

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008

Division: County Attorney

Bulk Item: Yes No

Staff Contact Person: Cynthia L. Hall

AGENDA ITEM WORDING:

Approval of Settlement Agreement with Captain Cross Bones Raw Bar & Grill, Inc., Inc. c/o Terry Croushore, Registered Agent in Code Enforcement Case CE06040100.

ITEM BACKGROUND:

On April 25, 2006, Captain Cross Bones Raw Bar & Grill, Inc. was cited for violation of Monroe County Code Section 9.5-111(1), permit is required for any new construction to include but not limited to, new sign with change of copy and Monroe County Code Section 9.5-403(b)(9), portable signs are prohibited. Remove and discontinue use of sandwich board sign in front of the business. The case was brought before the Special Magistrate on September 28, 2006, at which time Captain Cross Bones Raw Bar & Grill, Inc. was still not in compliance. The Special Magistrate set compliance for October 12, 2006, after which a fine would begin to run in the amount of \$150.00 per day for Code Section 9.5-111(1) and \$250.00 per day for Code Section 9.5-403(b)(9). The fines as of December 27, 2007, amount to \$176,218.50. The property is now compliant. Staff is recommending settlement for a very low amount (\$118.50) in light of (a) property owner's cooperation once he understood the sign ordinance, (b) low level of County time in the case, and (c) financial situation of the property owner.

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 *cut* OMB/Purchasing ___ Risk Management ___

DOCUMENTATION: Included x Not Required ___

DISPOSITION: _____ **AGENDA ITEM #** _____

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA
THE HONORABLE LARRY SARTIN, PRESIDING**

MONROE COUNTY, FLORIDA
Petitioner,

vs.

CASE NO.: CE06040100

**CAPTAIN CROSS BONES RAW BAR &
GRILL, INC., and TERRY CROUSHORE,**
Respondents.

SETTLEMENT AGREEMENT

The Board of County Commissioners of Monroe County and Captain Cross Bones Raw Bar & Grill, Inc. and Terry Croushore, Respondents, hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent for a total of \$118.50.

The property in question has a legal description of BK 1, LT 6, SUMMERLAND KEY COVE AMD, SUMMERLAND KEY, MONROE COUNTY, FLORIDA, (RE#: 00188950-000000). The lien was recorded at Book 2261, Page 1586, and a corrected lien was recorded at Book 2292, page 2334, of the Office Records of Monroe County.

The Respondent shall remit cash, money order or check in the amount of \$118.50 made payable to the Board of County Commissioners. The County will hold the check uncashed until approval of the settlement terms by the Monroe County Board of County Commissioners, at which point the County will cash the check. —

Within 30 days of clearance of the last check, the County shall provide to Respondent a release and satisfaction of said lien, which the Respondent shall record in the Official Records of Monroe County. —

By entering into this agreement, any and all claims arising out of the above-captioned code enforcement case shall be satisfied and concluded.

Each party shall bear its own costs and attorney's fees other than as specified in this agreement.

(SEAL)
Attest: DANNY L.KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

Dated _____

CAPTAIN CROSS BONES RAW BAR
& GRILL, INC.

Notary Public

Terry Croushore, Registered Agent
(date)

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

AS
Da

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Cynthia L. Hall

CYNTHIA L. HALL
ASSISTANT COUNTY ATTORNEY
Date 1-2-08