

CULPEPPER & TERPENING, INC.
CONSULTING ENGINEERS | LAND SURVEYORS

CT File number: 19-232
Writers email – dmurphy@ct-eng.com

July 28, 2020

Ms. Margaret M. Arraiz
City of Ft. Pierce Code Compliance Manager
100 North US #1
Ft. Pierce, Fla. 34950

Subject: 2152 South Jenkins Road
Request for Lien Reduction

Dear Ms. Arraiz:

Attached, please find a request submitted on behalf of BGDN, LLC, (BGDN) the owners of certain property located at 2152 South Jenkins Road, and described under St. Lucie County Parcel ID Number 2418-333-0002-000-6 (see attached Property Tax Card), for a reduction in the amount of outstanding lien that is apparently held by the City against this property. The amount of reduction requested is 100% of the fees being assessed.

By way of some background, BGDN acquired this property through a Certificate of Sale action on May 3, 2011. This action is reflected in the attached Certificate of Title executed on May 16, 2011 (OR Book 3925 Page 0459). On August 19, 2011, an amended Certificate of Title was recorded to correct a scrivener's error in the legal description of the May documents. In May of 2011, the ownership address of record was changed from the prior owners (see attached deed as described in OR Book 2645, Page 1725) to the current owners in New York. To the best of the records that that I have been provided, a property title search was not done as part of the Certificate of Title transfer process.

I note the above changes in ownership since they seem to have occurred after the City provided notice to the prior owners of record, in March of 2010, about the matter of the outstanding costs associated with the City's contracted removal of certain structures and other appurtenances as a result of City Code Enforcement action. BGDN has no records of receipt of any notifications from the City as to the existence of any outstanding liens on the property. BGDN only became aware of the existence of these liens during our recent rezoning hearing process for this property.

In discussing this matter with City Staff, it is our understanding that, as the current owners of this property, we are considered to be responsible for those prior costs incurred by the City associated with the demolition processes. I can appreciate that the City did indeed incur costs associated with the removal

of certain structures and appurtenances on this property in 2010, however, we (BGDN) do not agree that it is our responsibility to address the failures of the prior property owners to address their financial obligations to the City. We do not know the condition of the structures on this property as they existed in 2010, but I have attached copies of the St. Lucie County Property Appraiser aerials that show the condition of the property in 2009, 2011, and 2018.

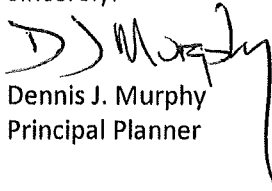
I am aware of the general City position as to the granting of relief from any hard costs incurred by the City in Code Enforcement matters. However, in this instance, since BGDN had no prior knowledge of the existence of any Code Enforcement matters affecting this property, where had we known about them we would have initiated remedial actions sooner than today, we believe that there is a case for extenuating circumstances that should be considered. We do not believe that it is fair to assess us for penalties and costs that are result of the prior owner's inaction on the cited apparent violations of City Codes.

In an effort to bring this matter to closure, BGDN would request that, consistent with City practices for like matters, that the City grant a waiver of the Administrative, Interest and Penalty charges associated with this existing lien action. We understand that as of the date of this letter, those fees and charges total approximately \$16,415. We further would request, that in consideration of the matters outlined above, that the City waive the liens associated with the removal of the structures from this site, totaling \$21,827. We do not believe that we are the party responsible for the payment of those owed fees.

As we discussed with the City in our recent rezoning petition, it is our intention to develop this property in a multi-family use, consistent with other uses and activities in the immediate area. We are actively moving forward with site planning efforts and are looking to make a formal filing with the City within the next 12 months, market conditions permitting. The development of this property will, in our opinion, provide for greater recurring property tax values to the City than the one-time collection of the outstanding fees currently subject to this lien assessment. To that end, we would respectfully request that the City Commission consider granting full relief from the demolition and removal charges of \$21,827.

Thank you for your time and considerations in his matter. I will be happy to meet with you at your convenience to go over this matter further if there are any questions.

Sincerely:



Dennis J. Murphy
Principal Planner

DJM
attachments
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