



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

FROM: William K. DeBaal, Deputy County Attorney

DATE: April 7, 2021

SUBJECT: Request for Waiver of Interest on Demolition Lien – Unity Development Investments, LLC

BACKGROUND.

On August 14, 2018, the Board of County Commissioners approved a demolition lien against Nicholas J. Liddi. Mr. Liddi is the owner of a parcel of property located at 8720 92nd Avenue, Vero Beach. This 0.45-acre lot is located in Vero Lake Estates Subdivision and is zoned RS-3, Single Family Residential, up to three units per acre. The lot was the former site of a single-family home that was severely damaged as evidenced by a collapsed roof. The County initiated demolition action against the property which resulted in the removal of the dilapidated structure and the property being brought into compliance, the cost of which was reduced to a lien in the amount of \$7,490.98 and recorded in the public records. A breakdown of the costs of demolition is included in the memo as Figure 1, and the Lien is included as Figure 2, below.

The County Attorney's Office was contacted by Juan Ortega of Unity Development Investments, LLC (Unity) of Key Biscayne, Florida. Unity is under contract with Mr. Liddi to purchase the lot for \$32,000. Aside from the demolition lien, the lot is also encumbered by a Code Enforcement lien from 2013 that is accruing at a rate of \$100.00 per day and is currently estimated to be \$288,000. Unity is scheduled to appear at the next Code Enforcement Board meeting on April 26, 2021 and will seek a reduction in that fine. Unity is trying to clear title to the property so it may be sold or developed. Unity now asks the Board to waive the interest that has accrued on the demolition lien since 2018.

The demolition lien was recorded on August 15, 2018 in O.R. Book 3141, Page 964, Public Records of Indian River County. The lien noted that it would accrue interest at a rate of 5% per year, so as of the date of this memo, the lien has accrued approximately \$975.00 in interest.

In the recent past, the Board has addressed similar requests for waiver of interest on demolition liens as follows:

- October 13, 2020, Estate of Glen Legwen, 5900 5th Street SW, \$7,989.84 lien with \$7,226.01 interest reduced to \$8,712.44 (lien amount plus 10% interest)
- October 22, 2019, Estate of Tessie Gordon, 4231 24th Court, \$2,957.54 lien, waived interest of \$4,447.29 if principal was paid in full within 120 days.

- September 10, 2019, Nicole Knowles, 4855 34th Avenue, \$3,003.68 lien, waived interest of \$1,564 if principal was paid in full within 90 days.
- March 26, 2019, Red Bird Investments, LLC, 13185 76th Court, \$6,715.40 lien, waived interest of \$1,451.42 if paid within 60 days.

FUNDING.

Lien proceeds will be deposited into MSTU Fund/Building Demolition Liens Revenue account number 004038-369092. The costs of recording the release of the lien will be borne by Unity.

RECOMMENDATION.

The County Attorney’s Office recommends that the Indian River County Board of County Commissioners waive 90% of accrued interest, so long as the lien plus 10% of the interest for a total of \$7,588.48 is paid within 120 days and once paid, that the Board authorize the Chairman to execute a release of the lien.

Figure 1. Liddi Costs of Demolition

COSTS FOR LIEN ATTACHMENT CALCULATIONS:

**8720 92nd Avenue
31-38-27-00004-0030-00008.0**

INSPECTION REPORT ON PROPERTY	\$	75.00
POSTING CONDEMNATION CARDS	\$	75.00
OWNERSHIP & ENCUMBRANCE REPORT	\$	75.00
PREPARING CERTIFIED NOTICES	\$	45.00
POSTAGE CERTIFIED x 4 (\$6.56 EA)	\$	26.24
INSPECTION BY BUILDING OFFICIAL	\$	75.00
NOTICE TO OWNER OF BCC MEETING	\$	45.00
POSTAGE – CERTIFIED MAIL x 4 (\$6.56 EA)	\$	26.24

RECORDING FEES:

- CERTIFICATE OF BUILDING OFFICIAL	\$	10.00
- INTENT TO LIEN (RESOLUTION)	\$	18.50
- NOTICE OF COMMENCEMENT	\$	10.00
- ACTUAL LIEN	\$	10.00

COSTS OF DEMOLITION \$ 7,000.00

TOTAL COSTS: \$ 7,490.98

Figure 2. Liddi Demolition Lien

4/5/2021

Landmark Web Official Records Search

3120180050498 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF CIRCUIT COURT INDIAN RIVER CO FL
BK: 3141 PG: 964, 8/15/2018 3:07 PM

This document was prepared by:
Indian River County Attorney's Office
1801 27th Street
Vero Beach, FL 32960
772-226-1425

LIEN

THIS LIEN, filed the 14 day of August, 2018, by INDIAN RIVER COUNTY, a political subdivision of the State of Florida, pursuant to the authority of the Code of Indian River County, Section 403.08, Property Maintenance Code, for costs incurred by Indian River County, Florida, to remove a nuisance structure from property located within Indian River County, and described as follows:

Lot 8 and the South 50 feet of Lot 9, Block C of Vero Lake Estates, Unit A, according to the Plat thereof as recorded in Plat Book 4, Page(s) 70, of the Public Records of Indian River County, Florida.

Parcel No. 31-38-27-00004-0030-00008.0

The name of the record owner of the above-described property is:

Nicholas J. Liddi

THIS LIEN is filed against the real property to secure the payment of Seven Thousand Four Hundred Ninety and 98/100 Dollars (\$7,490.98), for the cost of demolition and removal of the nuisance structure.

THIS LIEN shall, from the date of filing, accrue interest at the rate of five percent (5.00%) per annum, until the total amount, including interest, has been paid.

INDIAN RIVER COUNTY, FLORIDA

By: Peter D. O'Bryan
Peter D. O'Bryan, Chairman
Board of County Commissioners



BCC approved: August 14, 2018

ATTEST: Jeffrey R. Smith, Clerk of
Circuit Court and Comptroller
By: [Signature]
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: [Signature]
DYLAN REINGOLD
COUNTY ATTORNEY

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 14 day of August, 2018, by Peter D. O'Bryan, Chairman of the Board of County Commissioners of Indian River County, Florida, who is personally known to me.

NOTARY PUBLIC:

Signature: [Signature]
Printed name: Misty L. Pursel
Commission No.: GG 166068
Commission Expiration: January 11, 2022

SEAL:

