

RESOLUTION NUMBER 2026-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CODE ENFORCEMENT BOARD ACTION TO AUTHORIZE THE CITY ATTORNEY TO TAKE LEGAL ACTION TO RESOLVE OUTSTANDING CODE VIOLATIONS AT 1402 MORIN STREET.

WHEREAS, the City of Eustis, Florida Code Enforcement Board has imposed daily fines, in accordance with Chapter 162 of Florida Statutes, adopted by reference into the City Code of Ordinances, against the following described property owned by Jason Kirby:

EUSTIS, QUAYLES GOLF LINK SUB NO 2 LOTS 183, 184 PB 5 PG 50, and

WHEREAS, WHEREAS, the City of Eustis, Florida, a Florida municipal Corporation, has recorded five Code Enforcement Liens against the subject property; and

WHEREAS, upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes; and

WHEREAS, a fine imposed in pursuant to Section 162.09 shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed, whichever occurs first; and

WHEREAS, the subject property remains in violation and the daily fines imposed by the Code Enforcement Board have accrued to \$518,225; and

WHEREAS, after three (3) months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the City Attorney to foreclose on the lien, or to sue to recover a money judgment for the amount of the lien plus accrued interest; and

WHEREAS, foreclosure of the liens is prohibited by the Florida Constitution, Article X, Section 4 because of the properties homestead status; and

WHEREAS, the legislature's intent of Chapter 162 was to provide an additional or supplemental means of obtaining compliance with local codes and does not prohibit a local governing body from enforcing its codes by any other means; and

WHEREAS, the Code Enforcement Board has approved a motion authorizing the City Attorney to take alternative legal action.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, that the City Attorney is hereby authorized to take the following legal actions in accordance with the Code Enforcement Board's action in accordance with Florida Statutes:

- Petition the Circuit Court for an Order that is enforceable in the same manner as a court judgment, including execution and levy against the personal property of the violator, and/or
- Sue to recover a money judgment for the amount of the lien plus accrued interest, and/or
- File a lawsuit action for permanent injunctive relief pursuant to Florida Statutes Section 60.05 to abate the nuisance as defined in Florida Statutes Section 823.05

DONE AND RESOLVED this 19th day of March 2026, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 19th day of March 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 2026-34 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk