



CITY OF FORT LAUDERDALE
City Commission Agenda Memo

12-1310

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee Feldman, City Manager

DATE: August 21, 2012

TITLE: Motion for Discussion – Proposed Lien Settlement (785 Middle River Drive)

Recommendation

It is recommended that the City Commission review and approve the attached lien settlement as recommended by the City Manager.

Background

The proposed lien settlement does not meet the criteria to be approved pursuant to City Commission Resolution 05-50, approved on March 15, 2005. In particular, the property is not currently in compliance of the code violations for which the lien was placed; however the recommended settlement addresses compliance as a condition of approval.

Property Info	
Case Number	CE08060529
Address	785 Middle River Drive
Owner	Joseph Guaracino
Zoning	RS-4.4
BCPA Assessed Value	\$1,339,200.00 (as of August 14, 2012)
BCPA Taxes	\$30,021.34
Homestead Tax Exempt	No
Mortgage	\$1,500,000.00 (as of May 25, 2007)
Lien Info	
Original Amount	\$2,478,000.00 (as of August 16, 2012 – accruing at \$2,000.00 per day)
Recorded Date	June 16, 2009
City Costs	\$1,546.00
Amnesty Rate	
Recommendation	\$25,000.00 (1.01% of lien)
Reduction Factors	<ul style="list-style-type: none">The property is not currently in compliance on this violation.The property is being maintained and free of other violations.

CITY OF FORT LAUDERDALE,
Petitioner,

Case No. CE08060529
Code Enforcement Board

v.

GUARANCINO, JOSEPH,
Respondent. /

LIEN SETTLEMENT AGREEMENT

WHEREAS, Joseph Guaracino (hereinafter referred to as "OWNER") is the owner of real and improved property located at 785 Middle River Drive (hereinafter referred to as "SUBJECT PROPERTY"), Fort Lauderdale, Florida, and has executed a purchase and sale agreement to sell the property to 785 Middle River Drive, LLC (hereinafter referred to as "BUYER") under certain terms and conditions; and

WHEREAS, BUYER has executed a purchase and sale agreement to buy SUBJECT PROPERTY from OWNER under certain terms and conditions; and

WHEREAS, the City of Fort Lauderdale recorded a code enforcement board lien in Case number CE08060529 on June 16, 2009 in the Public Records of Broward County, Book 46305, Page 655, against OWNER for code enforcement violations against SUBJECT PROPERTY; and

WHEREAS, the above referenced code enforcement violations are not in compliance and fines continue to accrue at a rate of \$250.00 per day per violation; and

WHEREAS, OWNER and BUYER have requested that the City of Fort Lauderdale reduce its above referenced code enforcement lien to \$25,000.00 on SUBJECT PROPERTY in order to complete the purchase and sale of SUBJECT PROPERTY under certain terms and conditions; and

NOW, for good and valuable consideration, the sufficiency of which is agreed to by the OWNER, BUYER and City of Fort Lauderdale, the following are the terms and conditions of the lien settlement:

1. City of Fort Lauderdale shall receive in the form of an attorney's Trust Account check, cashier's check or money order, made payable to the City of Fort Lauderdale, the sum of twenty-five thousand (\$25,000.00) dollars at the closing of the SUBJECT PROPERTY. Upon receipt recorded of the attorney's Trust Account check, cashier's check or money order in the amount of twenty-five thousand (\$25,000.00) dollars, City of Fort Lauderdale will provide a release of code enforcement lien to BUYER's attorney, subject to the terms and conditions of this lien settlement agreement.

2. Within ninety (90) days following the closing of the SUBJECT PROPERTY, all structures with code violations on the SUBJECT PROPERTY shall be demolished and all demolition debris shall be removed by the BUYER.

3. Within eighteen months (18) months of the closing date, BUYER shall commence construction of a new residence on SUBJECT PROPERTY.

4. At any time if the OWNER and/or BUYER fail to adhere to the conditions of this Lien Settlement Agreement, the City of Fort Lauderdale shall reinstate the code enforcement lien on the property and record said code enforcement lien in the Public Records of Broward County, which lien shall remain against OWNER and SUBJECT PROPERTY until the code violations are fully complied and the total amount of the lien paid in full.

5. The parties herein have had an opportunity to review this Lien Settlement Agreement, had the benefit of advice of legal counsel of their choice and knows and fully understands the contents hereof and signs this Lien Settlement Agreement of their own voluntary free act without any coercion.

CITY OF FORT LAUDERDALE

By: _____

Mayor

By: _____

City Manager

ATTEST:

Jonda K. Joseph
City Clerk

Approved as to form:

By: _____

Asst. City Attorney

DATED: _____

November 2, 2012

BUYER

By: _____

Sean A. Tanner, Manager & Member
785 Middle River Drive, LLC

DATED: _____

10/24/12

OWNER

By: _____

Joseph Guaracino

DATED: _____

10-29-12

Approved as to form:

By: _____

Laura Brogan, attorney for SELLER

CITY OF FORT LAUDERDALE,
Petitioner,

Case No. CE08060529
Code Enforcement Board

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Respondent. /

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CITY OF FORT LAUDERDALE


By: 

Mayor

By: 

City Manager

ATTEST:



City Clerk

Approved as to form:

By: 

City Attorney

DATED: _____

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BUYER

By: 

Michael Batt

DATED: 9-25-12

OWNER

X By: 

Joseph Guaracino

DATED: 9-12-12

Approved as to form:

By: 

Laura Brogan, attorney for SELLER