



# CITY OF FORT PIERCE

## DIVISIONS OF CODE ENFORCEMENT & ANIMAL CONTROL

MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

### REQUEST FOR A REDUCTION OR RESCINDMENT OF CODE ENFORCEMENT FINES / LIENS

|  |   |  |  |
|--|---|--|--|
| Date:                                      |   |  |  |
| Property address:                          | 658 North 2nd Street, Fort Pierce, FL 34950                         |  |  |
| Owner(s) of record:                        | The Estate of Dennis J. Horvath c/o David N. Sowerby, Esq.          |  |  |
| Mailing address:                           | 2940 South 25th Street, Fort Pierce, FL 34981                       |  |  |
| Property tax ID #:                         | 2403-801-0006-000/4   |  |  |
| Original purchase date:                    | October 3, 2011   | Original purchase price:                       | \$230,000.00   |
| Other Information:                         | <input type="checkbox"/> Inherited Property                         | <input type="checkbox"/> Purchased at Tax Sale | <input type="checkbox"/> Adjoining Property Owner  |
| Property is used for:                      | <input type="checkbox"/> Single Family                              | <input type="checkbox"/> Multi-family          | <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant Lot |
| Name of person requesting reduction:       | Janet J. Power  | Relationship to owner(s):                      | Personal Representative of Estate  |
| Telephone #:                               | c/o David N. Sowerby<br>772-464-7900                                | Mobile phone #:                                | N/A  |
| E-mail:                                    | dsowerby@melvillesowerby.com  | Preferred contact method:                      | E-Mail   |
| What are owner(s) intentions for property: | Continued Operation as a Restaurant                                 |  |  |
| Amount of Fine:                            |   | Date Fine Initiated:                           | October 22, 2012   |
| Are there current code violations?         | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | Explain: (please attached notice)              |  |
| Is a lien filed against the property?      | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | If yes, what is the lien amount?               |  |
| Is property listed for sale?               | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | If yes, what is listing price?                 |  |
| Is property under contract for sale?       | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | If yes, what is the sale price?                |  |

AMOUNT OF FINE / LIEN \$ 27,200.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED \$ 27,200.00

DOLLAR AMOUNT I AGREE TO PAY \$ - 0 -

If the city waives any fees, interest, penalties, fine or lien amount, the undersigned does hereby agree to pay the remainder within sixty (60) days from the date of the Board, Magistrate or Commission's decision unless an alternate time frame is specified in the motion.

Janet J. Power  
(Signature of Owner or Representative)

Janet J. Power  
(Printed Name)



# CITY OF FORT PIERCE

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MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

I, JANET J. POWER, do hereby submit this Petition in request for a reduction in the total amount of the penalty imposed and in support offer the following statement:

SEE ATTACHED

Multiple horizontal lines for handwritten text.

Date: 10/9/14

Signed: Janet J. Power

Print Name: Janet J. Power, as Personal Representative of the Estate of Dennis J. Horvath

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority Janet J. Power who acknowledged before me that the information contained herein is true and correct. ~~He~~ She is ~~not~~ personally known to me and has produced \_\_\_\_\_ as identification.

SWORN TO AND SUBSCRIBED before me this 9th day of October, 2014.



Cynthia M. Sowerby  
Notary Public, State of Florida

The Code Enforcement Fines are the unfortunate result of miscommunications between Dennis Horvath, (who is now deceased), his engineer, and City personnel.

Dennis was under the impression that it was a condition precedent to obtaining the permits required to open his business that he commit to paving the adjacent parking lot. The estimated expense (inclusive of permitting, engineering and construction costs), was approximately \$130,000 and was an unexpected expenditure which exceeded his available funds. Unfortunately, what was not communicated to Dennis was the availability of two less expensive alternatives.

On April 14<sup>th</sup> of this year, there was a meeting attended by Dennis, his attorney, Steve McCain, representatives from the several City Departments, and representatives of the new tenants. What came to light at that meeting was:

- Only 9 parking spaces were required, and thus only approximately ¼ of the parking lot required paving; and
- The City has a mitigation program which allowed Dennis to meet his parking requirements upon payment of \$1,000 per parking space (exclusive of one handicap parking space which must be paved and remain on the premise).

When inquiry was made at the meeting about the steps necessary to stop the daily accrual of the fine, Dennis was informed that the fine was the result of the additional millings he had spread on the parking lot, and not because of his failure to pave the parking lot.

At the outset, Dennis had the present ability to pay the mitigation fee (or pave ¼ of the parking lot) and to remove the millings. Had he been aware of the alternatives, the fines never would have occurred.