

[Staff report presented to BCC 12/10/2019]

INDIAN RIVER COUNTY

BUILDING DIVISION

INTEROFFICE MEMORANDUM

TO: Jason E. Brown
County Administrator

DATE: November 14, 2019

SUBJECT: Condemnation, Demolition and Removal of
Unsafe Structure Located at 530 13th Place

THROUGH: Roland DeBlois, Director
Community Development Department

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

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of December 10, 2019.

DESCRIPTION AND CONDITIONS:

The structure listed in the attached condemnation list has been condemned and ordered repaired or removed by the Building Official. Said structure is a four-unit apartment building that has been inspected by staff and is considered unsafe and detrimental to the health, safety, and welfare of the general public.

As per county code requirements, the owners of the property were issued a notice to repair or remove the structure within 60 days, and advised of their right to appeal the condemnation order before the Indian River County Building Code Board of Adjustments and Appeals. In addition, a condemnation card was posted on the property. The owners were 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 a permit to repair the structure. None of the owners have applied for repair permits, demolition permits, or appealed the decision of the Building Official.

ANALYSIS:

The subject structure has been vacant for a considerable time. During that time, the building has continued to deteriorate and have been frequented by vandals and transients. Not only have the owners failed to maintain the structure in compliance with the Minimum Standard Codes, they have failed to bring the structure into compliance as required by posted notice. Since the owners have 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 County Attorney's Office has reviewed the title reports on this parcel and found no encumbrances (i.e. mortgages, liens) other than code enforcement liens or tax certificates from unpaid taxes.

- Owner: Maria L. Alo c/o Indian River Beach Properties LLC, a dissolved limited liability company. Zoning: multi-family residential (RM-10). There is an unpaid utility lien for \$2,512.11 since July 25, 2008. There is a code enforcement fine accruing since December, 2014, now estimated to be \$177,000, and another code enforcement fine accruing since December 2016 now estimated at \$105,000. The property taxes have not been paid for 2019, but are otherwise current.

FUNDING

Funding in the amount of \$12,525 for the demolition and removal of the unsafe structure on the residential site 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 the referenced 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 proposed resolution, which authorizes the Building Official to report the county's demolition and debris removal cost for said structure to the County Attorney, who will then prepare and record a lien against the subject property for the purpose of recovering County demolition costs.

ATTACHMENTS

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

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR THE DEMOLITION OF UNSAFE STRUCTURES AND THE RECOVERY OF COSTS.

WHEREAS, Indian River County has adopted the Property Maintenance Code at Chapter 403, Indian River County Code; and

WHEREAS, Section 403.08 of the Property Maintenance Code provides for the recovery of the costs of repairs to and/or demolition of unsafe structure; and

WHEREAS, Section 100.080 of the Indian River County Code provides that the Board of County Commissioners may cause, by resolution, a lien to be filed in the Official Record Books of the County against property on which the county has incurred demolition costs; and

WHEREAS, A notice of intent to adopt a lien resolution has been given to the proposed lienee(s),

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, that the unsafe structure on the property described on the attached Condemnation List be demolished; and that any costs incurred by County government as a result of such demolition undertaken at the direction of the Board of County Commissioners shall be recovered from the property upon which each unsafe structure is located, as identified in the attached Condemnation List. The costs of such demolition shall be reported to the Building Director who shall notify the County Attorney's Office to prepare lien(s) for the recovery of those costs, to be placed upon the real property of the unsafe structures as listed in the attached Condemnation List, any such liens bearing interest at the rate established by the Board of County Commissioners for the calendar year in which the lien is recorded, such interest to commence accruing from the date the lien is recorded in the Public Records of Indian River County, Florida, until such time as the lien, including interest, is paid.

RESOLUTION NO. 2019-_____

The foregoing resolution was offered by Commissioner _____, and seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Susan Adams, Chairman _____
Joseph E. Flescher, Vice Chairman _____
Peter D. O'Bryan, Commissioner _____
Bob Solari, Chairman _____
Tim Zorc, Commissioner _____

The Chairman thereupon declared the resolution duly passed and adopted this 10th day of December, 2019.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

By: _____
Susan Adams, Chairman

ATTEST: Jeffrey R. Smith, Clerk

By _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By _____
William K. DeBaal
Deputy County Attorney

CONDEMNATION LIST:

- Owner:** Maria L. Alo c/o Indian River Beach Properties LLC
a dissolved limited liability company

Property: 530 13th Place

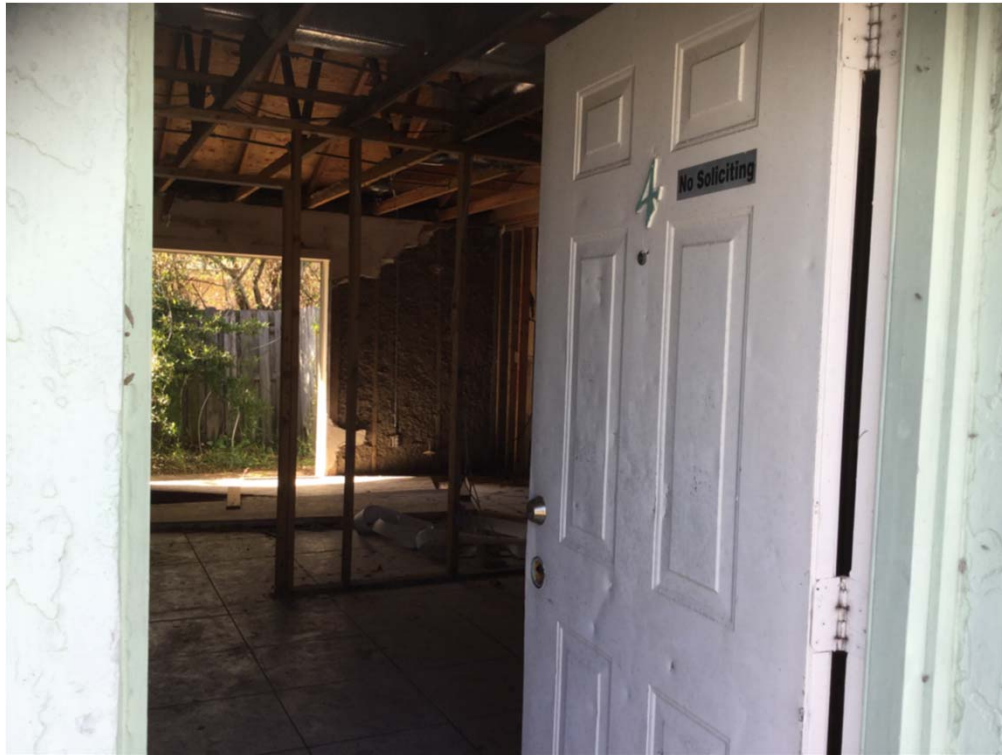
Tax ID#: 33-39-12-00025-0000-00004.0

Legal Desc.: Lot 4, Orange Terrace Subdivision, according to the Plat thereof,
as recorded in Plat Book 10, Page 17, of the Public Records of
Indian River County, Florida.

530 13TH PLACE
1/2/19



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1/2/19



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1/2/19

