

**RESOLUTION NO. 13-1129**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; ACCEPTING A REQUEST FROM PEDRO A. TORRES TO REDUCE PREVIOUSLY ASSESSED CODE COMPLIANCE FINES FOR CASE NO. C2011-2466 AND CASE NO. C2011-0237; DIRECTING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (“Town”), through its Code Compliance Department, issued Citation No. C2011-0237 (“Citation”) to Roberto Vila and Caridad Vila, (“the Previous Owners”), of the property located at 15254 N.W. 87 Court; and

**WHEREAS**, the Previous Owners were 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 Citation was issued and was subsequently corrected by the Previous Owners; and

**WHEREAS**, the Previous Owners 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 Previous Owners for a code violation; and

**WHEREAS**, the Previous Owners were 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 Citation was issued and was subsequently corrected by the Previous Owners; and

**WHEREAS**, the Previous Owners 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**, on February 14, 2012 the Town Council approved a reduction request from the previous owners (Resolution# 12-960), reducing the total assessed fines for both cases from \$6,334.55 to \$3,443.24, subject to the Previous Owners paying the reduced penalties within sixty (60) days of the Resolution date; and

**WHEREAS**, the reduction resolution expired on April 14, 2012, and the Previous Owners failed to pay the reduced penalties; and

**WHEREAS**, the property was subsequently sold and the New Property Owner has requested that the Town consider and reduce the accrued civil penalties.

**WHEREAS**, the fines have continued to accrue, and the new combined total for both cases is \$7,419.49; and

**WHEREAS**, the New 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 \$7,419.49 to \$1,278.66, (which is equal to one days' fine and the cost incurred by the Town to process both cases); and

**WHEREAS**, the New 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 are incorporated herein by this reference.

**Section 2. Reduction of Fine.** The civil penalties/fines for the Code Compliance Case No. C2011-2466 and Case No. C2011-0237 are reduced to \$1,278.66,

subject to the New 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 New Owner for any and all claims relating to the Citation and this reduction.

**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 be effective immediately upon adoption.

PASSED AND ADOPTED this 10 day of September 2013.

Motion to adopt by Nelson Hernandez, second by Tim Daubert.

FINAL VOTE AT ADOPTION

Mayor Cesar Mestre  
Vice Mayor Manny Cid  
Councilmember Tim Daubert  
Councilmember Nelson Hernández  
Councilmember Tony Lama  
Councilmember Nelson Rodriguez

Yes  
Yes  
Yes  
Yes  
Yes  
Yes

  
\_\_\_\_\_  
Cesar Mestre  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Marjorie Tejada  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
\_\_\_\_\_  
TOWN ATTORNEY