



Office of *Community Development 11/21/2017*
INDIAN RIVER COUNTY
ATTORNEY

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stan Boling, Director, Community Development Department

THROUGH: Scott P. McAdam, MCP, CBO, Building Official

FROM: William K. DeBaal, Deputy County Attorney *WKB*

DATE: November 15, 2017

SUBJECT: Condemnation, Demolition and Removal of Unsafe Structure Located at
4076 Old Dixie Highway, Vero Beach

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of November 21, 2017.

DESCRIPTION AND CONDITIONS:

The structure listed in the attached condemnation list, locally referred to as the Club Bali, has been condemned and ordered repaired or removed by the Building Official. The structure has been inspected by staff and is considered unsafe and detrimental to the health, safety, and welfare of the general public. It is a threat to the abutting building to the south and the owner of the neighboring building has complained of water getting into his building from the Club Bali building.

As per county code requirements, the owner of the property and others with an interest in the property were issued notices to repair or remove the structure within 60 days, and advised of their right to appeal the condemnation order before the Indian River County Construction Board of Adjustments and Appeals. In addition, condemnation cards were posted on the property. The owner was also notified that the Board would consider a Resolution to demolish the building and impose a lien, if they failed to demolish the structure or obtain permits to repair the structure. The owner has not applied for repair permits, demolition permits, or appealed the decision of the Building Official.

ANALYSIS:

The subject structure has been vacant for a considerable period of time. During that time, the building has continued to deteriorate. The roof has a large hole where water freely enters the building. The second story has partially collapsed and the building is unsecured. It is frequented by vandals, IV drug users and transients. The Sheriff's Department found a gun in the building recently. The parcel was recently purchased at tax deed sale by Summit Tax Partners, LLC, of Lincoln, Nebraska. Pursuant to Florida Statutes, municipal liens are not scrubbed from a tax deed sale so the County's Notice recorded on the public record is valid against the new owner. The County Attorney's Office contacted Summit Partners by letter, phone and email in September 2017. Summit expressed the

desire to repair the building so they were referred to the Treasure Coast Builders Association for hiring a contractor to examine the building. To date, no response has been received from Summit Partners. Not only has the owner failed to maintain the structure in compliance with the Minimum Standard Codes, it has failed to bring the structure into compliance as required by the posted notice. Since the owner has not filed an appeal to the condemnation order, the County may now proceed with demolition of the structure and with assessing a lien against the property for demolition and removal. The demolition of this commercial structure will most likely exceed recent demolition contracts, which have averaged \$4,175 per residential site.

The neighboring building located at 4066 Old Dixie is owned by Mr. Cobb. It is abutting the Club Bali to the south. Mr. Cobb is experiencing water coming into his building from the Club Bali building. Preliminary inspections and discussion with Mr. Cobb reveals that the two buildings do not share a common wall, rather there are two separate walls. The demolition contractor will have to be especially careful in demolishing the Club Bali so as not to affect Mr. Cobb's building, thus, staff anticipates a higher demolition cost.

The County Attorney's Office has reviewed the title report on the parcel and found no encumbrances (i.e. mortgages, liens) other than code enforcement liens and unpaid taxes from 2016 in the amount of \$1,675.50.

The property is located in the Gifford Neighborhood Plan area known as east Gifford. Demolition of this unsafe structure on this site, as proposed, will help meet the neighborhood plan objective of demolishing unsafe structures in east Gifford. Also, in accordance with the neighborhood plan, the demolition project will include weed removal/control on the subject lot.

FUNDING

Funding for the demolition and removal of the unsafe structure is available in the MSTU Fund/Reserve for Contingency. After demolition bids are received and a demolition contract is awarded, a budget amendment will need to be processed to move those funds to the MSTU/Road & Bridge/Other Contractual Services- Account # 00421441-033490.

RECOMMENDATION

Staff recommends that the Board of County Commissioners declare this structure unsafe and a nuisance, and order the building demolished, with related debris removed from the property by a private vendor approved through standard bid procedures.

Staff further recommends that the Board adopt the resolution authorizing the Building Official to report the County's demolition and debris removal cost for the structure to the County Attorney for the preparation and recording of a lien to be placed on the real property of the owner of the demolished unsafe structure for the purpose of recovering the County's demolition costs.

ATTACHMENTS

1. Resolution
2. Condemnation List
3. Pictures of Condemned Structure