

RESOLUTION NO. 14-1243

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA ACCEPTING A REQUEST FROM POSITANO HOMES TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NOS. C2012-1898, C2012-1624, C2012-1507, C2012-0082, C2011-2182, C2010-1051, C2006-1014 AND C2006-0110; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes, Florida (the "Town") through its Code Compliance Department, issued Citation Nos. C2012-1898, C2012-1624, C2012-1507, C2012-0082, C2011-2182 to Nationstar Mortgage LLC ("Previous Owners") and Citation No. C2010-1051, C2006-1014 and C2006-0110 ("Citation") to Arnold Archibold and Bertilda Archibold ("Previous Owners"); and

WHEREAS, the Citations were issued and the violations were subsequently corrected Positano Homes, LLC ("Current Owner");

WHEREAS, on March 28, 2013 the Town received a request for reduction of the fine from the Owner; and

WHEREAS, on April 23, 2013 the Town Council approved Resolution 13-1073 reducing the fines from \$105,511.26 to \$6,290.11 subject to the Owner correcting the violations within six (6) months or the building will be demolished within the six (6) months period and paying the reduced amount no later than 60 days from the effective date of the Resolution; and

WHEREAS, on October 20, 2013 the 60 days as provided in Resolution 13-1073 expired and therefore the penalties were re-instated as provided by the Resolution; and

WHEREAS, the Owner is in compliance and has submitted a second request for a fine reduction; and

WHEREAS, the Owner has incurred total fines and costs of \$118,480.20; and

WHEREAS, the Owner has requested that the Town reduce the fines and the Town Manager having reviewed the file has recommended to the Town Council approval of a reduction of the fine from \$118,480.20 to \$6,642.03 (which is equal to one days' fine for each case, costs incurred by the Town to process the eight cases and the additional cost of re-processing for re-submittal of request); and

WHEREAS, the Owner has agreed to sign a release of the Town from any claims relating to the Citation as a condition of the reduction.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Reduction of Fine. The civil penalties/fines for Code Compliance Case Nos. C2012-1898, C2012-1624, C2012-1507, C2012-0082, C2011-2182, C2010-1051, C2006-1014 and C2006-0110 are reduced to \$6,642.03 subject to the Owner paying the reduced amount no later than sixty (60) days from the effective date of this Resolution.

Section 3. Conditions. In the event the reduced fine is not paid within sixty (60) days of the effective date of this Resolution, the original fine amount shall be re-instated and continue to accrue interest as if this Resolution had not existed.

Section 4. Authorization of Town Manager. The Town Manager and/or his designee is authorized to execute appropriate documents, including a satisfaction and discharge of lien, and release and waiver by the New Owners for any and all claims relating to the Citation and this reduction.

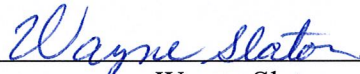
Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 9th day of September, 2014.

The foregoing resolution was offered by Councilman Lama who moved its adoption. The motion was seconded by Councilman Mestre and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>



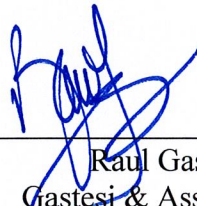
Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY