

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE
COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.:

CITY OF MIAMI, a municipal
corporation,

Plaintiff(s),

vs.

MIAMI BEVERLY LLC, 1336 NW 60
LLC, REVEREND LLC, 13300
ALEXANDRIA DR HOLDINGS LLC,
THE HOLDINGS AT CITY LLC, and
THE HOLDINGS AT CITY II LLC

Defendant(s).

**CITY OF MIAMI'S
COMPLAINT FOR INJUNCTIVE
RELIEF**

PLAINTIFF, CITY OF MIAMI, a municipal corporation, (hereinafter referred to as the "CITY"), hereby sues the DEFENDANTS, MIAMI BEVERLY, LLC (hereinafter referred to as "BEVERLY"), 1336 NW 60 LLC (hereinafter referred to as "1336"), REVEREND LLC (hereinafter referred to as "REVEREND"), 13300 ALEXANDRIA DR HOLDINGS LLC (hereinafter referred to as "ALEXANDRIA"), THE HOLDINGS AT CITY LLC (hereinafter referred to as "HOLDINGS"), and THE HOLDINGS AT CITY II LLC (hereinafter referred to as "HOLDINGS II") and states as follows:

JURISDICTION AND PARTIES

1. Jurisdiction is proper pursuant to Local Rule R-1-3 as this is an action for injunctive relief which is not expressly assigned to another Division of the Circuit Court.

2. Venue is proper in Miami-Dade County pursuant to §47.011, Fla. Stat. as the properties at issue are located within Miami-Dade County.

3. This action is for an injunction and abatement of public nuisance, pursuant to §60.05; §60.06; and §823.01, Fla. Stat. (2014), for the enforcement of the CITY municipal code pursuant to §162.30, and for abatement of nuisances injurious to public health pursuant to §386.041, Fla. Stat. (2014), for an injunction, abatement, correction or restraint, and other relief, for violations of §823.05, Fla. Stat. (2014), and money damages.

4. The CITY is the proper party to sue in the name of the State of Florida to enjoin and abate a public nuisance and such other and further relief as provided in §60.05(1) and §60.06, Fla. Stat. (2014).

5. The CITY is a municipal corporation incorporated under the laws of the State of Florida with its principal place of business located at 444 Southwest 2 Avenue, 10th Floor, Miami, Florida 33130.

6. BEVERLY owns, controls, and is in possession of three (3) of the properties which are the subject of this suit in Miami-Dade County, located at: 1250 NW 62 ST (hereinafter the "1250 PROPERTY"), 6040 NW 12 AV (hereinafter the "6040 PROPERTY"), and 1231 NW 61 ST (hereinafter the "1231 PROPERTY") where the nuisance and violations exist and/or are maintained.

7. 1336 owns, controls, and is in possession of two (2) of the properties that are the subject of this suit in Miami-Dade County, located at: 1341 NW 60 ST (hereinafter referred to as "1341 PROPERTY") and 1335 NW 60 ST (hereinafter the "1335 PROPERTY") where the nuisance and violations exist and/or are maintained.

8. ALEXANDRIA owns, controls, and is in possession of the property that is the subject of this suit in Miami-Dade County, located at: 1730 NW 1 CT (hereinafter the "1730 PROPERTY") where the nuisance and violations exist and/or are maintained.

9. REVEREND owns, controls, and is in possession of the property that is the subject of this suit in Miami-Dade County, located at 6820 NW 17 AV (hereinafter the "6820 PROPERTY") where the nuisance and violations exist and/or are maintained.

10. HOLDINGS owns, controls, and is in possession of the property that is the subject of this suit in Miami-Dade County, located at 1710 NW 1 CT (hereinafter the "1710 PROPERTY") where the nuisance and violations exist and/or are maintained.

11. HOLDINGS II owns, controls, and is in possession of the property that is the subject of this suit in Miami-Dade County, located at 1558 NW 1 AV (hereinafter the "1710 PROPERTY") where the nuisance and violations exist and/or are maintained.

12. The legal description, according to the public records of Miami-Dade County, of the 1250 PROPERTY is:

ORCHARD VILLA EXT PB 17-55 LOTS 13 THRU 16 LESS N10FT FOR R/W
BLK 2

13. The legal description, according to the public records of Miami-Dade County, of the 6040 PROPERTY is:

ORCHARD VILLA EXT PB 17-55 LOTS 13 THRU 16 INC BLK 3

14. The legal description, according to the public records of Miami-Dade County, of the 1231 PROPERTY is:

ORCHARD VILLA EXT PB 17-55 LOTS 31 & 32 BLK 2

15. The legal description, according to the public records of Miami-Dade County, of the 1341 PROPERTY is:

ORCHARD VILLA EXT PB 17-55 LOT 17 BLK 4

16. The legal description, according to the public records of Miami-Dade County, of the 1335 PROPERTY is:

ORCHARD VILLA EXT PB 17-55 LOT 16 BLK 4

18. The legal description, according to the public records of Miami-Dade County, of the 1730 PROPERTY is:

WADDELLS RESUB PB B-53 LOT 8 BLK 27

19. The legal description, according to the public records of Miami-Dade County, of the 6820 PROPERTY is:

LIBERTY CITY PB 7-79 LOTS 21 TO 24 INC BLK 5

20. The legal description, according to the public records of Miami-Dade County, of the 1710 PROPERTY is:

WADDELLS RESUB PB B-53 LOTS 9 & 12 BLK 27

21. The legal description, according to the public records of Miami-Dade County, of the 1558 PROPERTY is:

WADDELLS RESUB PB 1-169 LOTS 1 & 4 BLK 38

FACTS

22. BEVERLY owns the twenty-seven (27) unit apartment complex on the 1250 PROPERTY which is currently in a state of severe disrepair. The condition of the 1250

PROPERTY has deteriorated to the point where the units are overgrown with mold; balconies, windows and other structural elements are in disrepair; and necessary fire suppression equipment is non-existent. At present, no repairs have been made to the 1250 PROPERTY pursuant to a validly obtained permit and the conditions at the 1250 PROPERTY worsen every day. The 1250 PROPERTY has a large number of open, unresolved Building, Solid Waste, Fire, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "A".

23. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 1250 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 1250 PROPERTY. Citizens living within the 1250 PROPERTY are having their health, safety, and welfare threatened.

24. BEVERLY owns the twenty-one (21) unit apartment complex on the 6040 PROPERTY which is currently in a state of severe disrepair. The condition of the 6040 PROPERTY has deteriorated to the point where the units are overgrown with mold; balconies, windows and other structural elements are in disrepair; and necessary fire suppression equipment is non-existent. At present, no repairs have been made to the 6040 PROPERTY pursuant to a validly obtained permit and the conditions at the 6040 PROPERTY worsen every day. The 6040 PROPERTY has a large number of open, unresolved Building, Solid Waste, Fire, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "B".

25. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 6040 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought

about by the 6040 PROPERTY. Citizens living within the 6040 PROPERTY are having their health, safety, and welfare threatened.

26. BEVERLY owns the twenty-one (21) unit apartment complex on the 1231 PROPERTY which is currently in a state of severe disrepair. The condition of the 1231 PROPERTY has deteriorated to the point where the units are overgrown with mold; balconies, windows and other structural elements are in disrepair; and water leaks between units persist. At present, no repairs have been made to the 1231 PROPERTY pursuant to a validly obtained permit and the conditions at the 1231 PROPERTY worsen every day. The 1231 PROPERTY has a large number of open, unresolved Building, Solid Waste, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "C".

27. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 1231 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 1231 PROPERTY. Citizens living within the 1231 PROPERTY are having their health, safety, and welfare threatened.

28. 1336 owns the six (6) unit apartment complex on the 1341 PROPERTY which is currently in a state of severe disrepair. The condition of the 1341 PROPERTY has deteriorated to the point where the concrete slab, balconies, windows and other structural elements are in disrepair, and sanitary sewer violations exist. Additionally, the 1341 PROPERTY lacks a 40 / 50 year re-certification required by Miami-Dade County and the Florida Building Code. At present, no repairs have been made to the 1341 PROPERTY pursuant to a validly obtained permit and the conditions at the 1341 PROPERTY worsen every day. The 1341 PROPERTY has a large number

of open, unresolved Building, Solid Waste, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "D".

29. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 1341 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 1341 PROPERTY. Citizens living within the 1341 PROPERTY are having their health, safety, and welfare threatened.

30. 1336 owns the six (6) unit apartment complex on the 1335 PROPERTY which is currently in a state of severe disrepair. The condition of the 1335 PROPERTY is such that necessary fire suppression equipment is non-existent. Additionally, the 1335 PROPERTY is operating without a required Business Tax Receipt or Certificate of Use, the latter of which grants a reasonable assurance to the CITY that life-safety issues have been addressed. At present, no efforts to remediate these violations have been undertaken and the conditions at the 1335 PROPERTY worsen every day. The 1335 PROPERTY has a large number of open, unresolved Building, Solid Waste, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "E".

31. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 1335 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 1335 PROPERTY. Citizens living within the 1335 PROPERTY are having their health, safety, and welfare threatened.

32. ALEXANDRIA owns the eight (8) unit apartment complex on the 1730 PROPERTY which is currently in a state of non-compliance. The 1730 PROPERTY is operating

without a required Business Tax Receipt or Certificate of Use, the latter of which grants a reasonable assurance to the CITY that life-safety issues have been addressed. Additionally, the 1730 PROPERTY lacks a 40 / 50 year re-certification required by Miami-Dade County and the Florida Building Code. The 1730 PROPERTY has a number of open, unresolved Building, Solid Waste, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "F".

33. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 1730 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 1730 PROPERTY. Citizens living within the 1730 PROPERTY are having their health, safety, and welfare threatened.

34. REVEREND owns the twenty-two (22) unit apartment complex on the 6820 PROPERTY which is currently in a state of severe disrepair. The 6820 PROPERTY is operating without a required Business Tax Receipt or Certificate of Use, the latter of which grants a reasonable assurance to the CITY that life-safety issues have been addressed. The structure is unsafe and has deteriorated to the point where windows and other structural elements are in disrepair, and necessary fire suppression equipment is non-existent. Additionally, the 6820 PROPERTY lacks a 40 / 50 year re-certification required by Miami-Dade County and the Florida Building Code. At present, no repairs have been made to the 6820 PROPERTY pursuant to a validly obtained permit and the conditions at the 6820 PROPERTY worsen every day. The 6820 PROPERTY has a number of open, unresolved Building, Solid Waste, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "G".

35. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 6820 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 6820 PROPERTY.

36. HOLDINGS owns the twenty (20) unit apartment complex on the 1710 PROPERTY which is currently in a state of severe disrepair. The structure is unsafe and has deteriorated to the point where windows and other structural elements are in disrepair, and necessary fire suppression equipment is non-existent. Additionally, the 1710 PROPERTY lacks a 40 / 50 year re-certification required by Miami-Dade County and the Florida Building Code. At present, no repairs have been made to the 1710 PROPERTY pursuant to a validly obtained permit and the conditions at the 1710 PROPERTY worsen every day. The 1710 PROPERTY has a number of open, unresolved Building, Solid Waste, and Code Compliance violations in addition to violations of state law. *See* Composite Exhibit "H".

37. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 1710 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 1710 PROPERTY. Citizens living within the 1710 PROPERTY are having their health, safety, and welfare threatened.

38. HOLDINGS II owns the twenty (20) unit apartment complex on the 1558 PROPERTY which is currently in a state of severe disrepair. The 1558 PROPERTY is operating without a required Business Tax Receipt or Certificate of Use, the latter of which grants a reasonable assurance to the CITY that life-safety issues have been addressed. *See* Composite Exhibit "I".

39. The above-referenced violations threaten the health, safety, and welfare of the community. Citizens are socializing and living in close proximity to the 1558 PROPERTY. Citizens visit and live in the adjacent properties, and are experiencing the discomforts brought about by the 1558 PROPERTY. Citizens living within the 1558 PROPERTY are having their health, safety, and welfare threatened.

COUNT 1- INJUNCTIVE RELIEF AND ABATEMENT OF PUBLIC NUISANCE

40. The City re-alleges and reaffirms the allegations contained in Paragraphs 1 – 39 of the complaint.

41. BEVERLY, 1336, REVEREND, ALEXANDRIA, HOLDINGS, and HOLDINGS II (hereinafter collectively referred to as “DEFENDANTS”) are in direct violation of § 823.05, Fla. Stat. (2014) for maintaining a public nuisance, § 386.01, Fla. Stat. (2014) for maintaining a sanitary nuisance, §386.041 for maintaining a nuisance injurious to health, and Ch. 553, Fla. Stat. for violations of the Florida Building Code. Moreover, as a direct and proximate result of DEFENDANTS’ conduct, the persons and properties at and surrounding the DEFENDANTS’ properties are at risk due to the violation of various laws and codes, including those with regard to technical, sanitary, and life and safety concerns in direct violation of the §§ 823.05, 553, and 386, Fla. Stat. (2014).

42. The CITY is entitled to enforce the provisions of the City of Miami Code; by seeking injunctive relief and other redress pursuant to §823.05, Fla. Stat.:

Whoever shall erect, establish, continue, or maintain, own or lease any building, booth, tent or place which tends to annoy the community or injure the health of the community [emphasis added], or become manifestly injurious to the morals or manners of the people as described in §823.01, or any house or place of prostitution, assignation,

lewdness or place or building where games of chance are engaged in violation of law of the state is violated, shall be deemed guilty of maintaining a nuisance, and the building, erection, place, tent or booth and the furniture, fixtures and contents are declared a nuisance. All such places or persons shall be abated or enjoined as provided in §§60.05 and 60.06.

43. The CITY is entitled to enforce the provisions of the City of Miami Code; by seeking injunctive relief and other redress pursuant to §162.30, Fla. Stat.:

In addition to other provisions of law authorizing the enforcement of county and municipal codes and ordinances, a county or municipality may enforce any violation of a county or municipal code or ordinance by filing a civil action in the same manner as instituting a civil action.

44. There is no remedy at law to redress this injury, and Plaintiff and citizens of this community will suffer immediate and irreparable injury, loss, or damage unless relief is granted.

45. A party seeking a mandatory injunction must prove that (a) it will suffer irreparable harm unless the status quo is maintained; (b) there is no adequate remedy at law; and (c) the party has a clear legal right to the relief granted. Wilson v. Sandstrom, 317 So. 2d 732, 736 (Fla. 1975).

46. Currently, residents are living in substandard housing owned and controlled by DEFENDANTS that contain a myriad of structural, health, plumbing, and other life-safety deficiencies. The CITY, residents, and neighbors of the subject properties are currently suffering harm due to these deficiencies.

47. There is no adequate remedy at law because there is no legal mechanism to compel DEFENDANTS to undertake the repairs necessary at the subject properties to remedy these life-safety and sanitary deficiencies.

48. The CITY, pursuant to §60.05(1), §60.06, and §162.30, Fla. Stat. (2014), has a legal right to such an injunction.

COUNT 2 – MONEY JUDGMENT

2(a): BEVERLY

49. BEVERLY currently owes the CITY the sum of \$65,241.28 based on the CITY's pending and recorded liens in the various Code, Solid Waste, and Building cases and per diem fines, where applicable, which continue to accrue until the underlying violation is complied. *See* Composite Exhibits A, B and C.

50. This amount remains outstanding.

2(b): 1336

51. 1336 currently owes the CITY the sum of \$295,817.43 based on the CITY's pending and recorded liens in the various Code, Solid Waste, and Building cases and per diem fines, where applicable, which continue to accrue until the underlying violation is complied. *See* Composite Exhibits D and E.

52. This amount remains outstanding.

2(c): ALEXANDRIA

53. ALEXANDRIA currently owes the CITY the sum of \$991,045.61 based on the CITY's pending and recorded liens in the various Code, Solid Waste, and Building cases and per diem fines, where applicable, which continue to accrue until the underlying violation is complied. *See* Composite Exhibit F.

54. This amount remains outstanding.

2(d): REVEREND

55. REVEREND currently owes the CITY the sum of \$611,027.66 based on the CITY's pending and recorded liens in the various Code, Solid Waste, and Building cases and per diem fines, where applicable, which continue to accrue until the underlying violation is complied. *See* Composite Exhibit G.

56. This amount remains outstanding.

2(e): HOLDINGS

57. HOLDINGS currently owes the CITY the sum of \$511,756.47 based on the CITY's pending and recorded liens in the various Code, Solid Waste, and Building cases and per diem fines, where applicable, which continue to accrue until the underlying violation is complied. *See* Composite Exhibit H.

58. This amount remains outstanding.

2(f): HOLDINGS II

59. HOLDINGS II currently owes the CITY the sum of \$1,555.26 based on the CITY's pending and recorded liens in the various Code, Solid Waste, and Building cases and per diem fines, where applicable, which continue to accrue until the underlying violation is complied. *See* Composite Exhibit I.

60. This amount remains outstanding.

WHEREFORE, the CITY OF MIAMI, a municipal corporation, respectively requests that this Honorable Court do the following:

A. Issue a permanent injunction, without bond, enjoining DEFENDENTS from further violating the City of Miami Code and the respective City board orders.


B. Issue a temporary injunction, without bond, prohibiting DEFENDANTS from allowing or otherwise causing new tenants to inhabit the properties that are the subject of this action unless, and until, the DEFENDANTS have caused the subject properties to achieve compliance in respect to all violations.

C. Enter a judgment against DEFENDANTS for their respective money damages owed to the CITY plus interest and such other relief as the Court deems appropriate.

D. Award costs, and determine and award reasonable attorneys fees as an item of damages applicable;

E. Provide all other such supplemental, additional, and future relief deemed just and proper.

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