



Office of

Consent Agenda 8/15/2023

**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

THROUGH: John Titkanich, Jr., County Administrator

FROM: Susan Prado, Assistant County Attorney

DATE: July 26, 2023

SUBJECT: Request to move forward with Voluntary Dismissal of Claim against Suncor Ft. Pierce, LLC

Background:

Pursuant to Florida Statute Section 162.09(1), the Code Enforcement Board shall notify its local governing body of a violation that presents a serious threat to the public health, safety, and welfare, and that the local governing body may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of those repairs.

On December 6, 2022 the Board granted Staff permission to file an injunction against the owner of the property located at 560 Stoney Brook Farm Court (herein after "Subject Property"). The purpose of the injunction was to enter onto the Subject Property and secure the pool that posed a health and safety hazard with a fence. After filing of the injunction Staff was unable to establish service on the Respondent after numerous attempts. However, shortly after filing the injunction Respondent's bank filed for foreclosure on the property and agreed to construct the fence around the pool to stop the health and safety hazard the unsecured pool caused. The fence was permitted, installed, and passed inspection.

Staff is now seeking this Board's approval to move forward with filing of a Notice of Dismissal of the action on the Subject Property because the property has since been brought into compliance by the bank and Staff intervention is no longer necessary. The County Attorney's Office did confer with the Code Enforcement Division on this and they are in support of the dismissal.

Board of County Commissioners

Re: Request to move forward with Voluntary

Dismissal of Claim against Suncor Ft. Pierce, LLC

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Funding: There is no cost associated with this item.

Recommendation: Staff recommends the Board authorize staff to move forward in the filing of a Notice of Voluntary Dismissal for the above-named injunction.

Attachments: Memo to BCC from December 6, 2022

Closeout of fence inspection on property