



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners as the Environmental Control Board

FROM: Susan J. Prado, Assistant County Attorney

DATE: September 8, 2021

SUBJECT: Request for Release of Environmental Control Hearing Board Lien

BACKGROUND.

Staff was contacted by Supreme Title regarding the following Environmental Liens:

On October 5, 2009, the Environmental Control Hearing Board issued an order in case number 465-09 against Gifford Gardens, LLC and assessed a \$1,000.00 fine. On November 10, 2009, the Environmental Control Hearing Board recorded a Notice of Lien for Environmental Fine and copy of the referenced order (O.R. BK 2379 PG 2180-2183).

On December 8, 2009, the Environmental Control Hearing Board issued an order in case number 470-09 against Gifford Gardens, LLC and assessed a \$8,100.00 fine. On April 13, 2010, the Environmental Control Hearing Board Recorded a Notice of Lien for Environmental Fine and copy of the reference order (O.R. BK 2393 PG 1716-1719).

On December 8, 2009, the Environmental Control Hearing Board issued an order in case number 465-09 against Gifford Gardens, LLC and assessed a \$5,000.00 fine plus a daily penalty of \$100 per day until compliance is achieved. On January 14, 2010, the Environmental Control Hearing Board Recorded a Notice of Lien for Environmental Fine and copy of the reference order (O.R. BK 2393 PG 1720-1722).

On February 22, 2010, the Environmental Control Hearing Board issued an order in case number 470-09 against Gifford Gardens, LLC and assessed a \$1,000.00 fine. On January 14, 2010, the Environmental Control Hearing Board Recorded a Notice of Lien for Environmental Fine and copy of the reference order (O.R. BK 2412 PG 422-424).

On December 3, 2010, the Environmental Control Hearing Board issued an order in case number 482-10 against Gifford Gardens, LLC and assessed a \$1,500.00 fine, plus a daily penalty of \$100 per day until compliance is achieved. On February 22, 2011, the Environmental Control Hearing Board Recorded a Notice of Lien for Environmental Fine and copy of the reference order (O.R. BK 2479 PG 2166-2169).

Staff was asked to bring this item to the Board of County Commissioners (hereinafter Board) with the request to release the above listed liens on the following properties: 4461 31st Avenue and 4475 31st Avenue.

Staff requested an offer amount to present to the Board and received an offer amount of \$500. Staff countered that offer with a \$3,000 amount. The future buyer did not accept nor deny the counter offer but asked to be heard by the Board instead.

FUNDING.

The only cost associated with this item is the cost to record a release of lien as to the above-mentioned properties, estimated to cost approximately \$185 and charged to account 00122019-033190-20022 (General Fund/Facilities/Other Professional Services-Gifford Gardens).

RECOMMENDATION.

Staff is not in support of the \$500 offer amount to settle the liens on the above-mentioned properties and seeks the Board's decision on this matter.

Attachments: Aerial Photographs of 4461 31st Avenue and 4475 31st Avenue
Copies of the liens