



Agenda Item Summary

File ID: 22-0125

CNST-11

Meeting Date: 10/19/2021

PLACEMENT: Consent

TITLE:

REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF PHILIP H. REID JR. (TR), FRANK P. CLAIR (TR) OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J. CLAIR CASE NUMBER 16-0109934

EXECUTIVE SUMMARY:

Pursuant to the provisions of Section 1.98B, General Ordinance, 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 Philip H. Reid Jr. (TR), Frank P. Clair (TR) of the Trust created under the will of Francis J. Clair.

DEPARTMENT: Building

PREPARED BY: **Name:** Rachel Spradley
Title: Nuisance Abatement Coordinator

REQUESTED BY: Shelby Birnmaum, as Trustee of the Trust created by the will of Francis J. Clair

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Philip H Reid Jr. (TR), Frank P. Clair (TR) Trust created under the will of Francis J. Clair

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3353 SE ELLENDALE ST., STUART, Martin County, Florida.

On April 19, 2017, an Order Finding Violation was issued by the Code Enforcement Magistrate to PHILIP H REID JR (TR) AND FRANK P CLARK (TR) of the TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, for the following violation(s): 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by November 21, 2016. On May 3, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$324,400.00 plus costs in the

amount of \$ 575.00.

Staff has determined that a lien reduction is warranted. The Respondent's new trustee for the property was not responsible for the violation; however, the trustee has offered to pay \$2,575.00 to resolve the outstanding fines which have accrued, which represents 10% of the total property value.

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 \$2,575.00 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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