



City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: MARCH 16, 2023

RE: RESOLUTION NUMBER 23-26: FORECLOSURE AUTHORIZATION
44 SHARPS CIRCLE LLC (SHARPS MOBILE HOME PARK)
CASE NUMBER 22-00532

Introduction

Resolution Number 23-26 of the City Commission approves a Code Enforcement Board action authorizing the City Attorney to foreclose on an unpaid code lien recorded against 44 Sharps Circle LLC (Sharps Mobile Home Park).

Recommended Action

The administration recommends approval of Resolution Number 23-26.

Background

Code Board Action:

On February 13, 2023, the Eustis Code Enforcement Board authorized the City Attorney to begin foreclosure action on an unpaid code enforcement lien associated with Case 22-00532 totaling \$127,000 against 44 Sharps Circle, owned by 44 Sharps Circle LLC.

Case History:

On July 28, 2022, the Code Enforcement Department issued a Notice of Repeat Violation for the Mobile Home Park's roads, driveways and similar areas not being kept in a proper state of repair and maintained free from hazardous conditions.

On August 8, 2022, the Code Enforcement Board issued an Order of Enforcement requiring compliance by September 7, 2022, or a daily fine of \$500 would be imposed retroactive to July 5, 2022. Allie Morales, Park Manager and Shawn Arbeiter, P.A., attended the Hearing and provided testimony.

On August 10, 2022, a copy of the Order was mailed to the property owner at 606 North Saginaw Street Ste. A, Lapeer, MI and Hansel Rodriguez at 28 West Flagler Street, Ste. 909, Miami, FL.

On September 20, 2022, a Notice of Non-Compliance and Notice of Hearing for Certification of Non-Compliance and Assessment of Fine was mailed to the property owner.

On October 10, 2022, Eric Martin, Code Enforcement Supervisor, informed the Code Enforcement Board of the non-compliance, but informed them that some repairs are currently in progress. Allie Morales was present and updated the Board on the status of the repairs they were currently working on. At the conclusion of her testimony, the Board voted to certify the previously imposed fine of \$500 per day retroactive to July 5, 2022.

On October 14, 2022, the Order Imposing Fine was mailed to the property owner and Hansel Rodriguez, which was recorded in public record as a lien against the property on November 4, 2022. Per F.S. 162.09(3), the enforcement board may authorize the local governing body to foreclose on the unpaid lien, or to sue to recover a money judgment for the amount of the lien after 3 months from filing. This lien qualified for foreclosure effective, February 2, 2023.

On October 17, 2022, Eric Martin spoke with Thomas Borza, Project Manager, who was onsite making limited repairs to damaged concrete in specific areas within the Park.

On December 1, 2022, Eric Martin met onsite with Jay Eben, Director of Operations. They walked the parked and reviewed the conditions of the roads and similar areas in need of repair or replacement. Mr. Eben advised Mr. Martin that the Park was currently working on obtaining bids to get all the roads in the Park replaced.

On February 10, 2022, the City Attorney's office received an email from Attorney John Black requesting records pertaining to this Case, because his client was unable to locate any record of having received a code violation notice, or any notice about a Code Board Hearing regarding the condition of the roads.

Community Input

There have been multiple complaints received by City Staff and Commissioners from Park Residents regarding the current management and maintenance of the Sharps Mobile Home Park.

Budget / Staff Impact:

If the Commission approves the Resolution, legal expenses could exceed \$10,000. There could be potential for revenue collected as part of the foreclosure on the lien.

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 23-26