

RESOLUTION NO. 12-900

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO REDUCE THE TOTAL CODE COMPLIANCE FINE FROM \$6,334.55 TO \$3,443.24, A TOTAL REDUCTION OF 46% FOR THE SUBJECT PROPERTY, LOCATED AT 15254 NW 87TH COURT, WHICH HAS TWO (2) LIEN CASES: C2011-0237 AND C2011-2466; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town"), through its Code Compliance Department, issued Citation No. C2011-0237 to the owner of the property, located at 15254 NW 87th Court; and

WHEREAS, the owner was in default and on April 18, 2011, the Special Master entered an order imposing civil penalties of \$250 and additional, continuing civil penalties of \$250 per day, for the violation; and

WHEREAS, the owner incurred a total fine of \$5,782.62 for code violation Citation No. C2011-0237; and

WHEREAS, on August 23, 2011, the Town issued a second Citation, No. C2011-2466, to the owner for a code violation; and

WHEREAS, the owner was in default for the second Citation, and on October 17, 2011, the Special Master entered an order imposing civil penalties of \$500, for the violation; and

WHEREAS, the owner incurred a total fine of \$551.93 for code violation Citation No. C2011-2466; and

WHEREAS, the total fine incurred for both cases is \$6,334.55, and the town has incurred a cost of \$528.66 for processing both matters; and

WHEREAS, the Town received a written request on January 4, 2012, for a fine reduction for both cases, but due to Resolution 04-195, the Town Manager is not allowed to settle after an Order has been executed by Special Master.

WHEREAS, prior to these two cases, the owner received two warnings of violation (C2007-0814-anc C2010-0818), with which he complied; and

WHEREAS, Town Manager having reviewed the file has recommended that the Town Council approve and accept a reduction in the total code compliance fines to \$3,443.24, a total reduction of 46%; 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 OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are true and correct and incorporated herein by this reference.

Section 2. Waiver and Reduction of Fine. The civil penalty/fine for Code Compliance Cases No. C2011-0237/ C2011-2466 is reduced to \$3,443.24 subject to the owner paying the reduced amount no later than 60 days from the effective date of this Resolution. The Town Manager is authorized to execute appropriate documents, including a release and waiver by the Owner for any and all claims against the Town relating to Citations C2011-0237 and C2011-2466.

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 reinstated and continue to accrue interest as if this Resolution had not existed.

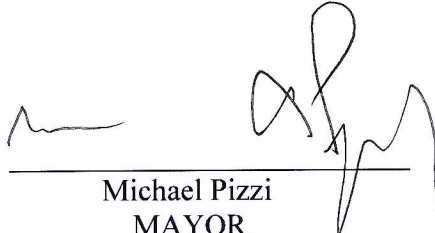
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 14 day of Feb., 2012.

Motion to adopt by Michael Pizzi, second by Mary Collins.

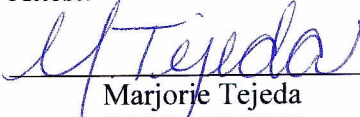
FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	<u>Yes</u>
Vice-Mayor Ceasar Mestre	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Nick Perdomo	<u>Yes</u>
Councilmember Richard Pulido	<u>Absent</u>



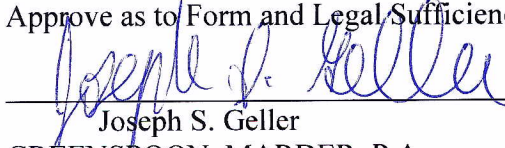
Michael Pizzi
MAYOR

Attest:



Marjorie Tejada
TOWN CLERK

Approve as to Form and Legal Sufficiency



Joseph S. Geller
GREENSPOON, MARDER, P.A.
INTERIM TOWN ATTORNEY