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July 3, 2018

MEMORANDUM

To: Board of County Commissioners

From: Courtney K. Grimm, County Attorney 

Re: State of Florida Department of Transportation v. Jacinta A. Blackmon, Trustee, or her successors in trust, under the Jacinta A. Blackmon Living Trust, dated May 4, 2005; Case No. 2016-CA-1225

As the Board will recall, the County was named in a Florida Department of Transportation (FDOT) eminent domain proceeding brought to condemn real property located at 2269 Blanding Boulevard in Middleburg which is owned by Jacinta A. Blackmon as trustee of a living trust, due to a County code enforcement lien that attached to the property. The FDOT took approximately 1.3 acres of the five acre parcel. Mrs. Blackmon has been awarded a total of \$580,001 as compensation for her property in the takings action after payment of costs and attorney's fees. Approximately \$293,630 of this sum has been deposited into the registry of the Court as compensation for the taking.

In the action, the County made a claim to a portion of the proceeds deposited in the registry of the Court based on the County's lien. The County's claim and what portion, if any, of the proceeds the County may be entitled to will be decided by the Court. The FDOT parcel at issue is not one of Mrs. Blackmon's properties which was the subject of a code enforcement case, but it is encumbered by the County's liens which attach to her trustee property by virtue of Florida statutory law which provides that a county code enforcement lien will attach as a lien to all real and personal property held by the landowner in the County. In making its determination on the County's claim, the Court may consider this factor as well as the fact that Mrs. Blackmon owns eighteen other properties as trustee to which the County's liens likewise attach and which may be deemed adequate security for the County's lien.

Prior to a resolution by the Court, the parties have attempted to resolve the County's claim. Mrs. Blackmon has most recently offered to resolve the County's claim by a payment of \$40,000 in return for the release of all the County's code enforcement liens recorded against her properties that she holds as trustee as well as in her name individually.

Currently, the County has three code enforcement liens totaling \$96,000 which attach to eighteen properties held by Mrs. Blackmon as trustee and two code enforcement liens totaling \$8,300 which attach to five properties held by Mrs. Blackmon individually.

If the Board should decide to resolve the five liens with the payment of \$40,000, then the payment is guaranteed to be forthcoming as it will be part of the distribution of the proceeds referenced above from the registry of the Court.

CKG/FJM/dpr

litigation/eminent domain/bcc memo-Blackmon settlement offer