



Office of

Attorney's Matters 8/20/2024

INDIAN RIVER COUNTY ATTORNEY

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MEMORANDUM

TO: Board of County Commissioners

Through: John A. Titkanich, Jr., ICMA-CM, AICP
County Administrator

FROM: Susan Prado, Deputy County Attorney

DATE: August 6, 2024

SUBJECT: Authorization to proceed with foreclosures on Code enforcement cases: (2023070014) Arreola, (2021100064) Lund, (2020090001) Lund, and (2023080033) Helsel.

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 two Code Enforcement Board hearings on June 24, 2024, and July 22, 2024, on the below listed properties. Staff is now seeking this Board's final approval to move forward with filing foreclosure proceedings on the below listed properties working with outside counsel, Dill, Evans and Rhodeback.

Case Number 2023070014 (Arreola): This code enforcement action started in July 2023 with a complaint regarding weeds in excess of 12 inches, property maintenance violation (dilapidated structure), health and safety hazard (dilapidated structure), and unsecured vacant structure (dilapidated structure). There was an evidentiary hearing on October 23, 2023, 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 the violations. At a compliance hearing held on November 27, 2023, the Code Enforcement Board determined that the respondent 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 3667 and Page 1318. The property was never brought into compliance.

Case Number 2021100064 (Lund): This code enforcement action started in October 2021 with a complaint regarding no building/expired building permit. There was an evidentiary hearing on February 28, 2022, 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 two extensions. At a compliance hearing held on July 25, 2022, the Code Enforcement Board determined that the respondent 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 3564 and Page 1097. The property remains out of compliance.

Case Number 2020090001 (Lund): This code enforcement action started in 2020 with a complaint regarding trailer storage violation, junk, trash, and debris violation, as well as building permit violations for an unpermitted shed and partial wood fence. There was an evidentiary hearing on April 26, 2021, 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 the violations that were found as well as two extensions. At a compliance hearing held on October 25, 2021, the Code Enforcement Board determined that the respondent 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 1711. The property was never brought into compliance.

Case Number 2023080033 (Helsel): This code enforcement action started in August 2023 with a complaint regarding a zoning district use, vehicle parking/storage, and no building permit violations. There was an evidentiary hearing on January 22, 2024, 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 the violations that were found and was given one extension. At a compliance hearing held on March 25, 2024, the Code Enforcement Board determined that the respondent did not bring the property into compliance and issued an order for a fine in the amount of \$250.00 per day. The order is recorded at O.R. Book 3690 and Page 732. The property was never brought into compliance.

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

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: Order Imposing Fine and Deeds for case numbers (2023070014) Arreola, (2021100064) Lund, (2020090001) Lund, and (2023080033) Helsel.