

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008

Division: County Attorney

Bulk Item: Yes XX No

Staff Contact Person: Cynthia L. Hall

AGENDA ITEM WORDING:

Authorization to institute collection proceedings and/or enter settlement negotiations with Edward J. Wedge in Code Enforcement Case CE06010032.

ITEM BACKGROUND:

On April 17, 2006, Edward J. Wedge was cited for violation of Monroe County Code Section 6-4(a)(c), unsafe structures as a result of failure to correct hurricane damage. The case was brought before the Special Magistrate on December 15, 2006, at which time Mr. Wedge was still not in compliance. A demolition permit (07100063) was pulled but expired without demolition having taken place. The Special Magistrate set compliance for January 25, 2007, after which a fine would begin to run in the amount of \$250.00 per day. The fines as of December 27, 2007, amount to \$94,368.50.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: _____

BUDGETED: Yes ___ No ___

COST TO COUNTY: _____

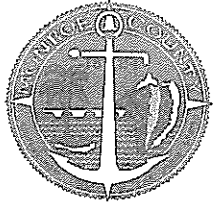
SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ___ No ___ **AMOUNT PER MONTH** ___ **Year** ___

APPROVED BY: County Atty *CUH* x / OMB/Purchasing ___ Risk Management ___

DOCUMENTATION: Included x Not Required ___

DISPOSITION: _____ **AGENDA ITEM #** _____



BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
J. JEFFERSON OVERBY
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA,
Petitioner.

CASE NO. CE06010032

vs.

EDWARD J. WEDGE
Respondent(s).

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE having come before the Code Enforcement Special Magistrate for a public hearing on December 15th 2006 ,and the Special Magistrate, having reviewed the evidence, heard testimony under oath and argument of counsel (if any), and being otherwise fully apprised of the premises, makes the following findings of fact, conclusions of law and order as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

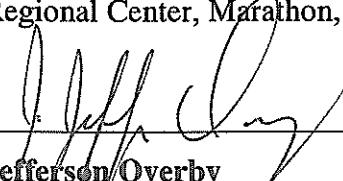
1. That the Respondent(s) is/are the owners of record of property located at
BIG COPPITT KEY, LOT 2 (LOT 63), MONROE COUNTY, FLORIDA
(RE# 00121420-000000);
2. That the Respondent(s) was/were duly noticed of this hearing; and
3. That the above-named property is in violation of the Monroe County Code as more particularly described in Exhibit "A", which is attached hereto and incorporated herein.

Therefore it is

ORDERED AND ADJUDGED that:

- A. Respondent(s) is/are in violation of the Monroe County Code(s) and is/are ordered to comply with the provisions of said codes by January 18th 2007. A compliance / review hearing will be held on January 25th 2007.
- B. Upon complying, Respondent(s) shall notify the Code Inspector in this case who shall re-inspect the property and notify the Code Enforcement Department of compliance.
- C. Noncompliance by the above date will result in the imposition of a fine, \$250.00 (TWO HUNDRED- FIFTY DOLLARS), per day, for each day thereafter that Respondent(s) is/are in violation.
- D. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) has been levied for the administrative recovery for prosecution and investigation.
- E. In the event of nonpayment of fines/liens imposed, a certified copy of an order imposing a fine may be recorded in the public records and shall thereafter constitute a lien against the land on which the violation or violations exist and upon any other real or personal property owned by the violator(s).
- F. You have the right to appeal this order to the Circuit Court of Monroe County. If you wish to appeal, you must do so no later than thirty (30) days from the date of this Order. Failure to timely file a written Notice of Appeal will waive your right to appeal.

DONE AND ORDERED at the Marathon Government Regional Center, Marathon, Florida, this 22nd day of December, 2006.

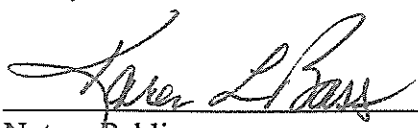


 J. Jefferson Overby
 Code Enforcement Special Magistrate

STATE OF FLORIDA
 COUNTY OF MONROE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared J. JEFFERSON OVERBY, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22nd day of December, 2006.



 Notary Public
 Karen L. Bass
 My Commission DD333077
 Expires June 28, 2008



EXHIBIT "A"

VIOLATION(S):

COUNT 1. Pursuant to Monroe County Code §6-4(a)(c) Unsafe buildings.(a) *Abatement Required:* All unsafe buildings shall be abated using the Standard Unsafe Building Abatement Code, 1997 edition, promulgated by the Southern Building Code Congress International, Inc., subject to all amendments, modifications or deletions hereinafter contained. (c)*Amendment:* As adopted by Monroe County, section 302.1.1(4), Standard Unsafe Building Abatement Code, shall read as follows: "A statement advising that any person having legal interest in the property may be prosecuted before the code enforcement special master, in county court, or in any other manner provided by law for failure to repair, vacate or demolish the offending building in the manner set forth in the notice."

CORRECTION(S):

COUNT 1. Contact the Monroe County Building Department and either obtain a building permit to bring the structure into compliance with current building codes, or obtain a demolition permit and remove all offending structures on the property.

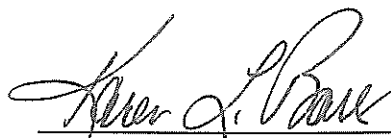
CONTACT YOUR CODE INSPECTOR UPON COMPLIANCE

Upper Keys (305)852-7135

Middle Keys (305)289-2810

Lower Keys (305)292-4495

I HEREBY CERTIFY that a true and correct copy of the above has been furnished to the Respondent(s) via first-class mail at 63 Ed Swift Rd., Key West, FL 33040, this 22nd day of December, 2006.



Code Enforcement Liaison
Karen L. Bass

Please make check or money order payable to Monroe County Code Enforcement and mail to 2798 Overseas Highway, Marathon, FL 33050.

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
LARRY J. SARTIN
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE06010032

EDWARD J. WEDGE

Respondent(s).

Doc# 1641698
Bk# 2292 Pg# 1835

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on December 15th 2006 at the Marathon Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, after due notice to the Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §6-4(a)(c);

Said Order, required the Respondent(s) to correct the violation(s) and imposed fines in the amount of \$250.00,(TWO HUNDRED –FIFTY DOLLARS) per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on March 29th 2007, Inspector Borso testified that the following violation(s) had not yet been corrected: §6-4(a)(c).

ACCORDINGLY, the Special Magistrate finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$250.00,(TWO HUNDRED –FIFTY DOLLARS), per day, beginning December 15th 2006., and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY:
BIG COPPITT KEY, PT LOT 2 (LOT 63), MONROE COUNTY, FLORIDA
(RE:00121420-000000)

Pursuant to Section 162.09, Florida Statutes, this lien may be recorded with the Clerk of the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this case, who shall reinspect the property and notify the Special Magistrate of compliance.

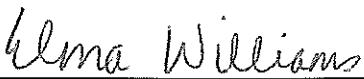
DONE AND ORDERED this 6th day of April, 2007, at the Division of Administrative Hearings, Tallahassee, Florida.

BY 
Larry J. Sartin
Code Enforcement Special Magistrate

STATE OF FLORIDA
COUNTY OF LEON


I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Larry J. Sartin, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6th day of April, 2007.


Notary Public



I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at 63 Ed Swift Rd., Big Coppitt Key, Key West, FL 33040, this 10th day of April, 2007.


Karen L. Bass,
Code Enforcement Liaison