

OCT 2, 2012 MD-1  
PROVIDED BY CITY  
MANAGER

**CITY OF FORT LAUDERDALE,**  
**Petitioner,**

**Case No. CE06091540**  
**Code Enforcement Special Magistrate**

v.

**PETRECCIA, BERNARD AND**  
**PETRECCIA, RITA**  
**Respondents.** \_\_\_\_\_ /

### **LIEN SETTLEMENT AGREEMENT**

WHEREAS, 11 SW11 LLC (hereinafter referred to as "OWNER") is the owner of real and improved property located at 11 SW 11 Avenue, also known as 11 Palm Avenue (hereinafter referred to as "SUBJECT PROPERTY"), Fort Lauderdale, Florida; and

WHEREAS, OWNER acquired the SUBJECT PROPERTY via a Quit Claim Deed on December 12, 2008 from the prior owners, Bernard and Rita Petreccia (hereinafter referred to as "PETRECCIA"); and

WHEREAS, the City of Fort Lauderdale recorded a code enforcement lien in Case number CE06091540 on October 5, 2007 in the Public Records of Broward County, Book 44686, Page 1152-3, against PETRECCIA for code enforcement violations against SUBJECT PROPERTY for failure of the property owners to comply City of Fort Lauderdale code violations Section 9-308(a) and Section 9-306; and

WHEREAS, the above referenced code enforcement violations are not in compliance and fines continue to accrue at a rate of \$100.00 per day per violation; and

WHEREAS, OWNER has requested that the City of Fort Lauderdale reduce its above referenced code enforcement lien after compliance of the Code Enforcement Case on SUBJECT PROPERTY in order to commence the plan of relocation and rehabilitation of the historic buildings located on the SUBJECT PROPERTY in accordance with the August 12, 2011 Certificate of Appropriateness approval from the City of Fort Lauderdale Historic Preservation Board (Case number 3H11); and

WHEREAS, the OWNER has declared to the City of Fort Lauderdale that the completion of the plan for relocation and rehabilitation for the aforementioned structures should be completed within twelve months from the issuance of the permit by the City of Fort Lauderdale; and

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

1. OWNER shall proceed with its plan for relocation and rehabilitation of the structures on the subject property in compliance with the Certificate of Appropriateness from the City of Fort Lauderdale Historic Preservation Board, issuance of all required permits as required by the City of Fort Lauderdale Building Department (also known as Department of Sustainable Development) for the project and compliance with the violations in Case number CE06091540 within one (1) year of the issuance of the required permits, which may be extended by the City of Fort Lauderdale City Manager if good cause is shown by OWNER.

2. OWNER shall pay to the City of Fort Lauderdale by cashier's check or money order the sum of Four Thousand Three Hundred (\$4,300.00) dollars upon the final inspection of the SUBJECT PROPERTY by a code inspector that reveals final compliance of the violations in Case number CE06091540 and the issuance of the final certificate of occupancy of the structures on the SUBJECT PROPERTY. Upon receipt recorded of the cashier's check or money order in the amount of Four Thousand Three Hundred (\$4,300.00) dollars, City of Fort Lauderdale will provide a release of code enforcement lien to OWNER subject to the terms and conditions of this lien settlement agreement.

2. At any time if the OWNER fails to adhere to the conditions of this Lien Settlement Agreement, the City of Fort Lauderdale shall maintain the code enforcement lien and accruing fines on the SUBJECT PROPERTY accruing at the rate of \$100 per day per violation until fully complied and there shall be no reduction of the fines in Case Number CE06091540 and the total amount of the lien shall be paid in full before any release of lien is provided.

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 know and fully understand the contents hereof and sign this Lien Settlement Agreement of their own voluntary free act without any coercion.

CITY OF FORT LAUDERDALE

OWNER

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
11 SW 11, LLC  
Managing Member,  
Bernard Petreccia

By: \_\_\_\_\_  
City Manager

DATED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

By: \_\_\_\_\_  
City Attorney

DATED: \_\_\_\_\_

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