



Legislation Details (With Text)

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**File created:** 10/19/2020      **In control:** City Council

**On agenda:** 11/10/2020      **Final action:**

**Title:** Approve the current Code Enforcement Lien for the property located at 1053 Hickory Ln., be reduced to \$3,800.00 as recommended by the Code Enforcement Board. (Chief of Police)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report for Lien Reduction-1053Hickorydocx.docx, 2. Cost Affidavit Form -1053hickory.pdf

Date	Ver.	Action By	Action	Result
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**CITY COUNCIL AGENDA ITEM**

**Memo Date:** October 21, 2020  
**Agenda Date:** November 10, 2020  
**Prepared By:** Darla Crowl, (Code Enforcement Coordinator)  
**Through:** Michael Cantaloupe, (Police Chief)  
**Requested Action:**

Approve the current Code Enforcement Lien for the property located at 1053 Hickory Ln., be reduced to \$3,800.00 as recommended by the Code Enforcement Board.

**BACKGROUND:**

**CASE # 14-302**

The Code Enforcement Board held a public hearing on **7/17/2014**, at which time the Board found the owner, **Kenneth & Susan Davenport** in violation of the following:

- ***Accumulation of Junk, Trash, & Debris***

The Code Enforcement Board provided the owner sufficient time to correct said violation. Therefore, consistent with the Code Enforcement Board’s Order a lien was recorded against the property effective **08/09/2017** The lien ran at **\$50.00** per day from **8/9/2014** until compliance was achieved on **6/29/2017**. Code records show onsite inspections were conducted by Officer Murdick. The current owner, **Innova Investment Group Llc; Via Lam Llc**, agreed to pay the amount of **\$3,800**, instead of going through foreclosure due to this being the only remaining lien. The Code Boards Attorney informed the board that the Property Owners Attorney submitted the offer and it was agreed on by the city. So, the Board should consider this as an agreement.

Staff utilized the following factors in making its recommendation to the lien agreement:

- Property Taxes: **2019 are paid, No outstanding Tax Bills**
- Other Liens: **Records show no outstanding liens on the property and No Water Liens**
- Property Inspection: **Was inspected on 10/26/20 and was in compliance before the Code Board Hearing. An inspection will occur prior to the Council Meeting on 11/10/2020.**

The current market value of the subject property; the current market value is **\$49,810** according to the Brevard County Property Appraiser.

Staff submits their cost sheet for **\$2,604.91** but recommends to the City Council that they accept the agreement offer which was negotiated between the City Attorney's office and the property owner's attorney of **\$3800.00** which is greater than the cost incurred by the City of Cocoa.

Staff's recommendation is based on the gravity of the agreement with the City, the length of time it took the property to come into compliance, and the total amount of staff time

Per the City Code, this is only a recommendation to the City Council. If the Council reduces the amount owed, payment of the reduced amount is required within thirty (30) days of the Council's decision or the lien amount reverts back to the original amount owed, and a subsequent lien reduction request cannot be made for a one-year period of time.

### **STRATEGIC PLAN CONNECTION:**

Crime, Image and Community Development

### **BUDGETARY IMPACT:**

None

### **PREVIOUS ACTION:**

The Code Enforcement Board, at its regular meeting October 15, 2020, recommended based on the explanation of the Code Board Attorney that the lien be reduced to \$3,800.00.

### **RECOMMENDED MOTION:**

Approve the current Code Enforcement Agreement to pay the lien for the property located at 1053 Hickory Ln., in the amount of \$3,800 as recommended by the Code Enforcement Board.