City of New Port Richey. The City Council authorizes the Building Official in concert with the Public Works Department of the City of New Port Richey to dismantle, demolish, abate, or remove immediately the structure on the Subject Property or procure the use of an independent contractor without the invitation of bids but instead by securing price quotations in compliance with Section 6-179 of the Code of Ordinances for the City of New Port Richey.

SECTION 6: The owner of the Subject Property or any interested person can make arrangements for the abatement of such nuisance within the same time period as contemplated by the City Council, and in such a situation this resolution shall be adopted but shall be held in abeyance for a stated time in order to allow the owner or such interested person to proceed with the abatement or removal of the nuisance; provided however, that if the owner or any interested person does not proceed with the abatement in such manner, the nuisance shall be dismantled, demolished, abated, or removed in accordance with the provisions of the resolution. Nothing in this section shall prohibit the City of New Port Richey from immediately dismantling, demolishing, abating, or removing the nuisances on the Subject Property.

SECTION 7: That the provisions of this Resolution are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 8: That this Resolution shall be in full force and effect from and after its passage and approval.

SECTION 9: DONE AND RESOLVED this ____ day of _____, 2015

(seal)
(Attest)

Doreen Summers,
City Clerk

Rob Marlowe
Mayor-Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT FOR THE
SOLE RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA

Joseph Poblick
City Attorney

Exhibit A - Site Location Map
6829 Garden Drive, New Port Richey, Florida 33652
Parcel ID: 06-26-16-0030-00000-0670

