

# *City of Dade City*

## **AGENDA MEMO**

**To:** Mayor and Members of the City Commission  
**From:** Karla S. Owens, City Attorney  
**Subject:** Request to File Litigation/John-Mary Enterprises, Ltd.  
**Date:** July 1, 2009

It is requested that the City Commission consider the following information and recommendation(s):

### **BACKGROUND:**

For many years now, the “old Kash N’ Karry” building on the U.S. 98 bypass has been an eyesore. Recently, the building has become structurally unsafe pursuant to the criteria set forth in Chapter 22 of the Dade City Code of Ordinances.

### **ISSUES:**

In May 2009, the Building Official sent an official letter to the owner of the property, John–Mary Enterprises, Ltd. advising them that the building was structurally unsafe and giving them thirty (30) days to either demolish the building or apply for a building permit to bring the building into compliance with Florida Building Code requirements. The letter was sent by certified mail and the thirty days from the date of receipt has expired with no response from the owners. At this time, I would like to file a complaint for injunctive relief in circuit court to require the owners to demolish the building at their cost. The filing fee for the complaint is \$400.00. We have recently received an estimate for demolition of the building from our contractor Cross Construction Services. They have estimated that it would cost us a minimum of \$63,950.00 to do the demolition and asbestos survey. If they find asbestos, it will most likely increase the cost of the demolition to \$120,000.00. If the City proceeds with the demolition through the normal process, we must pay the demolition cost up front, file a lien against the property, and attempt to recoup the costs.

### **ALTERNATIVES:**

1. Authorize the City Attorney to file a complaint for injunctive relief against the property owned by John-Mary Enterprises, Ltd. and located at 13800 U.S. Highway 98 Bypass; or
2. Do not authorize the City Attorney to file a complaint for injunctive relief; or

3. Direct staff to take some other action.

**RECOMMENDATION:**

Staff recommends Alternative No. 1 above.

**FUNDING:**

Funding for filing fees will be taken from Account No.: 001-5-130-514-31.20 Legal Services.



**License #CJ C056725 · CB C059838**  
**25221 State Road 54, West**  
**Lutz, FL 33559**  
**Phone (813) 973-4191 • Fax (813) 973-4348**

**PROPOSAL**

Proposal Submitted to: City of Dade City	Phone: 352-521-1460	Date: June 30, 2009
Street: 14150 5 <sup>th</sup> Street	Job Name: Bypass Warehouse	
City, State, Zip Dade City, FL 33525	Job Location: Dade City , FL	
Attention: Mrs. Shirley Golladay	Consultant:	Fax: 352-521-1498

**WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:**

We propose to furnish all labor, materials, equipment and insurance necessary for the following scope of work:

**Scope of Work**

- Demolition of one story block building and associated foundations
- CCS to provide utility disconnects and sewer cap by licensed plumber
- CCS to provide demolition permit and DER Notification
- All demolition debris will be taken to a certified landfill or recycler
- Site will be rough graded to resulting elevation

**Exclusions**

- Hazardous material
- Buried tanks or debris
- Tree removal or protection
- Imported fill

- Demolition Total..... **\$ 62,000.00**
- A Pre-demolition asbestos survey can be provided for an additional..... **\$ 1,950.00**

**We propose hereby to furnish material and labor complete in accordance with above specifications, for the sum of**  
(As Stated Above)

**Payment to be made as follows:**

**Upon Completion and Acceptance.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

\_\_\_\_\_  
**Authorized Signature:** Zane Gilmore, Project Mgr. – Demolition Division  
 Note: This proposal may be withdrawn by us if not accepted  
 Within 30 days.

**Acceptance of Proposal:**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

**Accepted by:** \_\_\_\_\_

**Date of Acceptance:** \_\_\_\_\_

**Please return one signed original to Cross Construction Services, Inc.**