



4-B)

**BEFORE THE CITY COUNCIL  
OF THE CITY OF VERO BEACH, FLORIDA  
1053 20<sup>TH</sup> PLACE  
VERO BEACH, FLORIDA 32960**

**TO: Marlene E. Marsano**  
1445 20<sup>th</sup> Avenue  
Vero Beach, FL 32960

**Household Finance Corporation III**  
9074 South Federal Highway  
Port St. Lucie, FL 34952

**HSBC**  
P.O. Box 1231  
Brandon, FL 33509

**Household Finance Corporation III**  
26525 N. Riverwoods Blvd  
Mettawa, IL 60045

**HSBC**  
P.O. Box 17574  
Baltimore, MD 21297

**NOTICE OF INTENT TO ADOPT RESOLUTION  
ESTABLISHING SPECIAL ASSESSMENT LIEN**

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Vero Beach, Florida intends to adopt the attached Resolution establishing a Special Assessment Lien against the following-described real property owned by **Marlene E. Marsano**:

**Lot 14 and the East 15 Feet of Lot 13, Block D, Vero Pines, #2, according to the Plat thereof, recorded in Plat Book 5, Page 30, Public Records of Indian River County, Florida.**

Physical Address: **1445 20<sup>th</sup> Avenue, Vero Beach, Florida**

Parcel I.D. Number: **33-39-11-00010-0004-00013.0**

The Lien Resolution is proposed to secure the recovery of costs and expenses incurred by the City of Vero Beach in abatement of an unsafe structure on said premises. A copy of the proposed Lien Resolution is attached for your reference.

The City Council will consider said Lien Resolution at its regular City Council Meeting on **Tuesday, January 8, 2013, at 9:30 A.M. in CITY COUNCIL CHAMBERS, CITY HALL, 1053 20<sup>TH</sup> PLACE, VERO BEACH, FLORIDA.**

You must appear at that date and time if you desire to be heard by the City Council on the proposed Lien Resolution, including any defenses or requests you may want to present. If you do not appear in person or by legal representative on the matter, the City Council will proceed to consider the Lien Resolution in your absence and may adopt it as proposed.

CITY OF VERO BEACH, FLORIDA

Date: 12-26-13

By: Tammy K. Vook  
Tammy K. Vook  
City Clerk

Enc.: Proposed Lien Resolution

Prepared by and return to:  
Office of City Attorney  
Courthouse Box 40  
P.O. Box 1389  
Vero Beach, FL 32961

**RESOLUTION NO. 2013 - \_\_\_\_\_**  
**ESTABLISHING SPECIAL ASSESSMENT LIEN**  
**FOR ABATEMENT OF UNSAFE BUILDING AND CONDITIONS**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, ESTABLISHING FOR ABATEMENT OF AN UNSAFE BUILDING AND CONDITIONS, A SPECIAL ASSESSMENT LIEN IN THE AMOUNT OF \$7,408.81 AGAINST THE REAL PROPERTY IDENTIFIED AS LOT 14 AND THE EAST 15 FEET OF LOT 13, BLOCK D, VERO PINES #2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 30, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA AND WITH THE ADDRESS OF 1445 20<sup>TH</sup> AVENUE IN THE CITY OF VERO BEACH, INDIAN RIVER COUNTY, FLORIDA,**

**WHEREAS**, the City Council of the City of Vero Beach, Florida finds that:

(1) According to the records of the Indian River County Tax Collector and the Public Records of Indian River County, Florida, **MARLENE E. MARSANO** is the owner of that certain real property located in the City of Vero Beach, Indian River County, Florida, described as:

**Lot 14 and the East 15 feet of lot 13, Block D, Vero Pines #2,  
according to the Plat thereof recorded in Plat Book 5, Page 30, Public  
Records of Indian River County, Florida**

Physical Address: **1445 20<sup>th</sup> Avenue, Vero Beach, Florida**

Parcel I.D. Number: **33-39-11-00010-0004-00013.0**

(2) On or about October 20, 2011 the Building Official for the City of Vero Beach and Indian River County determined that in accordance with the Standard Unsafe Building Abatement Code (SUBAC) the building located on the premises was an "unsafe building" and therefore constituted a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment; and

(3) The subject property was otherwise in an unsafe condition and constituted a hazard to safety or health by reason of inadequate maintenance, dilapidation, and obsolescence.

(4) On or about October 20, 2011, notice of the unsafe building and order to either repair or demolish the aforementioned unsafe building was provided by the Building Official to the above-named owner of the subject property, by proper mailing and by posting the subject building as unsafe; and

(5) On or about May 2, 2012, notice of the unsafe building and order to either repair or demolish the aforementioned unsafe building was provided to the mortgagee for the subject property, Household Finance Corporation III, by proper mailing; and

(6) The aforementioned notices also advised the owner and mortgagee that the City of Vero Beach, without further notice, would abate the unsafe building at their expense and assess the expenses for such abatement against the subject property as a special assessment lien, and advised the owner and mortgagee of their right to request a hearing to contest the issuance of the notices of unsafe building and orders to repair or demolish; and

(7) The owner filed a request for a hearing on the Building Official's notice of unsafe building and order to repair or demolish; and

(8) The Board of Building Appeals convened a hearing on the owner's request on January 9, 2012, however the owner failed to appear and the Board entered its order upholding the Building Official's decision, granting the owner sixty additional days to comply; and

(9) Notwithstanding the Boards order, the owner failed and refused to either repair or demolish the subject unsafe building as ordered or otherwise make the premises safe; and

(10) Pursuant to applicable law and after the prescribed time given in the notices and the Board's order, the City of Vero Beach did cause the demolition and removal of the unsafe building from the above-described real property and otherwise caused abatement of the unsafe conditions on the premises and did thereby incur the following costs and expenses which pursuant to law shall be charged as a special assessment lien against the subject real property:

Demolition, disposal building:	\$5,770.00
Permit Fees:	\$ 206.00
Inter-Departmental Services	<u>\$1,432.81</u>
<b>TOTAL COSTS AND EXPENSES:</b>	<b>\$7,408.81</b>

(11) The above-described real property was and is specially benefited by abatement of the subject unsafe building and conditions on the property and expenditure of the aforementioned funds by the City of Vero Beach;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

Pursuant to authority under the Standard Unsafe Building Abatement Code and sections 2-541, et seq., and 22-181 of the Code of the City of Vero Beach, a special assessment lien in the amount of Seven Thousand Four Hundred Eight and 81/100 Dollars (\$7,408.81) is hereby assessed and established against the above-described real property for the expenses incurred by the City of Vero Beach in abatement of the unsafe building and conditions on the property, which special assessment lien shall accrue interest at the legal rate allowed for judgments. All costs associated with

advertising, notice, recording, collecting, and satisfying this lien shall be added to the amount due. This special assessment lien shall be deemed prior in dignity to any other lien, including mortgages, irrespective of the date of the recording hereof or the date of the recording of any mortgage or any other lien on the subject real property and this special assessment lien shall survive any action to foreclose or otherwise enforce such inferior lien whether such inferior lien arises by virtue of a mortgage or promissory note, a mechanic's lien, a judgment, or other security interest in such real property.

This Resolution shall become effective upon adoption by the City Council and shall be recorded in the Public Records of Indian River County, Florida.

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This Resolution was heard on the \_\_\_\_\_ day of \_\_\_\_\_ 2013, at which time it was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and adopted by the following vote:

Mayor A. Craig Fletcher	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Vice Mayor Tracy M. Carroll	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Pilar E. Turner	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Jay Kramer	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Councilmember Richard G. Winger	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

**ATTEST:**

**CITY OF VERO BEACH, FLORIDA**

\_\_\_\_\_  
 Tammy K. Vock  
 City Clerk

\_\_\_\_\_  
 A. Craig Fletcher  
 Mayor

[City Seal]

Approved as to form and  
legal sufficiency:

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Wayne R. Coment  
City Attorney

Approved as conforming to  
municipal policy:

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James R. O'Connor  
City Manager