

RESOLUTION NUMBER 25-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, PROVIDING FOR COMMISSION DETERMINATION OF A CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 600 ELLSY STREET; AUTHORIZING IMPLEMENTING ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 24-00051 and 24-00388 against Harold J. Kelly, property owner, for failing to comply with City Ordinances:

EUSTIS, HAZZARD'S HOMESTEAD E 50 FT OF W 1/2 OF N 198 FT OF LOT 5
*UNRECORDED PLAT SEE DEED FOR FULL PROPERTY DESCRIPTION ORB
3575 PGS 2072-2075, and

WHEREAS, the City of Eustis, Florida, a Florida municipal Corporation, has recorded two Code Enforcement Liens against the subject property, totaling \$50,200, and

WHEREAS, the property was in violation of city code under Case 24-00051 for 133 days before being brought into compliance resulting in a \$33,250 fine; and

WHEREAS, the property was in violation of city code under Case 24-00388 for 75 days before being brought into compliance resulting in a \$16,950 fine; and

WHEREAS, on May 29, 2025, the property owner submitted applications requesting that the fines be reduced to \$16,625 for Case 24-00051 and \$8,475 for Case 24-00388; and

WHEREAS, on June 9, 2025, the Code Enforcement Board reviewed the requests and recommended that the City Commission reduce the accumulative fines to \$19,125 payable within 30 days; and

WHEREAS, on August 9, 2025, the property owner submitted a written request during the Code Enforcement Board Hearing, asking the Board to reconsider its previously approved reductions and further reduce the fines to the city's administrative costs; and

WHEREAS, the Board denied the property owner's new request and upheld the original fine reduction; and

WHEREAS, Section 162.09(3), Florida Statutes, provides that code compliance liens run in favor of the local governing body, and the local governing body may agree to satisfy or release code compliance liens; and

WHEREAS, the Attorney General has stated that after such liens have been recorded the local governing body, such as the City Commission, is vested with the authority to compromise, reduce, or satisfy said liens; and

WHEREAS, the City Commission in considering this matter may elect to compromise (including setting terms and conditions for said compromise), reduce, or satisfy said lien; and

WHEREAS, the Attorney General has concluded the local governing body, such as the City Commission, may delegate its authority to execute satisfactions or releases of code compliance liens so long as such delegation does not result in a complete divestiture of such liens to a private party; and

WHEREAS, the City Commission authorizes the City Manager to execute a release or satisfaction of lien, as may be appropriate and consistent with the City Commission's decision to compromise, reduce, or satisfy said lien.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

Section 1. **Recitals.** The above recitals are hereby adopted as the findings of the City Commission.

Section 2. **Implementing Actions.** The City Manager, or his/her designee, is hereby authorized to take all administrative actions necessary to effectuate the provisions of this Resolution, including execution of satisfactions or releases of lien, acceptance of payment, and the granting of one payment extension not to exceed thirty (30) days from the effective date of this Resolution. Any such actions shall be consistent with and limited to the determination of the City Commission as set forth herein.

Section 3. **Lien at Issue.** The City Commission has considered the code enforcement liens for Case Number 24-00051 and Case Number 24-00388 with a total current outstanding amount of \$50,200.

Section 4. **Quasi-Judicial Determination.** The City Commission, having considered the recommendation of the Code Enforcement Board, and any evidence and testimony presented at hearing, hereby makes the following determination regarding the code enforcement liens in the amount of \$50,200.00 recorded against the subject property:

- ☐ The liens shall be reduced to \$19,125.00, consistent with the Board's recommendation, payable within thirty (30) days of the effective date of this Resolution, unless otherwise extended by the City Manager in accordance with Section 2; or
- ☐ The liens shall be reduced to \$_____, payable within ____ days of the effective date of this Resolution, unless otherwise extended by the City Manager in accordance with Section 2; or
- ☐ The liens shall remain in the full amount of \$50,200, due and payable to the City; or

☐ No payment shall be due, and the lien shall be released.

Section 5. **Enforcement.** Failure to comply with the terms of the City Commission's determination shall result in the lien being immediately reinstated in its full original amount.

Section 6. **Effective Date.** This Resolution shall take effect immediately upon its adoption by the City Commission.

DONE AND RESOLVED this 4th day of September 2025, in regular session of the City Commission of the City of Eustis, Florida.

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

Willie Hawkins
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Willie Hawkins, Mayor, 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, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 25-71 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