



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 20-1136

CNST-9

Meeting Date: 10/27/2020

PLACEMENT: Consent

TITLE:

REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASES OF WILLIAM HALL POWER JR: CASE NUMBER 11-0050384, 16-0101104 & ENF2018100201

EXECUTIVE SUMMARY:

Pursuant to the provisions of Section 1.98B, General Ordinances, Martin County Code, the Board of County Commissioners is asked to consider approval of a Fine Reduction Stipulation and Agreed Recommended order regarding the Code Enforcement case of William Hall Power, Jr.

DEPARTMENT: Building

PREPARED BY: **Name:** John Colando
Title: Code Compliance Administrator

REQUESTED BY: William Hall Power, Jr.

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 4156 NE HYLINE DR, JENSEN BEACH, FL 34957, Martin County, Florida.

Hi-Land Properties, LLC has entered into a contract of sale with the Respondent to purchase the Property and the closing is pending.

The Property is or has been the subject of three code violation cases: numbers 11-0050384, 16-0101104 and ENF2018100201, and a proceeding in County Court in and for Martin County (the "County Court").

In reference to Case No. 11-0050384, on May 16, 2012, a Stipulation and Agreed Final Order was issued by the Code Enforcement Magistrate to WILLIAM HALL POWER JR, for the following violation (s): Section 67.201.B - Nuisance Declared: Trash, Etc. General Ordinances, Martin County Code and Section 105.1 Florida Building Code (FBC)- Required, as incorporated by Section 21.1, General Ordinances, Martin County Code.

Compliance was required by August 16, 2012. Compliance was not achieved, and on November 9,

2018, an Affidavit of Transition & Accrued Fines and Costs in case 11-0050384 was issued reflecting an outstanding fine of \$409,100.00.

In reference to Case No. 16-0101104, on November 16, 2016, an Order to Abate Nuisance was issued by the Code Enforcement Magistrate for the following violation(s): Section 67.201.A. - Nuisance Declared: Weeds, Undergrowth General Ordinances, Martin County Code and Section 67.201.B - Nuisance Declared: Trash, Etc. General Ordinances, Martin County Code. Compliance was required within 15 days. On August 24, 2017 an Affidavit of Compliance was recorded.

Because compliance was not achieved, Case Number 11-0050384 was transitioned into a Condemnation proceeding under Case Number ENF2018100201. A Notice of Condemnation was posted on the property on September 24, 2018. On October 15, 2018 a Notice of Violation in Case Number ENF2018100201 was issued to William Hall Power Jr., for the following code sections Section 21.5.E.1- Unsafe Buildings or Systems, General Ordinances, Martin County Code, Section 21.111 Protective Treatment, General Ordinances, Martin County Code, Section 21.95- Sanitation-General Ordinances, Martin County Code, Section 21.76- Vacant/ Abandoned Structures, General Ordinances, Martin County Code, Section 67.201.B- Nuisance Declared; Trash, Etc. , General Ordinances, Martin County Code and Section 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by the issued Notice of Violation on or before December 14, 2018. Compliance was not achieved.

On June 2, 2020, Martin County filed suit in the County Court against William Hall Power Jr. under case number 20-768CC, based on Case Number ENF2018100201, alleging three counts of violations of County Ordinances: Count I for unpermitted alterations to structure, Count II for unsafe structure, and County III for nuisance declared: weeds, trash and undergrowth. The County's prayer for relief includes an Order authorizing Martin County to demolish and remove the unsafe structure and abate the nuisances. On July 31, 2020, a Notice of Appearance in this matter on behalf of William Hall Power Jr. was filed by the Law Office of Alexander E. Borell, P.A.

Staff has determined that a lien reduction is warranted in view of the Prospective Purchaser's offer to:

- a. Within 30 days of approval of the fine reduction request by the Board of County Commissioners, pay \$20,995.00 to resolve the outstanding fines and costs which have accrued.
- b. Within one hundred and twenty (120) days of the approval of the fine reduction request by the Board of County Commissioners, correct the violations of Section 67.201.A and Section 67.201.B, General Ordinances, Martin County Code existing on the property, and complete the repair of all structural damages to the single family residence in full compliance with the Florida Building Code and the Martin County Property Maintenance Code, including but not limited to all permitting and inspection requirements.
- c. Respondent and Hi-Land Properties, LLC expressly acknowledge that if the payment set forth in Paragraph 7(a), and/or the repairs, improvements and corrections set forth in Paragraph 7 (b) are not completed within the times specified herein, the County will demolish and remove the structure, and the property owner of record at that time will be liable to the County for the costs of such demolition, and if not paid within thirty days such costs shall constitute a lien payable to Martin County.
- d. William Hal Power Jr. expressly acknowledges that he has made the Law Office of Alexander

E. Borell, P.A. aware of this Stipulation.

e. Upon furnishing the County a copy of a recorded deed transferring ownership of the property from the Respondent to Hi-Land Properties, LLC., the County will dismiss its case number 20-768CC against William Hall Power Jr.

f. Time is of the essence as to any deadline for compliance as set forth in this agreed order.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board accept the Magistrate's recommendations that the lien on the property be reduced to \$20,995.00 and accepted as full payment.

ALTERNATIVE RECOMMENDATIONS

Pull this item from Consent Agenda and provide staff with further direction.

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Resolution | |

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