



To: Mayor and Commissioners

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding Referral of 717, 740, 747, and 760 Ponce de Leon Boulevard to Nuisance Abatement Board

Date: June 19, 2017

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As discussed at the June 13, 2007 Commission meeting as part of Item F-1, and consistent with section 34-193(a)(1) of the City Code (adopted on second reading at the June 13th Commission meeting), I am referring the alleged public nuisance at 717, 740, 747, and 760 Ponce de Leon Boulevard and neighboring areas and rights-of-way, through Code Enforcement for review by the City Commission as the Nuisance Abatement Board.

The basis for the referral was provided during discussion and public comment relating to Item F-1 at the June 13th Commission meeting, along with prior written complaints by residents and action by Code Enforcement. Consistent with section 34-193(b)(1), the information provided described a public nuisance listed in section 34-191 and provides a legally sufficient basis to proceed with the process. In particular, there is sufficient basis to proceed with a hearing as to public nuisances described in sections 34-191(i), (j), and (k) of the City Code. The City Commission would hear evidence and arguments and then determine whether such nuisances exist and, if so, the appropriate remedy.

I will provide a copy of the verbatim transcript once it is completed by the Clerk's Office. The matter will be set for a quasi-judicial hearing at the August 29, 2017 City Commission meeting, with a settlement conference to be held at least two weeks prior to that date, preferably in the month of July. If a settlement is reached, such settlement could be presented to the City Commission for its review at the August 29, 2017 meeting, with the hearing then set for a later date if the settlement is not approved.

The City Prosecutor would prosecute the matter for the City, with the City Attorney sitting as counsel to the City Commission, consistent with section 34-194(a) of the City Code.

As you may now be sitting in a quasi-judicial capacity, please do not engage in ex parte communications related to this matter as of this referral.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: Referral of 717, 740, 747, and 760 Ponce de Leon Boulevard to Nuisance Abatement Board  
**Date:** Monday, June 19, 2017 3:58:09 PM  
**Attachments:** [image003.png](#)  
[image001.png](#)

Please publish.

**Craig E. Leen, City Attorney**

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City, County and Local Government Law*  
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**From:** Leen, Craig  
**Sent:** Wednesday, June 14, 2017 8:05 PM  
**To:** Commissioners <[Commissioners1@coralgables.com](mailto:Commissioners1@coralgables.com)>  
**Cc:** Swanson-Rivenbark, Cathy <[cswanson@coralgables.com](mailto:cswanson@coralgables.com)>; Foeman, Walter <[wfoeman@coralgables.com](mailto:wfoeman@coralgables.com)>; Iglesias, Peter <[piglesias@coralgables.com](mailto:piglesias@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>; Suarez, Cristina <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>; Santamaria, Eduardo <[esantamaria@coralgables.com](mailto:esantamaria@coralgables.com)>; Kinney, Kevin <[kkinney@coralgables.com](mailto:kkinney@coralgables.com)>; Wu, Charles <[cwu@coralgables.com](mailto:cwu@coralgables.com)>; Trias, Ramon <[rtrias@coralgables.com](mailto:rtrias@coralgables.com)>; Ortiz, William <[wortiz@coralgables.com](mailto:wortiz@coralgables.com)>; Foeman, Walter <[wfoeman@coralgables.com](mailto:wfoeman@coralgables.com)>  
**Subject:** Referral of 717, 740, 747, and 760 Ponce de Leon Boulevard to Nuisance Abatement Board

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Please do not reply to all and please contact me with any questions.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*

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**CORAL GABLES**  
THE CITY BEAUTIFUL

*Celebrating 90 years of a dream realized.*