

Condo buyers go to court

Recession's impact on construction lingers

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As the Bel Mare towers on the Manatee River have evolved from vacant boom-time condominiums into occupied units, they have become the latest symbol of questionable construction tactics during the real estate boom.

The Bel Mare condo owners association contends the two buildings in the Riviera Dunes development have construction defects that are systemic and affect the structures' ability to withstand high winds.

The association filed a Sept. 6 lawsuit in Manatee County circuit court against the developer, the general contractor, the architects, the structural engineering firm and several subcontractors. The complaint alleges some portions of the two high-rise buildings were not constructed to building code requirements or building plans.

No response to the complaint had been filed as of Sept. 26.

The lawsuit did not cite an estimated repair cost. Fort Myers lawyer William Stockman, who represents the association, declined to discuss the case other than to say repairs have not begun.

The construction industry in Florida, which was virtually decimated by the recession, is now dealing with this kind of issue as are communities depending on taxes and economic development from residential projects.

In east Manatee, residents of the 272-unit Willowbrook condo development in Lakewood Ranch are dealing with construction defects in some balconies. County building inspectors in the process of evaluating the units have declared more than 30 balconies unsafe so far.

RESIDENTS SEEKING BUY BACK

The condo owners association has submitted a claim to KB Home, the Los Angeles-based developer, and is trying to resolve the problems. Some residents want the builder to buy back their units.

The Bel Mare and Willowbrook troubles surfaced in the wake of Dolphin Tower's evacuation. The waterfront 15-story condo

in downtown Sarasota was ordered vacated two years ago after cracked concrete slabs were discovered.

Repairs needed to stabilize the building for withstanding strong winds are expected to cost more than \$10 million.

REASONS FOR CLAIMS

Some lawyers involved in construction litigation believe defect claims are a natural result stemming from new homeowners who, over time, find things they want repaired.

Other factors involve the recession's effects on construction trades and situations where buildings started in the boom time were halted and sat incomplete for a period of time.

"I think what's happening with some fairly recent construction is that the quality trades disappeared in the recession," said James Soble, a lawyer at Gunster in Tampa. "A lot of the good trades just left to find work somewhere else. Part of the problem with projects being stopped and started again could be that different contractors don't know where work was left off."

Some construction problems also could be local government inspector issues, he said.

The Florida Home Builders Association is aware of construction defect claims from news stories, particularly with Dolphin Tower, but has not initiated any kind of formal action, said Paul Thompson, chief executive officer.

"It does seem a little unusual," he said. "With the building codes enforcement and all the required inspections now, we don't get a lot of these kinds of things happening."

Riviera Dunes with its condo projects is the jewel of developments in the small city of Palmetto. Jeff Burton, the city's community redevelopment directors, is not overly concerned by Bel Mare's construction defects allegations.

"We have the utmost confidence that it was built to the code instituted after Hurricane Andrew in 1992," he said. "Everybody is entitled to file a lawsuit. We're confident that if remediation is needed, it will be addressed. Anyone wishing to invest should be comfortable."