

**RESOLUTION NO. 2022-178**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED AGREEMENT FOR CODE ENFORCEMENT LIEN REDUCTION BETWEEN THE CITY OF COCONUT CREEK AND THOMAS COTTON; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Thomas Cotton is the owner of the property described as 5390 NW 41 Way, Coconut Creek, Florida; and

**WHEREAS**, the Property was found to be in violation of the City's Code of Ordinances in City Code Enforcement Proceeding Case No. C14090258, and a Final Order of the Special Magistrate for the City was entered in such case and recorded in the Public Records of Broward County, Florida on September 19, 2016, under Instrument #113938632 and revised on March 17, 2020, under Instrument #116417401 (Case #1); and

**WHEREAS**, the Property was found to be in violation of the City's Code of Ordinances in City Code Enforcement Proceeding Case No. C15040479, and a Final Order of the Special Magistrate for the City was entered in such case and recorded in the Public Records of Broward County, Florida on September 19, 2016, under Instrument #113938633 and revised on March 17, 2020, under Instrument #116417402 (Case #2); and

**WHEREAS**, fines accrued under the above referenced Orders until the Property was brought into compliance; and

**WHEREAS**, the fines that accrued under the referenced Orders were reduced to liens in the amount of Eighteen Thousand Seven Hundred Seventy Five Dollars and 00/100 (18,775.00), which was reduced to Seventeen Thousand Four Hundred Eighty-Seven Dollars and 20/100 (\$17,487.20), after one payment was made for Case #1 and Thirteen Thousand Twenty-Five Dollars and 00/100 (\$13,025.00), which was reduced to

Eleven Thousand Seven Hundred Thirty Seven Dollars and 21/100 (\$11,737.21), after one payment was made for Case #2, which liens were recorded under Instrument numbers #113938632 and #116417401 (Case #1) and Instrument #113938633 and #116417402 (Case #2) in the Public Records of Broward County, Florida (collectively, the Liens); and

**WHEREAS**, Thomas Cotton submitted a request for mitigation of the Liens and appeared before the City Code Enforcement Fine Reduction Committee (the Committee) on August 2, 2022; and

**WHEREAS**, the Committee heard testimony from City staff and Thomas Cotton with respect to the violations, and Thomas Cotton acknowledged the violations and that Case #1 was a repeat violation; and

**WHEREAS**, during the Committee's deliberation, Thomas Cotton proposed that in the event of a reduction in the amount of the Liens that he be permitted to pay same in installments; and

**WHEREAS**, Thomas Cotton was advised that in the event the City agreed to an installment payment plan that it would be necessary for Thomas Cotton and City to enter into an agreement providing that in the event of a default in payment, foreclosure, bankruptcy, or a recurrence of a violation, that the Liens would revert back to their original amounts reduced only by the amount of any payments made to that time; and

**WHEREAS**, based on Thomas Cotton's acknowledgement of his understanding and acceptance of the terms under which the Committee would recommend a Lien reduction and payment plan, a motion was made and passed by the Committee recommending the reduction of the Liens for Case #1 and Case #2 to a combined total of Twelve Thousand Dollars and 00/100 (\$12,000.00) inclusive of all Administrative fees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1: Ratification.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

**Section 2: Finding.** That the City Commission has reviewed and hereby approves the attached Code Enforcement Lien Reduction Agreement between the City of Coconut Creek and Thomas Cotton.

**Section 3: Approval.** That the City Manager, or designee, is hereby authorized to execute the attached Code Enforcement Lien Reduction Agreement between the City of Coconut Creek and Thomas Cotton.

**Section 4: Violation of Conditions.** That in the event of a default by Thomas Cotton under the terms of this Agreement not cured within the cure period as set forth.

**Section 5: Severability.** That should any section or provision of this resolution, or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 6: Effective Date.** That this resolution shall be in full force and effect immediately upon its adoption.

**Adopted this \_\_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

\_\_\_\_\_  
Joseph J. Kavanagh, City Clerk

Rydell \_\_\_\_\_  
Welch \_\_\_\_\_  
Tooley \_\_\_\_\_  
Railey \_\_\_\_\_  
Brodie \_\_\_\_\_

SS:ae