



Office of

Attorney's Matters 12/13/2022

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraal, Deputy County Attorney
Susan J. Prado, Assistant county Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Susan Prado, Assistant County Attorney

DATE: December 2, 2022

SUBJECT: Authorization to proceed with foreclosure on Code enforcement cases: 2022020001 SLP Tractor Services

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 November 28, 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 2022020001 (12376 91st Street) (SLP Tractor Services; Felipe and Elena Gomez): This code enforcement action started in February 2022 with a complaint regarding a business on residential property without site plan approval. There was an evidentiary hearing on April 25, 2022 at which time the respondents were found in violation of the Indian River County Code of Ordinances (the "IRC Code"). The respondents were given until May 20, 2022 to cease all commercial operation and remove the commercial vehicles from the property and until July 22, 2022 to obtain special exception use approval. At a compliance hearing held on May 23, 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 \$250.00 per day. The order is recorded at O.R. Book 3546, Page 2102 of the Public Records of Indian River County. The property is still currently in violation. There is another open case (Case No. 2021060045) on which foreclosure action is already being taken on the non homestead properties owned by Felipe and Elena Gomez. Staff took this current case to the Code Enforcement Board on November 28, 2022 to seek authorization to move forward with foreclosure on the only property that is owned by SLP Tractor Services which is located

at 30 S. Oleander Street. The Code Enforcement Board authorized the County Attorney's Office to move forward with foreclosure on the 30 S. Oleander Street Property.

Funding: Staff estimates outside counsel, filing fees, and costs for the foreclosures detailed above could cost approximately \$7,000 and will be paid out of MSTU/Environmental Planning/Legals 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 case for the property located at 30 S. Oleander Street.

Attachments: Order imposing fines for case number 2022020001
Deed for Property located at 30 S. Oleander Street