

RESOLUTION NO. 2004 – 91

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AUTHORIZING THE TOWN ATTORNEY TO COMMENCE LEGAL PROCEEDINGS TO FORECLOSE ON THE MUNICIPAL CODE ENFORCEMENT LIEN AND ADMINISTRATIVE FINES LEVIED AND RECORDED PURSUANT TO CASE NO. 01-1027 AGAINST OTICENTRO, INC.'S PROPERTY LOCATED AT 6500 SW 148th AVENUE, IF THE CODE VIOLATION IS NOT BROUGHT INTO COMPLIANCE WITHIN THIRTY DAYS FROM THIS RESOLUTION'S EFFECTIVE DATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 20, 2001 the Town's Code Enforcement Officer cited Oticentro, Inc., owner of the property located at 6500 SW 148th Ave., for violating Section 39-108 of the Town's Code for clearing, filling, or excavating its property without obtaining a permit; and

WHEREAS, on January 8, 2002, after reviewing the evidence presented, the Town's Special Master found the property owner to be in violation and ordered that the property owner had thirty days to correct the violation; and

WHEREAS, on May 20, 2003, over a year later, the Town's Special Master reaffirmed that the violation had not been cured and issued an Order imposing a municipal code enforcement lien and an administrative fine; and

WHEREAS, after numerous status conferences and further continuances, on November 18, 2003, the Town's Special Master levied an additional municipal code enforcement lien and an administrative fine; and

WHEREAS, on January 13, 2004, over two years after the original finding of violation, the Town's Special Master levied an additional municipal code enforcement lien and an administrative fine; and

WHEREAS, on February 10, 2004, the matter came back before the Town's Special Master and an additional fine was imposed; and

WHEREAS, on March 16, 2004, the Town's Special Master reaffirmed that the matter had not been corrected and ordered that a fine of two hundred and fifty dollars a day shall be imposed from the date of the original Order and shall continue to run until this matter has been cured; and

WHEREAS, although the Town has given the property owner numerous opportunities to correct this matter, the Town's municipal code enforcement liens and administrative fines are in now excess of \$225,000; and

WHEREAS, the property owner has been uncooperative and has failed to work with the Town or its volunteer residents in correcting this violation; and

WHEREAS, in order to protect the health, safety, and welfare of its citizens the Town must foreclose on this property to help ensure that this violation is finally cured;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference.

Section 2: The Town Council of the Town of Southwest Ranches hereby authorizes the Town Attorney to take whatever legal actions are necessary to foreclose on the Town's municipal code enforcement lien and administrative fines levied and recorded pursuant to Case No. 01-1027 against Oticentro, Inc.'s property located at 6500 SW 148th Avenue, if the Code violation is not brought into compliance within thirty (30) days of this Resolution's effective date.

Section 3: That this Resolution shall become effective immediately upon its adoption.

[INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 8th day of July 2004, on a motion by Vice Mayor Aster Knight and seconded by Council Member Forest Blanton.

Fink Y
Knight Y
Blanton Y
Maines Y
Nelson Y

Ayes 5
Nays 0
Absent or
Abstaining 0

ATTEST:

Shari Canada
Shari Canada, Town Clerk

Mecca Fink
Mecca Fink, Mayor

Approved as to Form and Correctness:

Gary A. Poliakoff
Gary A. Poliakoff, J.D., Town Attorney
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