

INDIAN RIVER COUNTY
BUILDING DIVISION
INTEROFFICE MEMORANDUM

TO: Jason E. Brown
County Administrator

DATE: June 9, 2017

SUBJECT: Condemnation, Demolition and Removal of Unsafe Structures Located at
6345 85th Street; 4305 26th Avenue; and 4345, 4355 & 4365 28th Avenue

THROUGH: Stan Boling, 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 July 18, 2017.

DESCRIPTION AND CONDITIONS:

The structures listed in the attached condemnation list have been condemned and ordered repaired or removed by the Building Official. Said structures have been inspected by staff and are considered unsafe and detrimental to the health, safety, and welfare of the general public.

As per county code requirements, the owners of the properties and others with an interest in the properties were issued notices to repair or remove the structures 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, condemnation cards were posted on the properties. The owners were also notified that the Board would consider a Resolution to demolish the buildings and impose liens, if they failed to demolish the structures or obtain permits to repair the structures. None of the owners have applied for repair permits, demolition permits, or appealed the decision of the Building Official.

ANALYSIS:

The subject structures have been vacant for a considerable time. During that time, the buildings have continued to deteriorate. The structure located at 4305 26th Avenue has been frequented by vandals, transients, and has a history of drug activity according to the Sheriff's Department. For each of the subject properties, the owner has failed to maintain the structure(s) in compliance with the Minimum Standard Codes and they have failed to bring the structure(s) 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 structures and with assessing a lien against the property for demolition and removal. Recent County demolition contracts have averaged \$5,000 per residential site.

The County Attorney's Office has reviewed the title reports on these three parcels and found the following encumbrances:

Wabasso Area:

1. William Minnis, Sr. and William Minnis, Jr.: 6345 85th Street. There is an August 2011 County Utility Lien for water/sewer base charges in the amount of \$221.64. The property taxes have not been paid for 2013, 2014, 2015 and 2016. The amount owed is \$3,260.55. A Tax Deed Sale will be scheduled on this parcel later this summer. An estate has been opened in Circuit Court for William C. Minnis, Jr. Notice was sent to the estate and the attorney for the estate relayed that there are outstanding IRS or Social Security liens against the estate and the sale of the assets of the estate are not sufficient to cover the amount of the liens. For this reason, the estate is inactive.

This property was previously considered by the Board on November 15, 2016, but was pulled from the demolition list in response to a request from Ardra Rigby for 90 days to try to bring the building up to code and preserve it (see attachment #4). At that time, the Board granted Mr. Rigby's request. Since the November 15 meeting, Mr. Rigby had an initial meeting with Building Official Scott McAdam. No permit for necessary repairs has been submitted, however, and over 240 days has passed.

Two other Wabasso area properties were posted and owners recently demolished condemned structures on those properties. Those properties were 8395 63rd Court (Herring) and 8366 64th Avenue (Cartwright) and have been removed from the demolition list and no Board action is required.

Gifford Area:

2. Willie and Florine Roberson, 4305 26th Avenue: There are outstanding taxes on the property from 2011, 2013, 2014, 2015 and 2016 totaling \$2,785.42. There are no other liens or mortgages on the property.
3. Forty-Fourth Associates, LLC, 4345, 4355, 4365 28th Avenue. The taxes are current and no liens or mortgages were found on the property. There are two structures on this site, one being a single family house and one being a duplex.

These two properties are located in the Gifford Neighborhood Plan area known as east Gifford. Demolition of unsafe structures on those sites, 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.

One other property in east Gifford was posted and the owner recently demolished the condemned structure. That property, 4729 29th Avenue (Gibson), has been removed from the demolition list and no Board action is required.

FUNDING

Funding in the amount of \$20,000 (4 x \$5,000) for the demolition and removal of the unsafe structures on the three residential sites with one site having two structures, 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:

1. Declare the referenced structures unsafe and a nuisance and order the buildings demolished, with related debris removed from the property by a private vendor approved through standard bid procedures; and
2. Adopt the attached resolution authorizing the Building Official to report the county's demolition and debris removal cost for said structures to the County Attorney for the preparation and recording of a lien to be placed on the real property of the owners of the demolished unsafe structures for the purpose of recovering the County's demolition costs.

ATTACHMENTS:

1. Resolution
2. Condemnation List
3. Pictures of Condemned Structures
4. Minutes from November 15, 2016 BCC Meeting