



Office of

Attorney's Matters 5/10/2022

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Susan Prado, Assistant County Attorney

DATE: May 4, 2022

SUBJECT: Authorization to proceed with foreclosure on Code enforcement cases: 2015080113 (99th Street) (Almanza, Pablo), 201712011 (Lime Street) (Almanza, Pablo), and 2021060045 (91st Street) (Gomez, Felipe and Elena)

Pursuant to Florida Statute Section 162.09, the Code Enforcement Board must give the recommendation to start the foreclosure process. This recommendation was given at the last Code Enforcement Board hearing on April 25, 2022. Staff is now seeking this Board's final approval to move forward with filing foreclosure proceedings on the below listed properties and with working with outside counsel, Dill, Evans and Rhodeback.

Case Number 2015080113 (13490 99th Street, Fellsmere, FL 32948) (Almanza, Pablo): This code enforcement action started in 2015 with a complaint regarding junk vehicles, junk, trash, and debris as well as a zoning district violation for storage of grove equipment, tractors and citrus bins. There was an evidentiary hearing on September 28, 2015 at which time the respondent was found in violation of the Indian River County Code of Ordinances (the "IRC Code"). The respondent was given a time frame to correct and one continuance. At a compliance hearing held on November 23, 2015, the Code Enforcement Board determined that the respondents did not bring the property into compliance and issued an order for a fine in the amount of \$100.00 per day. The order is recorded at O.R. Book 2900 and Page 2451. The property was never brought into compliance and the fine continues to accrue.

Case Number 2017120118 (305 S. Lime Street, Fellsmere, FL 32948) (Almanza, Pablo): This code enforcement action started in 2015 with a complaint regarding

overgrown weeds, junk vehicles, junk, trash, and debris. There was an evidentiary hearing on February 26, 2018 at which time the respondent was found in violation of IRC Code. The respondent was given a time frame to correct and one continuance. At a compliance hearing held on May 21, 2018, the Code Enforcement Board determined that the respondents did not bring the property into compliance and issued an order for a fine in the amount of \$100.00 per day. The order is recorded at O.R. Book 3126 and Page 2331. The property was never brought into compliance and the fine continues to accrue.

Case Number 2021060045 (12376 91st Street, Fellsmere, FL 32948) (Gomez, Felipe and Elena): This code enforcement action started in June 2021 with a complaint regarding storage of commercial vehicle and equipment in the A-1 zoning district. There was an evidentiary hearing on August 23, 2021 at which time the respondents were found in violation of the IRC Code. The respondents were given a time frame to correct and one continuance. At a compliance hearing held on October 25, 2021, the Code Enforcement Board determined that the respondents did not bring the property into compliance and issued an order for a fine in the amount of \$100.00 per day. The order is recorded at O.R. Book 3485 and Page 1715. The property was never brought into compliance and the fine continues to accrue.

Funding: Staff estimates outside counsel, filing fees, and costs for the foreclosures detailed above could cost approximately \$7,000. Funding for these services is available in MSTU/Env. Planning/Legal Services, Account # 00420724-033110. This funding will be offset by any revenues received through the foreclosure process, after previous costs are recovered.

Recommendation: Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement cases.

Attachments: Orders imposing fines for case numbers 2015080113, 201712011, and 2021060045