



Office of Consent Agenda 10/13/20
**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: William K. DeBraal, Deputy County Attorney

DATE: October 7, 2020

SUBJECT: Request for Waiver of Interest on Demolition Lien – Estate of Glenn W. Legwen

BACKGROUND.

On November 6, 2007, the Board of County Commissioners approved a demolition lien against Glenn W. Legwen III (See *Figure 1* below). Mr. Legwen was the owner of a parcel of property located at 5900 5th Street SW in Vero Beach. This 3.84 acre site, zoned Agricultural, was the site of Glenn's Nursery and then Acaddemix Nursery. The hurricanes of 2004 and 2005 severely damaged the buildings and shade houses used in the nursery operation. The nursery closed but the damaged structures and material were never demolished or cleaned up. The County initiated demolition action against the property which resulted in the removal of the dilapidated structures and the property being brought into compliance, the cost of which was reduced to a lien in the amount of \$7,989.84 and recorded in the public records. Staff learned that Mr. Legwen passed away on July 19, 2020.

The County Attorney's office was contacted by Michael Swan, Esq. from the firm of Rossway Swan in Vero Beach. Mr. Swan is probating the estate on behalf of the Personal Representative, Glenn W. Legwen IV. Mr. Swan is trying to clear title to the property so it may be sold or distributed to Mr. Legwen's heirs. On behalf of his client, Mr. Swan now asks the Board to waive the interest that has accrued on the demolition lien since 2007.

On November 7, 2007, the County recorded the lien, which is found at O.R. Book 2220, Page 1731, Official Records of Indian River County. The lien noted that it would accrue interest at a rate of 7% per year, so as of the date of this memo, the lien has accrued \$7,226.01 in interest. Mr. Swan has been informed that since the lien was for actual costs expended by Indian River County, staff was willing to support the waiver of interest, if the initial demolition lien cost is paid. Mr. Swan and his client are agreeable to this recommendation.

FUNDING.

Lien proceeds totaling \$7,989.84 will be deposited into MSTU Fund/Building Demolition Liens Revenue account number 004038-369092. The costs of recording the release of the lien will be borne by the estate.

RECOMMENDATION.

The County Attorney's Office recommends that the Indian River County Board of County Commissioners waive the interest, so long as the lien of \$7,989.84 is paid within 120 days and once paid, that the Board authorize the Chairman to execute the attached release of the lien.

Figure 1. Legwen Demolition Lien

1885717 RECORDED IN THE RECORDS OF JEFFREY K BARTON, CLERK CIRCUIT COURT INDIAN RIVER CO FL, BK: 2220 PG: 1731, 11/16/2007 11:54 AM

This document was prepared by
and should be returned to:
Indian River County Attorney's Office
1801 27th Street
Vero Beach, FL 32960
772-226-1425

LIEN

THIS LIEN, filed the 7th day of November, 2007, by INDIAN RIVER COUNTY, a political subdivision of the State of Florida, pursuant to the authority of the Code of Indian River County, Section 403.08, Property Maintenance Code, for costs incurred by Indian River County, Florida, to remove a nuisance structure from property located within Indian River County, and described as follows:

The South 527.92 feet of Tract 8, Section 20, Township 33 South, Range 39 East, LESS the West 834.02 feet therefrom. All of the above being a part of Indian River Farms Company Subdivision, as recorded in Plat Book 2, page 25 of the Public Records of St. Lucie County, Florida, said land now lying and being in Indian River County, Florida.

LESS right-of-way of record, including right-of-way described in O.R. Book 1663, Page 942, and O.R. Book 1663, Page 946.

Parcel No. 33-39-20-00001-0080-00007.0

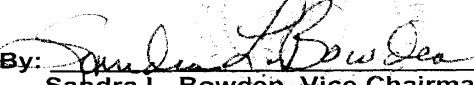
The name of the record owner of the above-described property is:

Glenn W. Legwen

THIS LIEN is filed against the real property to secure the payment of Seven Thousand Nine Hundred Eighty-Nine and 84/100 Dollars (\$7,989.84), for the cost of demolition and removal of the nuisance structure(s).

THIS LIEN shall, from the date of filing, accrue interest at the rate of seven percent (7%) per annum, until the total amount, including interest, has been paid.

INDIAN RIVER COUNTY, FLORIDA

By: 
Sandra L. Bowden, Vice Chairman
Board of County Commissioners

ATTEST: Jeffrey K. Barton
Clerk of Circuit Court

BCC approved: November 6, 2007

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY: 
WILLIAM K. DEBAAL
DEPUTY COUNTY ATTORNEY

**STATE OF FLORIDA
COUNTY OF INDIAN RIVER**

The foregoing instrument was acknowledged before me this 7th day of November, 2007, by SANDRA L. BOWDEN, Vice Chairman of the Board of County Commissioners of Indian River County, Florida, who is personally known to me.

NOTARY PUBLIC:

Signature: *Darcy R. Vasilas*

Printed name:

Commission No.:

Commission Expiration:



DARCY R. VASILAS
MY COMMISSION # DD 391140
EXPIRES: January 31, 2009
Bonded Thru Budget Notary Services

SEAL:

Copies to: Scott McAdam, Building Official
Michael Swan, Esq.