



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: MAY 4, 2023

RE: RESOLUTION NUMBER 23-45: FORECLOSURE AUTHORIZATION
2250 SOUTH BAY STREET CASE NUMBER 21-00680

Introduction

Resolution Number 23-45 of the City Commission approves a Code Enforcement Board action authorizing the City Attorney to foreclose on an unpaid code lien recorded against 2250 South Bay Street.

Recommended Action

The administration recommends approval of Resolution Number 23-45.

Background

Code Board Action:

On April 10, 2023, the Eustis Code Enforcement Board authorized the City Attorney to begin foreclosure action on an unpaid code enforcement lien associated with Case 21-00680, totaling \$89,350, recorded against 2250 South Bay Street, owned by Ayon Realty LLC.

Case History:

On August 11 and 26, 2021, the Code Enforcement Department issued Notices of Violation for the following violations of City Code. There are two issue dates because the Notice had to be re-mailed to reflect the Woman's Club as the location for the Hearing because the City Commission Chambers was still under construction.

- Violation: Failure to maintain the property and the adjoining public right-of-way between the property and the street free of excessive growths and accumulations as enumerated in Section 34-96.
- Ongoing landscape maintenance not occurring for the commercial properties landscaping.
- Trees, vines and shrubs or other vegetation protruding or overhanging the Dicie Avenue public right-of-way lower than 8 feet from the ground.

They were mailed Certified and First Class to following recipients, which did not respond.

A copy was also posted at the property.

Ayon Realty LLC
601 S. Harbor Island Blvd
Tampa, FL 33602

Delivered on August 13 and 30, 2021.

Ayon Realty LLC
1245 Court Street
Clearwater, FL 33756

Delivered on August 13 and 30, 2021.

Ayon Realty LLC
c/o Niki M. Patel as Registered Agent
450 Knights Run Unit 1805/1806
Tampa, FL 33602

Delivered on August 17, 2021
No USPS status on 2nd mailing

On September 13, 2021, the Code Enforcement Board issued an Order of Enforcement stating, if the overgrown grass violation continued after September 23, 2021, a fine of \$100 per day of occurrence would be imposed, and if all other violations continued after October 13, 2021, a fine of \$150 per day of occurrence would be imposed. No Representative of Ayon Realty LLC attended the Hearing.

The Order included an abatement clause authorizing the City to access the property to mow and cut back the vegetation that was obstructing the speed limit sign within the Dice Avenue public right-of-way, if the conditions were not corrected by the date specified.

On September 15, 2021, a copy of the Order was mailed to the property owner at all three known mailing addresses. The City received no response from the property owner.

On September 24, 2021, the property failed inspection and a work order was submitted to Public Works. The abatement work was completed October 25, 2025 at a cost of \$1,000.

On October 15, 2021, a Notice of Non-Compliance and Notice of Hearing for Certification of Non-Compliance and Assessment of Fine was mailed to the property owner at all three known mailing addresses. The City received no response from the property owner.

On November 8, 2021, Eric Martin, Code Enforcement Supervisor, informed the Code Enforcement Board of the non-compliance and abatement.

The Board voted to certify the previously imposed fines of \$100 per day from September 24, 2021 to October 27, 2021 with an abatement fee of \$1,000 totaling \$4,300 for the overgrown grass violation; and \$150 per day for the remaining violations. No Representative of Ayon Realty LLC attended the Hearing.

On November 10, 2021, the Order Imposing Fine was mailed to the property owner, at all three known mailing addresses, and it was recorded in public record as a lien against the property on February 7, 2022. The City received no response from the property owner.

To date, the property remains in violation of City Code and there are signs that it has become an attractive nuisance. There have been no communications with the property owner, despite all efforts by the City and the daily fines have accrued to \$89,350.

Community Input

No adjacent property owners attended the Code Enforcement Hearings and there were no public comments.

Budget / Staff Impact:

If the Commission approves the Resolution, the City could obtain real property with a present Market Value of \$480,189 and legal expenses could exceed \$5,000.

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 23-45