Board of County Commissioners
Agenda Item Summary

Meeting Date 1/21/04 **Division** **County Attorney**

AGENDA ITEM WORDING
Presentation of status report on the Chris Johnson code enforcement lien foreclosure case and request for direction.

ITEM BACKGROUND

The Board previously approved initiation of collection litigation against Chris Johnson., the owner of a lot zoned native area on Little Torch Key. The Special Master had found Johnson responsible for 12 violations on the lot. Because of the egregious nature of the violations, the Special Master imposed the maximum daily fine of $1000.00 per day per count. Mr. Johnson had essentially set up residence in a tractor trailer and had rented out derelict vessels and campers located on the property all without benefit of permits. The waste water from these "residences" was dumped into the wetlands. Neighbors in the Coral Shores Estates Subdivision have complained to the Sheriff's office and Code Enforcement about illicit activity on the premises that threatened their safety and that of their children playing in the neighborhood.

Mr. Johnson is currently incarcerated and facing charges for drug sales. He claims to be indigent and is being represented by the Public Defender.

On December 30, 2003, Judge Payne entered final judgment against Mr. Johnson in the amount of $3,744,100.00. At press time, the Court had not yet notified staff of an auction date for the property. There are potentially 2 known encumbrances that are superior to the County's lien. Assuming nobody outbids the County at auction, the Board would take title to the lot subject to those liens, if they prove valid. Plus, the County would be responsible for cleaning out the trailers, vessels, and other debris.

County staff's preliminary estimate for clean up costs is $100,000.00. Staff cautions that because of the volume of debris and inability to enter the property to make a close inspection, that estimate may not be accurate.

Staff requests input on the direction the Board desires to take with this property. In its current state, this property represents a major threat to the welfare of the residents of Coral Shores Estates and to the environment. In the past, neighbors have expressed a willingness to help clean the property.

PREVIOUS RELEVANT BOCC ACTION
BOCC approved litigation on July 15, 2003.

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS
Purchase at auction if no reasonable bid is made and clean up. Seek deficiency judgment against Johnson.

TOTAL COST BUDGETED Yes No
COST TO COUNTY SOURCE OF FUNDS
APPROVED BY: County Attorney ■ OMB/Purchasing □ Risk Management □

DIVISION DIRECTOR APPROVAL: JOHN R. COLLINS

DOCUMENTATION: Included □ To Follow □ Not Required □

AGENDA ITEM # P5