



## Legislation Text

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**File #:** 10871, **Version:** 1

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### **TITLE**

Consideration of Settlement Offer to Compromise Outstanding Public Nuisance Abatement Special Assessment Lien Filed Against Property Owned by Karlene Nordgren

### **BRIEF OVERVIEW**

At all times pertinent to this agenda item, Earland Nordgren owned a parcel of unimproved land located at 5142 Drew Street, Brooksville, Florida 34604 (Parcel Key No. 01003611) (the "Parcel").

On July 9, 2019, Case No. 401030 was initiated by complaints to the Code Enforcement Department from the owners of multiple neighboring properties regarding excessive tree debris having been dumped on the parcel. A Code Enforcement Officer's inspection of the parcel conducted on July 25, 2019, revealed that someone had placed large piles of cut tree debris throughout the property. The Code Enforcement Officer took photographs of the parcel documenting the violation.

On July 25, 2019, Code Enforcement Officer Rebecca Boymer sent Earland Nordgren a Notice of Public Code Violation by certified mail, return receipt requested. The Notice advised Earland Nordgren that if he did not remedy the public nuisance on the parcel within 20 days of the date of his receipt of the Notice, the Code Enforcement Department would do so for him at his expense.

On August 5, 2019, the Code Enforcement Department received the return receipt for the Notice. The receipt was signed by Earland Nordgren's wife, Karlene Nordgren.

On September 11, 2019, the Code Enforcement Department physically posted a notice on the parcel that stated that the Department would arrange for its contractor to abate the nuisance on the Parcel after 10 days from the date of the posting.

On October 2, 2019, the Code Enforcement Department's contractor, PAFF Landscape, Inc., abated the nuisance on the parcel. PAFF Landscape, Inc., removed over 70 tons of tree debris from the parcel and disposed of it at the County Landfill, at a cost of \$23,715.40.

Officer Rebecca Boymer reinspected the parcel on October 10, 2019, and determined that PAFF Landscape, Inc., had abated the nuisance thereon.

On December 23, 2019, the Code Enforcement Department recorded a Public Nuisance Abatement Special Assessment Lien in the amount of \$24,065.40 on the parcel.

Copies of the above-referenced documents from the Code Enforcement Department's case file are attached to this agenda item.

### **SETTLEMENT OFFER:**

During the Board of County Commissioners meeting of July 12, 2022, Commissioner Jeff Holcomb stated that Karlene Nordgren had offered to pay \$6,000.00 to the Code Enforcement Department if, in exchange, the Board would release the special assessment lien in full. The Board then directed the County Attorney's Office to present it with the options available to the Board when responding to Karlene Nordgren's settlement offer.

#### **POSSIBLE RESPONSES TO SETTLEMENT OFFER:**

Obviously, neither the Board nor staff will need to take any further action if the Board votes to decline Karlene Nordgren's offer.

Should the Board vote to accept the offer, further actions by the parties will be required, to wit:

1. Karlene Nordgren will need pay the \$6,000.00 settlement amount in full to the Code Enforcement Department.
2. Since Karlene Nordgren is making the \$6,000.00 payment to settle a debt owed to the County by Earland Nordgren, the County Attorney's Office will need to prepare a General Release to be executed by both Earland and Karlene Nordgren pursuant to Fla. Stat. § 725.01 (requiring promises to pay another's debt to be in writing).
3. The Code Enforcement Department will need to prepare a satisfaction of the lien. Once the Code Enforcement Department receives payment of the settlement amount in full and a fully executed copy of the General Release, the Code Enforcement Office will need to place the satisfaction on the consent agenda of a future Board meeting pursuant to its usual practice. The only difference will be that the applicable agenda item will need to direct the Finance Department to issue a 1099 in the amount of the lien that the Board is forgiving, including any accrued interest, since the special assessment is not being satisfied on the basis of payment-in-full of the cost that the Code Enforcement Office incurred when abating the nuisance on the parcel.

#### **FINANCIAL IMPACT**

NA

#### **LEGAL NOTE**

The Board is authorized to proceed in accordance with Chapter 125, Florida Statutes.

#### **RECOMMENDATION**

None. This agenda item presents a pure public policy issue.