



# Broward County

## Legislation Details (With Text)

**File #:** 22-1732      **Version:** 1

**Status:** Agenda Ready

**In control:** County Attorney

**On agenda:** 11/15/2022      **Final action:** 11/15/2022

**Title:** MOTION TO APPROVE settlement in the case of City of Pompano Beach v. O'Connor Holdings, LLC, et al., Case No. CACE20003904, authorize the Mayor and Clerk to execute, and authorize the Office of the County Attorney to execute and file the Stipulation to Ratify Settlement and Dismiss Case.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Settlement Agreement

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO APPROVE settlement in the case of *City of Pompano Beach v. O'Connor Holdings, LLC, et al.*, Case No. CACE20003904, authorize the Mayor and Clerk to execute, and authorize the Office of the County Attorney to execute and file the Stipulation to Ratify Settlement and Dismiss Case.

#### Why Action is Necessary

Board approval is necessary to resolve this pending lawsuit.

#### What Action Accomplishes

Settlement of pending litigation.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

On March 4, 2020, the City of Pompano Beach ("City") filed a foreclosure action against O'Connor Holdings, LLC ("O'Connor"), Broward County ("County"), Good Cars, Inc., and Lennox S. Harrison. O'Connor is the owner of property located at 1601 NW 15th Avenue, Pompano Beach, Florida ("O'Connor property"), against which the City had recorded liens amounting to \$5,086,520 at the time

the suit was filed. The County was named as a Defendant due to having recorded a lien of \$2,787,500 against the O'Connor property, resulting from Final Orders issued on Notice of Violation NOV17-0019.

The County lien was recorded later than and is subordinate to the City liens. The City and County liens far exceed the current market value of \$1,915,770 for the O'Connor property, which is mainly comprised of a lake providing drainage for properties within the Gold Coast Plat Property Owners Association ("Association") and for a portion of North Andrews Avenue. The Association intervened in the foreclosure in furtherance of the settlement and due to its drainage interests. The County's Final Orders require removal of excess fill from the lake in violation of County surface water management and borrow pit reclamation licenses.

The proposed settlement provides for (i) transfer of the O'Connor property to the Association, (ii) the Association to obtain all necessary City and County licenses and permits to remove the excess fill, (iii) payment to the County of \$11,500 (the full penalty assessed in the first Agreed Final Order before the imposition of daily penalties), (iv) payment to the City of \$100,000, as the senior lien holder, (v) each party to bear its own costs and attorney's fees, (vi) release of the County and City liens, and (vi) a stipulation for ratification of the settlement and dismissal of the litigation.

The Environmental Permitting Division and the Consumer Protection Division recommend approval of this settlement.

**Source of Additional Information**

Michael C. Owens, Senior Assistant County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The County will be paid \$11,500.