

RESOLUTION NO. R2021-21

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL COMPROMISING A LIEN ASSOCIATED WITH A CODE COMPLIANCE ACTION NOH-15-750, 2635 YARMOUTH DRIVE, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 2-199 of the Wellington Code of Ordinances provides a lien arising from a fine imposed pursuant to this article runs in favor of the Wellington Council, and the Wellington Council may execute a satisfaction or release of lien entered pursuant to this article; and

WHEREAS, the Wellington Special Magistrate entered an Order Imposing Penalty/Lien dated February 19, 2015, for violations of Wellington's Codes and Ordinances at the property located at 2635 Yarmouth Drive; and

WHEREAS, the code compliance lien was filed with the Palm Beach County Clerk and Comptroller Office on February 24, 2015. Violations associated with the code compliance action were corrected in 2021, accruing a total lien amount of \$168,275.79; and

WHEREAS, Property owners, Barry R. Bernstein and Paula E. Bernstein, have submitted a reduction application seeking a reduction of a lien associated with the 2015 code compliance action; and

WHEREAS, Property owners, Barry R. Bernstein and Paula E. Bernstein have submitted a settlement offer in the amount of \$2,500.00; and

WHEREAS, the Wellington Council has considered the settlement offer based upon the gravity of the violation, any actions taken by the violator to correct the violation, any previous or subsequent violations committed by the violator, whether there was intervening matters that prevented or obstructed the violator from timely complying with the order to correct the violation, and/or the financial ability of the violator to pay the full amount of the lien.

NOW, THEREFORE, BE IT RESOLVED BY WELLINGTON, FLORIDA'S COUNCIL THAT:

SECTION 1. The above recitals are hereby affirmed and ratified as being true and correct.

SECTION 2. This Agreement to Compromise the Lien is made and entered between the Village of Wellington Council and Barry R. Bernstein and Paula E. Bernstein (collectively the "Parties").

SECTION 3. The Lien is reduced to the sum of \$2,500.00, (the "Settlement Sum"). The Settlement Sum is now due to Wellington, provided that payment of the settlement sum is received by Wellington no later than 30 days from the date of this agreement.

SECTION 4. Nothing contained in this agreement impacts the Lien, which remains in full force and effect until satisfied or released

SECTION 5. If the Settlement Sum is paid in full no later than 30 days from the date of this Agreement, Wellington will execute and record a satisfaction or release of lien.

SECTION 6. If the Settlement Sum is not paid in full 30 days from the date of this Resolution, the full lien in the amount of \$168,275.79 shall continue to be due. No additional requests to compromise the lien shall be permitted.

SECTION 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this _____, 2021.

ATTEST:

WELLINGTON

BY: _____
Chevelle D. Addie, Clerk

BY: _____
Anne Gerwig, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney