



Agenda Item Summary

File ID: 22-1079

CNST-5

Meeting Date: 8/16/2022

PLACEMENT: Consent

TITLE:

REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF US BANK AS CUST FOR ATR FUND FLORIDA, CASE NUMBER ENF2018070149

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 US Bank as Cust for ATR Fund Florida.

DEPARTMENT: Building

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

REQUESTED BY:

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

US Bank as Cust ATR Fund Florida Fine Reduction Request:

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 8485 SE Allamanda Way, Hobe Sound, Florida.

On October 17, 2018, an Order Finding Violation was issued by the Code Enforcement Magistrate to US BANK AS CUST FOR ATR FUND FLORIDA, for the following violation(s): Section 67.201.A. - Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by November 30, 2018. On January 7, 2022, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$113,100.00 plus costs in the amount of \$ 575.00.

C & G Quality Enterprises is the current owner of the property. Pursuant to a Tax Deed recorded in Official Records Book 3233, Page 2041, Public Records of Martin County, Respondent has no

remaining interest in the property.

Staff has determined that a lien reduction is warranted. The current owner was not responsible for the violation; however, they brought the property into compliance and have offered to pay \$5,683.75 to resolve the outstanding fines which have accrued. In addition, staff has considered the \$8,000.00 assessed value of the property. Paul J. Nicoletti, the Martin County Code Enforcement Magistrate, approved the Agreed Recommended Order at a public hearing on July 20, 2022.

ISSUES:

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.

LEGAL SUFFICIENCY REVIEW:

Move that the Board accept the Magistrate's recommendations that the lien on the property be reduced to \$5,683.75 and accepted as payment in full.

RECOMMENDED ACTION:

RECOMMENDATION

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

ALTERNATIVE RECOMMENDATIONS

None.

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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