



Legislation Text

File #: 21-4397, Version: 1

ITEM: RESOLUTION NO. R2021-23 (CODE COMPLIANCE FINE REDUCTION FOR 2740 DANFORTH TERRACE)

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL COMPROMISING LIENS ASSOCIATED WITH CODE COMPLIANCE ACTIONS NOH-17-0586 and NOH-17-3668, 2740 DANFORTH TERRACE, PURSUANT TO SECTION 2-199 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

REQUEST: Request for reduction of liens submitted by Florida Financial Holdings, Inc. to settle liens associated with code compliance actions NOH-17-0586 and NOH-17-3668, 2740 Danforth Terrace, for a total amount of \$1,500.00.

EXPLANATION: Property owner, Florida Financial Holdings Inc. submitted a fine reduction application seeking a reduction of liens associated with two code compliance actions. A copy of the application is attached. Florida Financial Holdings Inc. offered \$1,500.00 to settle both matters. Staff reviewed the application and offered a settlement in the amount of \$11,865.00, a reduction from the original amount of \$58,944.65. Florida Financial Holdings Inc. declined Wellington's offer. The Village Council's authority to reduce a lien is found in Wellington Code of Ordinances Section 2-199, "a lien arising from a fine imposed pursuant to this article runs in favor of the village council, and the village council may execute a satisfaction or release of lien entered pursuant to this article."

Case History

Code Compliance action NOH-17-0586 was initiated based on a proactive inspection conducted on November 7, 2016. At the time, the property was owned by Taru-Johanna and Christian Scholin. A Notice of Violation/Notice of Hearing was issued on November 22, 2016, providing 30 days to address the stained roof, walls, trim, gutter, driveway, and sidewalk as well as a deteriorated fence. The certified mail was returned unclaimed and the notice was posted on the property as outlined by Ordinance.

After a hearing on January 19, 2017, the Special Magistrate found the property in violation and ordered correction on or before February 15, 2017. A follow up inspection on February 16, 2017 found that the violations were not corrected. Staff learned that the property was involved in a foreclosure action and was contacted by the plaintiff/bank's attorney. An extension was granted to April 20, 2017 to bring the property into compliance.

Staff received correspondence from the plaintiff's attorney advising that the property was occupied and the plaintiff would not enter. The driveway and sidewalk were cleaned but the other violations were not corrected. The action was presented to the Special Magistrate for fine certification on May 18, 2017. The Special Magistrate imposed a fine in the amount of \$25.00 per day commencing on April 21, 2017.

Code Compliance action NOH-17-3668 was initiated based on a proactive inspection conducted on June 7, 2017. At the time, the property was owned by Taru-Johanna and Christian Scholin. The Courtesy Notice was issued on June 12, 2017 providing 30 days to address dead fronds, dead and dying hedges and grass weeds

and underbrush in excess of 6 inches. Staff was contacted by Nationstar Mortgage on August 2, 2017 who advised they were not in control of the property and could not correct the issues. A subsequent inspection found the grass height, dead hedges, and dead fronds corrected, the unkempt hedge issue was not corrected.

A Notice of Violation/Notice of Hearing was issued on March 29, 2018 providing a compliance date of April 30, 2018 and a potential hearing date of May 17, 2018. The certified mail was returned unclaimed and the notice was posted on the property as outlined by Ordinance.

After a hearing on May 17, 2018, the Special Magistrate found the property in violation and ordered correction on or before June 21, 2018. A subsequent inspection found the violations were not corrected. Following a fine certification hearing on July 19, 2018, the Special Magistrate found the property in violation and ordered a fine in the amount of \$25.00 per day commencing June 22, 2018.

The foreclosure proceeding was delayed several times due to numerous bankruptcy filings by the homeowners. US Bank ultimately took title to the property on December 5, 2018. Florida Financial Holdings Inc. acquired the property by special warranty deed recorded on January 26, 2021.

Staff was contacted by Florida Financial Holdings Inc. in February 2021 stating that the violations would be corrected.

A follow up inspection in Case NOH-17-0586 took place on February 16, 2021 and found the roof, walls and gutters cleaned. Total fines, 1,397 days of non-compliance, \$34,925.00, costs incurred \$46.04, total lien \$34,971.04.

A follow up inspection in Case NOH-17-3668 took place on February 3, 2021 and found the landscaping violations corrected. Total fines, 957 days of non-compliance, \$23,925.00, costs incurred \$48.61, total lien \$23,973.61.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: NO **QUASI-JUDICIAL:**

FIRST READING: **SECOND READING:**

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: N/A

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Request for reduction of liens submitted by Florida Financial Holdings Inc. to settle liens associated with code compliance actions NOH-17-0586 and NOH-17-3668, 2740 Danforth Terrace, for a total amount of \$1,500.00.