



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 4094, **Version:** 1

Subject:

BOW Cocoa Properties, LLC Proposal

Fiscal Impact:

N/A

Dept/Office:

District 4 Commission Office

Requested Action:

Approval of Resolution; approval of Settlement Agreement; authorize chair to execute Resolution, Settlement Agreement and Satisfaction of Liens; notify Special Magistrate of Approval and request execution and recording of Proposed Order; forward notice of approval to Special Magistrate, Stewart Capps along with copy of Settlement Agreement and approved resolution as an attachment to settlement agreement for recording; authorize recording of Special Magistrate Order with attachments

Summary Explanation and Background:

BOW has proposed to settle the code enforcement liens in accordance with the terms of the attached resolution; settlement agreement; proposed Special Magistrate Order and Satisfaction. The Special Magistrate received the proposed order at a February 17 hearing and has agreed to execute and record the order if the settlement and resolution is approved by the Board. The property has remained dormant and economically unproductive for several years. The new buyer offers an exciting amateur sports business and academy that will bring a substantial benefit to the community.

Clerk to the Board Instructions:

Attach executed Resolution as Exhibit 1 to proposed settlement agreement; and record approved Resolution, settlement agreement, satisfaction of liens, and Special Magistrate Order with Settlement Agreement and approved Resolution as attachments.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

March 9, 2022

MEMORANDUM

TO: Commissioner Curt Smith, District 4

RE: Item F.18., BOW Cocoa Properties, LLC Proposal

The Board of County Commissioners, in regular session on March 8, 2022, adopted Resolution No. 22-024; authorized the Chair to execute Stipulated Settlement; authorized the Chair to execute Satisfaction and Release of Code Enforcement Liens; approved forwarding notice of approval to Special Magistrate Stewart Capps, along with copy of Settlement Agreement; approved Resolution as an attachment to Settlement Agreement for recorded; and authorized the recording of Special Magistrate Order, regarding proposal of BOW Cocoa Properties, LLC.

Enclosed are fully-executed Resolution, Settlement Agreement, and Satisfaction and Release of Code Enforcement Liens.

Upon execution by all parties and recordation, please return a fully-executed copy of all documents to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/tr

Encls. (3)

cc: Clerk to the Special Magistrate
Code Enforcement
Finance
Budget



BOARD OF COUNTY COMMISSIONERS

CLERK TO THE SPECIAL MAGISTRATE

2725 Judge Fran Jamieson Way
Building C-303
Viera, Florida 32940
321-350-9333

March 24, 2022

Attention: Kimberly Powell
Clerk to the Board
PO Box 999
Titusville, FL 32781-0999

RE: Item F.18., BOW Cocoa Properties, LLC Proposal

Dear Clerk,

Enclosed please find the recorded Order Acknowledging Compliance of Lien for Code Enforcement cases 12CE-01029, 12CE-01030, 12CE-01141, and 13CE-01093 as instructed in the March 9, 2022 memorandum requesting a fully executed copy of all documents.

Please let me know if you require anything further.

Sincerely,

A handwritten signature in blue ink that reads 'Katherine Williams'.

Katherine Williams
Clerk to the Special Magistrate
Brevard County, Florida
321-350-9333

**CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA**

**BOARD OF COUNTY COMMISSIONERS OF BREVARD
COUNTY, FLORIDA, a political subdivision of the State of Florida,
Petitioner**

V.

**COCOA EXPO SPORTS CENTER, LLC,
Respondent(s)**

**CASE # 12CE-01029
CASE # 12CE-01030
CASE # 12CE-01141
CASE # 13CE-01093**

ORDER ACKNOWLEDGING COMPLIANCE & RELEASE OF LIEN

The above-numbered code enforcement cases are the subject of a Stipulated Settlement Agreement between the Parties named above. The Special Magistrate having been presented with evidence that the Brevard County Commission has approved the Resolution attached to the Stipulated Settlement Agreement (hereafter referred to as "the Agreement"), which has also been approved by the Brevard County Commission:

IT IS HEREBY ORDERED:

1. That the Agreement and the Resolution attached to the Agreement, are hereby incorporated and adopted as the final action on the violations and liens specified in above-numbered cases.
2. Based upon the Agreement, the Special Magistrate hereby specifically determines that this Order shall be Recorded in the Official Records of Brevard County, Florida as a Certificate of Compliance with regards to:

a. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 12CE-01141) in favor of Board of County Commissioners of Brevard County, Florida and against Cocoa Expo Sports Center, L.LC, recorded November 16, 2012 in Official Records Book 6738, Page 1506, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 3)

STATE OF FLORIDA (COUNTY OF BREVARD)
CERTIFICATION I hereby certify this is a true
and correct copy of the Finding of Fact/
Order of Imposition. Witness my hand on this

1
11 March 2022
Kathleen Williams
Clerk to the Special Magistrate.

b. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 12CE-01029) in favor of Board of County Commissioners of Brevard County, Florida and against Upland Investments, LLC, recorded November 16, 2012 In Official Records Book 6738, Page 1508; as affected by Order Imposing Fine as Lien recorded October 16, 2014 in Official Records Book 7229, Page 2955; and Amended Order Imposing Fine as Lien recorded November 20, 2014 in Official Records Book 7250, Page 2472, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 1)

c. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 12CE-01030) in favor of Board of County Commissioners of Brevard County, Florida and against Cocoa Expo Sports Center, LLC, recorded November 16, 2012 in Official Records Book 6738, Page 1510; as affected by Order Imposing Fine as Lien recorded October 16, 2014 in Official Records Book 7229, Page 2955; Amended Order Imposing Fine as Lien recorded November 20, 2014 in Official Records Book 7250, Page 2471; and Subordination Agreements recorded March 24, 2015 in Official Records Book 7327, Pages 2927, 2932 and 2938, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 5)

d. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 13CE-01093) in favor of Board of County Commissioners of Brevard County, Florida and against Cocoa Expo Sports Center, LLC, recorded August 29, 2013 in Official Records Book 6959, Page 228, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 3)

DONE AND ORDERED this 9th of March, 2022

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA


Stewart Capps

RESOLUTION 2022-024

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AUTHORIZING THE COUNTY ATTORNEY TO SETTLE CODE ENFORCEMENT CASES 12CE- 01029 AND 12CE- 01030; AND AUTHORIZING THE PREPARATION AND RECORDING OF ORDER ACKNOWLEDGING COMPLIANCE AND RELEASE OF LIEN IN CASES 12CE- 01029, 12CE- 01030, 12CE-1141 AND 12CE-1093; AUTHORIZING THE COUNTY ATTORNEY TO REVIEW AND APPROVE A SETTLEMENT AGREEMENT CONSISTENT WITH THIS RESOLUTION FOR EXECUTION BY THE CHAIR AND RECORDING IN THE OFFICIAL RECORDS OF THE COUNTY.

WHEREAS, by a Certificate of Title issued by the Brevard County Clerk of Court on September 15, 2020, BOW Cocoa Properties, LLC, a Missouri limited liability company, became the current owner of the property described on Exhibit 1, attached hereto, said property being hereafter referred to as "the Property"; and

WHEREAS, BOW Cocoa Properties, LLC (hereafter "BOW Cocoa"), acquired the Property at a foreclosure sale as a result of a final judgment of foreclosure in favor of the Bank of Washington which held a mortgage on the Property while it was owned by Cocoa Expo Sports Center, LLC.(hereafter Cocoa Expo) which was, prior to such judgment being issued, in default of its Mortgage with Bank of Washington; and

WHEREAS, the sports complex at Cocoa Expo was not well-maintained and has been deteriorating by lack of use and maintenance prior to the acquisition of the Property by BOW Cocoa; and

WHEREAS, BOW Cocoa has invested major amounts of funding in the rehabilitation and improvement of the sports complex at the Cocoa Expo property, which were in a major state of disrepair due to lack of maintenance during foreclosure and subsequent bankruptcy proceedings of Cocoa Expo, as described below; and

WHEREAS, included in the amounts invested by BOW Cocoa are the costs for restoration, in compliance with the Code Enforcement Special Magistrate Orders described below, of wetland areas that were deemed degraded by Brevard County and Code Enforcement Special Magistrate due to unpermitted development activities of Cocoa Expo occurring ten years ago; and

WHEREAS, prior to the issuance of the final judgment of foreclosure, Cocoa Expo had been found in violation of various Brevard County Ordinances, which violations resulted in the recording of the Orders issued by the Code Enforcement Special Magistrate attached hereto as Exhibits B, C, D, E, F and Composite Exhibit G, several of which constituted liens for fines levied against Cocoa Expo; and

WHEREAS, BOW Cocoa is under contract for the sale of the Property to a prospective owner and Chicago Title Company (Title Company) requires the

recording of Order Acknowledging Compliance and Release of Lien by the Code Enforcement Special Magistrate reflecting the removal of the cause for the County-cited violations on the Property; and

WHEREAS, the Code Enforcement Special Magistrate orders and applicable county ordinances state that, if the code violation concerns real property, the maximum amount of the lien, including interest, shall be no more than 35 percent of the assessed value of a subject property as determined by the county property appraiser at the time of the imposition of the lien; and

WHEREAS, the Code Enforcement Special Magistrate Amended Order in case 12CE- 01029 (Exhibit F) recorded in the Official Records of the Brevard County Clerk on November 20, 2014 stated as follows:

"AFTER A duly noticed hearing, the Brevard County Code Enforcement Special Magistrate hereby finds and orders:

1) On 11/15/2012, the Special Magistrate issued a Findings of Fact, Conclusions of Law and Order & Lien for Costs, which was recorded in Official Records Book 6738 at Page 1508 in the Office of the Clerk of the Circuit Court of Brevard County, Florida.

2) As of today, fine of **THIRTY-FIVE THOUSAND, TWO HUNDRED, FIFTY DOLLARS (\$35,250.00)** has accrued due to Respondent(s) failure to comply with the Brevard County Code of Ordinances as specified in the above mentioned order and the fine shall continue to accrue at \$250.00 per day until compliance is achieved as previously ordered.

3) Respondent(s) has paid the enforcement cost of **\$275.00**.

4) Respondent(s) **HAS NOT** paid the irreparable fine of **\$3,500.00**.

5) The fine, including interest, shall not exceed \$69,773.00, which is 35% of the assessed value \$199,350.00 of the subject property which is described as:

Township: 24 Range: 35 Section: 27 Subdivision: 00 Block: 760 Lot:

Also identified as 335, 365 and 405 FRIDAY RD, COCOA FL 32926, Tax Account 2408082"; and

WHEREAS, the second Code Enforcement Special Magistrate Order in case 12CE- 01030 (Composite Exhibit G) recorded in the Official Records of the Brevard County Clerk on October 16, 2014 stated as follows:

"AFTER A duly noticed hearing, the Brevard County Code Enforcement Special Magistrate hereby finds and orders:

1) On 11/15/2012, the Special Magistrate issued a Findings of Fact, Conclusions of Law and Order & Lien for Costs, which was recorded in Official Records Book 6738 at Page 1510 in the Office of the Clerk of the Circuit Court of Brevard County, Florida.

2) As of today, fine of **TWENTY-SIX THOUSAND, SEVEN HUNDRED, FIFTY DOLLARS (\$26,750.00)** has accrued due to Respondent(s) failure to comply with the Brevard County Code of Ordinances as specified in the above

mentioned order and the fine shall continue to accrue at \$250.00 per day until compliance is achieved as previously ordered.

3) Respondent(s) has paid the enforcement cost of **\$275.00**.

4) Respondent(s) **HAS NOT** paid the irreparable fine of **\$3,000.00**.

5) The fine, including interest, shall not exceed \$46,137.00, which is 35% of the assessed value \$131,820.00 of the subject property which is described as:

Township: 24 Range: 35 Section: 27 Subdivision: 00 Block: 762 Lot:

Also identified as 423 FRIDAY RD, COCOA FL 32926, Tax Account 2408084";
and

WHEREAS, the third Code Enforcement Special Magistrate Amended Order in case 12CE- 01030 (Composite Exhibit G) recorded in the Official Records of the Brevard County Clerk on November 16, 2014 stated as follows:

"AFTER A duly noticed hearing, the Brevard County Code Enforcement Special Magistrate hereby finds and orders:

1) On 11/15/2012, the Special Magistrate issued a Findings of Fact, Conclusions of Law and Order & Lien for Costs, which was recorded in Official Records Book 6738 at Page 1510 in the Office of the Clerk of the Circuit Court of Brevard County, Florida.

2) As of today, fine of **THIRTY-FIVE THOUSAND, TWO HUNDRED, FIFTY DOLLARS (\$35,250.00)** has accrued due to Respondent(s) failure to comply with the Brevard County Code of Ordinances as specified in the above mentioned order and the fine shall continue to accrue at \$250.00 per day until compliance is achieved as previously ordered.

3) Respondent(s) has paid the enforcement cost of **\$275.00**.

4) Respondent(s) **HAS NOT** paid the irreparable fine of **\$3,000.00**.

5) The fine, including interest, shall not exceed \$46,137.00, which is 35% of the assessed value \$131,820.00 of the subject property, which is described as:

Township: 24 Range: 35 Section: 27 Subdivision: 00 Block: 762 Lot:

Also identified as 423 FRIDAY RD, COCOA FL 32926, Tax Account 2408084";
and

WHEREAS, subsequent to the recording of the Code Enforcement Special Magistrate orders, Cocoa Expo filed for bankruptcy; and

WHEREAS, the final judgment in bankruptcy relating to Cocoa Expo, as entered by the Middle District Federal Bankruptcy Court in Orlando, FL is attached as Exhibit H; and

WHEREAS, in Exhibit I, the County Attorney has acknowledged that the lien in Case 12CE-01030 was secured debt and the County received a payment through the bankruptcy proceedings in the amount of \$38,250.00; and

WHEREAS, in Exhibit I, the County Attorney has acknowledged any Code Enforcement liens on the Property constituting unsecured debt in the bankruptcy proceeding and included in the foreclosure proceedings have been extinguished; and

WHEREAS, in Exhibit I, the County Attorney has acknowledged that any liens owed to the County have been satisfied/extinguished by either the bankruptcy and/or foreclosure proceedings; and

WHEREAS, in Exhibit I, the County Attorney has properly indicated that as of November 4, 2021, the two code violations in cases in Cases 12CE-01141(Exhibit B) and 13CE-01093 (Exhibit E) are in compliance; and

WHEREAS, in Exhibit I, the County Attorney has indicated that in cases 12CE-01029 and 12CE-01030, the Property remains out of compliance as of the date of Nov. 4, 2021; and

WHEREAS, the County Attorney email (Exhibit I) also indicated that the owner has two options: (1) obtain an approved site plan; or (2) restore the wetlands; and

WHEREAS, the Code Enforcement Special Magistrate Orders in case 12CE-01029 and 12CE- 01030 both required restoration of fill for the property; and

WHEREAS, the Code Enforcement Special Magistrate Orders in case 12CE-01029 and 12CE- 01030 were both recorded on November 15, 2012 (See Exhibits C and D attached); and

WHEREAS, the first Code Enforcement Special Magistrate Order in case 12CE-01029 (Exhibit C) imposed a specific Order as follows:

“it is hereby ORDERED THAT: Respondents are to bring the Property into compliance by June 1, 2013 (198 days) by obtaining an approved site plan and implement the compensatory storage elements of the site plan or remove the fill and restore the property to the pre-fill elevations AND by September 1, 2013 (290 days) by an approved site plan or implement the wetland and landscape restoration plan approved under LAP #2012-07-01A” (emphasis added); and

WHEREAS, the first Code Enforcement Special Magistrate Order in case 12CE-01030 (Exhibit D) imposed a specific Order as follows:

“it is hereby ORDERED THAT: Respondents are to bring the property into compliance by June 1, 2013 (198 days) by obtaining an approved site plan and implement the compensatory storage elements of the site plan or remove the fill and restore the property to the pre-fill elevations AND by September 1, 2013 (290 days) by an approved site plan or implement the wetland and landscape restoration plan approved under LAP #2012-07-01 A”(emphasis added); and

WHEREAS, Brevard County Code, Sec. 2-170 entitled "Powers" provides, in relevant part, as follows:

"The code enforcement special magistrate shall have the power to:

(4) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance...

(6) Vacate or amend orders when necessary.; and

WHEREAS, Brevard County Code, Sec. 2-172 entitled "Jurisdiction" expressly sets forth the code enforcement jurisdiction of the special magistrate which states, in relevant part, as follows:

"The jurisdiction of the special magistrate shall be addition to, and not in lieu of, any other procedures or remedies available to the county to enforce its code. Any alleged violation of county codes and ordinances may be pursued by appropriate remedy in court, or as may otherwise be provided by law."; and

WHEREAS, BOW Cocoa has applied for and received the permit attached as Exhibit J relating to the restoration of the areas identified in the Code Enforcement Special Magistrates orders in case 12CE- 01029 and 12CE- 01030; and

WHEREAS, BOW Cocoa has conducted restoration of the areas identified by the Code Enforcement Special Magistrate in the orders entered in case 12CE- 01029 and 12CE- 01030 at the cost of BOW Cocoa Properties LLC, which include removal of fill, restoration, engineering costs and permitting costs; and

WHEREAS, that based on the voluntary compliance of BOW Cocoa with the Code Enforcement Special Magistrate orders allowing the removal of fill and restoration of the Property to pre-fill elevations, the Brevard County Board of County Commissioners finds that the current owner has voluntarily complied with the restoration conditions required in the first Special Magistrate Orders filed case 12CE- 01029 and 12CE- 01030; and

WHEREAS, that the Board of County Commissioners finds and directs that the Chair to the Board should be authorized to execute, Order Acknowledging Compliance and Release of Lien in cases 12CE-01141 (Exhibit B) and 13CE-01093 (Exhibit E), as well as those documents meeting specifications 9 through 12 on page 3 of 12 of Chicago Title Company (Title Company) title commitment relating to the Property (highlighted in green on Exhibit K), including those documents required to satisfy the

Title Company requirements related to the subordinations attached as Composite Exhibit L; and

WHEREAS, the Brevard County Board of County Commissioners finds that it is in the best interest of the public and the County to allow the resumption of an economically productive use of the property by settling with the current owner in accordance with the following terms which shall be incorporated into a Stipulated Settlement Agreement between the County and BOW Cocoa as successor to Cocoa Expo Sports Center, LLC as owner of the Property, which agreement shall resolve all Code Enforcement Cases referenced in this Resolution in accordance with the following terms:

- 1) The County shall record Order Acknowledging Compliance and Release of Lien against the Property;
- 2) The County and BOW Cocoa will stipulate to the entry of a Code Enforcement Special Magistrate Order declaring that the source of all violations raised in the consolidated cases have been removed and that the Property is in compliance;
- 3) the County and BOW Cocoa will stipulate to the inclusion in the Code Enforcement Special Magistrate order declaring that the fines imposed by Code Enforcement Special Magistrate orders recorded in the consolidated cases have been settled and deemed satisfied as a result of the payment of \$38,250 received by the Petitioner in full satisfaction of all fines, and as a result of the restoration of the Property in compliance with the orders entered in the pending consolidated cases;
- 4) the County and BOW Cocoa will agree that the County staff shall not attempt to impose or apply against BOW Cocoa Properties, LLC as the current owner or against any of its successors and assigns, any other compliance requirement, citation, notice of violation, penalty, sanctions, fines, or mitigation requirements or conditions arising out of violations that are the subject of the consolidated cases, subject to the understanding that should the current owner or any of its successor and assigns engage in future activity on the property that would constitute new code violations the owner or any successor and assigns would be subject to new code enforcement proceedings for those new violations.

Petitioner and Respondent understand and agree that any new or future:

- a. land alteration;
- b. change or alteration in site usage;
- c. additional improvements;

- d. similar changes on or to the Property;
- e. development or development order; or
- f. site work

will require review and approval in accordance with all applicable county, state, federal and St. Johns River Water Management District rules, regulations or ordinances. Specifically, Respondent and any successor and assign to Respondent shall comply with all regulations and ordinances of Brevard County, Florida.

- 5) The County and BOW Cocoa will agree that the documents required to acknowledge satisfaction of the code enforcement liens and restoration conditions imposed by Special Magistrate orders in the cases referenced above shall include a Special Magistrate Compliance Certificate Order required by the Title Company, and all such documents shall be recorded in the official records of Brevard County, Florida.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, as follows:

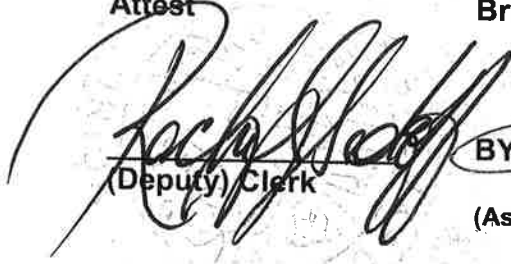
- 1. The foregoing recitals are deemed to be findings of the County Commission.
- 2. In accordance with the authority of the County Attorney granted under Sec.2-171 of the Code of Ordinances of Brevard County, Florida, the County Attorney or her designee, shall enter into a settlement agreement with BOW Cocoa in accordance with the terms specified in the last two recitals set forth above.
- 3. That this Resolution shall be acknowledged by the Clerk for attachment to a settlement agreement approved by the County Attorney in a form conforming to this Resolution.
- 4. That the Chair is authorized to execute such a settlement agreement once approved by the County Attorney or designee as to form and content in accordance with the recitals set forth in this Resolution, which agreement shall also be acknowledged by the Clerk, a notary public or both for the purposes of recording the settlement agreement in the Official Records of Brevard County.
- 5. That the settlement agreement was presented to the Special Magistrate at the February 17, 2022 hearing scheduled for this matter. The Special Magistrate has agreed to sign and record a proposed order that will deem the Property in compliance and satisfies all recorded Code Enforcement liens against the property, or other such orders that will conform to the requirements of the BOW Cocoa title insurance company, Chicago Title, for the purpose of rendering a marketable title to the prospective purchaser.
- 6. That upon execution and acknowledgement of the settlement agreement together with attachments consisting of a copy of this executed Resolution and

attachments thereto shall be recorded in the Official Records of Brevard County, Florida.

DONE AND RESOLVED this 8th day of March, 2022

Attest

Brevard County Board of County Commissioners



(Deputy) Clerk

BY:



Kristine Zonka, Chair
(As approved by the Board on March 8, 2022)

ACKNOWLEDGMENT

**CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA**

**BOARD OF COUNTY COMMISSIONERS OF BREVARD
COUNTY, FLORIDA, a political subdivision of the State of Florida,
Petitioner**

V.

**COCOA EXPO SPORTS CENTER, LLC,
Respondent.**

**CASE # 12CE-01029
CASE # 12CE-01030
CASE # 12CE-01141
CASE # 13CE-01093**

_____ /

STIPULATED SETTLEMENT AGREEMENT

Petitioner Brevard County and Respondent BOW Cocoa Properties, LLC,
successor to Cocoa Expo Sports Center, LLC, as owner of the Property described in the
Resolution attached to this Agreement, hereby stipulate to the consolidation and
settlement of the above-styled cases as follows:

1. The Petitioner acknowledges that BOW Cocoa Properties, LLC has
applied for and received the permits attached as Composite Exhibit J relating to the
restoration of the areas identified in the Code Enforcement Special Magistrates orders
in cases 13E- 01029 and 12CE- 01030 and that BOW Cocoa Properties, LLC has
completed restoration work in the areas identified by the Special Magistrate in the
orders entered in case 13CE- 01029 and 12CE- 01030.

2. The Brevard County Board of County Commissioners has determined that
it is in the best interest of the public and the County to consolidate the above-styled
cases and allow the resumption of an economically productive use of the Property that

is the subject of the consolidated cases listed above by settling with the current owner in accordance with the following agreement between the parties:

a) The Petitioner shall record an Order Acknowledging Compliance and Release of Lien liens against the Property;

b) the Parties stipulate to the entry of a Special Magistrate Order declaring that the violations raised in the consolidated cases have been complied with and that the Property is in compliance.

c) the Parties stipulate to the inclusion in the Special Magistrate order of a declaration that the fines imposed by Special Magistrate orders recorded in the consolidated cases have been settled and deemed satisfied as a result of the payment of \$38,250 received by the Petitioner in full satisfaction of all fines, and as a result of the restoration of the Property in compliance with the orders entered in the pending consolidated cases.

d) the Parties agree that the County staff shall not attempt to impose or apply against BOW Cocoa Properties, LLC as the current owner or against any of its successors and assigns, any other compliance requirement, citation, notice of violation, penalty, sanctions, fines, or mitigation requirements or conditions arising out of the violations that are the subject of the consolidated cases, with the understanding that should the current owner or any of its successors and assigns engage in future activity on the property that would constitute new code violations the owner or any successors and assigns would be subject to new code enforcement proceedings for those new violations.

e) the Parties further understand and agree that any new or future:

- i. land alteration;
- ii. change or alteration in site usage;
- iii. additional improvements;
- iv. similar changes on or to the Property;
- v. development or development order; or
- vi. site work

will require review and approval in accordance with all applicable county, state, federal and St. Johns River Water Management District rules, regulations or ordinances. Specifically, Respondent and any successor and assign to Respondent shall comply with all regulations and ordinances of Brevard County, Florida.

3. The Petitioner, through the Brevard County Board of County Commissioner's approval of the Resolution attached as Exhibit 1 to this Stipulated Settlement Agreement, has authorized the County Attorney to execute this Stipulated Settlement Agreement and has further authorized the Chair to execute and record Order Acknowledging Compliance and Release of Lien 12CE-01141 (Exhibit B) and BCE-01093 (Exhibit E). The Petitioner has also authorized the Chair to execute all documents required to meet specifications 9 through 12 on page 3 of 12 of Chicago Title Company (Title Company) highlighted in green on Exhibit K, which is appended to the attached Resolution, including such documents as are required to satisfy the Title Company requirements related to the subordinations attached as Composite Exhibit L to the Resolution.

4. The parties therefore stipulate to the entry of a Special Magistrate's order that specifically includes the agreement set forth in subsection 3) above, such Order to

be styled as an "Acknowledgment of Compliance Order" (attached hereto as Exhibit 2) as required by the Title Company.

5. The parties agree to and shall execute such further and other documents as may be reasonably required or requested in order to carry out and effectuate the terms and intent of this Stipulated Settlement Agreement and the Resolution attached hereto as Exhibit 1 and/or to release any and all claims, encumbrances, or interest in or against the Property and the Respondent and its successors and assigns.

6. The Parties agree that this Stipulated Settlement Agreement shall be attached as an Exhibit to the Special Magistrate Certificate of Compliance Order.

7. The Special Magistrate Certificate of Compliance Order, or a certified copy thereof, shall be recorded in the Official Records of Brevard County, Florida.


8. This Agreement shall inure to the benefit of and be binding on the parties hereto and their respective legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Stipulated Settlement Agreement on this 8th day of March, 2022.

BOW Cocoa Properties, LLC

Brevard County

BY: _____
L.B. Eckelkamp, Jr., Manager

BY: 
Kristine Zonka, Chair
(as approved by the Board on March 8, 2022)

Prepared by/ Return to:
Scott L. Knox, Esq.
1990 W. New Haven St.
Melbourne, FL 32904

SATISFACTION AND RELEASE OF CODE ENFORCEMENT LIENS
IN BREVARD COUNTY CASES 12CE-01093, 13CE-01141

STATE OF FLORIDA
COUNTY OF BREVARD

Before me, the undersigned notary public, personally appeared Kristine Zonka, Chair of the Brevard County Board of County Commissioners who was duly sworn and says that she is the authorized officer of Brevard County which has filed code enforcement liens against property owned by Cocoa Expo Sports Center LLC in code enforcement:

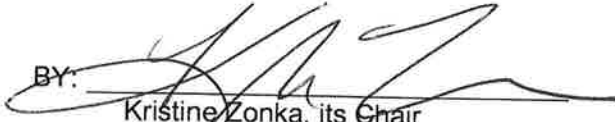
- a. Case 12CE-01029 in favor of Board of County Commissioners of Brevard County, Florida and against Upland Investments, LLC, recorded November 16, 2012 In Official Records Book 6738, Page 1508; as affected by Order Imposing Fine as Lien recorded October 16, 2014 in Official Records Book 7229, Page 2955; and Amended Order Imposing Fine as Lien recorded November 20, 2014 in Official Records Book 7250, Page 2472;
- b. Case 12CE-01141, recorded November 16, 2012 in Official Records Book 6738, Page 1506 in the Official Records of Brevard County, Florida. Case;
- c. Case 12CE-01030 in favor of Board of County Commissioners of Brevard County, Florida and against Cocoa Expo Sports Center, LLC, recorded November 16, 2012 in Official Records Book 6738, Page 1510; as affected by Order Imposing Fine as Lien recorded October 16, 2014 in Official Records Book 7229, Page 2955; Amended Order Imposing Fine as Lien recorded November 20, 2014 in Official Records Book 7250, Page 2471; and Subordination Agreements recorded March 24, 2015 in Official Records Book 7327, Pages 2927, 2932 and 2938; and
- d. Case 13CE-01093 recorded August 29, 2013 in Official Records Book 6959, Page 228.

NOW, THEREFORE, for value received, receipt of which is hereby acknowledged, the undersigned does hereby acknowledge satisfaction of and release from the foregoing liens.

Signed and Sealed and Delivered this ___ day of March 2022.


[Signature on page 2]

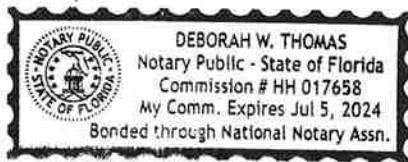
Brevard County

BY: 
Kristine Zonka, its Chair
(as approved by the Board on March __, 2022)

STATE OF FLORIDA
COUNTY OF BREVARD, FLORIDA

The foregoing instrument was acknowledged before me this 8 day of March, 2022, by Kristine Zonka, Chair of the Brevard County Board of County Commissioners who is personally known to me or has produced _____ as identification and who did/did not take an oath.

(SEAL)  Notary Public



**CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA**

**BOARD OF COUNTY COMMISSIONERS OF BREVARD
COUNTY, FLORIDA, a political subdivision of the State of Florida,
Petitioner**

V.

**COCOA EXPO SPORTS CENTER, LLC,
Respondent(s)**

**CASE # 12CE-01029
CASE # 12CE-01030
CASE # 12CE-01141
CASE # 13CE-01093**

ORDER ACKNOWLEDGING COMPLIANCE & RELEASE OF LIEN

The above-numbered code enforcement cases are the subject of a Stipulated Settlement Agreement between the Parties named above. The Special Magistrate having been presented with evidence that the Brevard County Commission has approved the Resolution attached to the Stipulated Settlement Agreement (hereafter referred to as "the Agreement"), which has also been approved by the Brevard County Commission:

IT IS HEREBY ORDERED:

1. That the Agreement and the Resolution attached to the Agreement, are hereby incorporated and adopted as the final action on the violations and liens specified in above-numbered cases.
2. Based upon the Agreement, the Special Magistrate hereby specifically determines that this Order shall be Recorded in the Official Records of Brevard County, Florida as a Certificate of Compliance with regards to:
 - a. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 12CE-01141) in favor of Board of County Commissioners of Brevard County, Florida and against Cocoa Expo Sports Center, L.L.C, recorded November 16, 2012 in Official Records Book 6738, Page 1506, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 3)

b. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 12CE-01029) in favor of Board of County Commissioners of Brevard County, Florida and against Upland Investments, LLC, recorded November 16, 2012 In Official Records Book 6738, Page 1508; as affected by Order Imposing Fine as Lien recorded October 16, 2014 in Official Records Book 7229, Page 2955; and Amended Order Imposing Fine as Lien recorded November 20, 2014 in Official Records Book 7250, Page 2472, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 1)

c. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 12CE-01030) in favor of Board of County Commissioners of Brevard County, Florida and against Cocoa Expo Sports Center, LLC, recorded November 16, 2012 in Official Records Book 6738, Page 1510; as affected by Order Imposing Fine as Lien recorded October 16, 2014 in Official Records Book 7229, Page 2955; Amended Order Imposing Fine as Lien recorded November 20, 2014 in Official Records Book 7250, Page 2471; and Subordination Agreements recorded March 24, 2015 in Official Records Book 7327, Pages 2927, 2932 and 2938, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 5)

d. the Code Enforcement Lien in favor of Board of County Commissioners of Brevard County, Florida by virtue of Notice of Violation and/or Code Enforcement Lien (Case 13CE-01093) in favor of Board of County Commissioners of Brevard County, Florida and against Cocoa Expo Sports Center, LLC, recorded August 29, 2013 in Official Records Book 6959, Page 228, because the source of the violation has been removed and the property is currently in compliance. (as to Parcel 3)

DONE AND ORDERED this ____ of March, 2022

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Stewart Capps