

RESOLUTION NUMBER 25-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, PROVIDING FOR A COMPROMISE, REDUCTION OR SATISFACTION OF AN OUTSTANDING CODE ENFORCEMENT LIEN AGAINST REAL PROPERTY LOCATED AT 1601 ORANGE DRIVE, EUSTIS, FLORIDA; AUTHORIZING THE CITY MANAGER TO PERFORM ALL NECESSARY ACTIONS CONSISTENT WITH THE CITY COMMISSION'S DETERMINATION IN THIS MATTER IN ORDER TO GIVE EFFECT TO THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis, Florida ("City") established code enforcement fines under Case Nos. 19-00529 and 19-00737 for failure to comply with City Ordinances against real property previously owned by Godly Trust and further described as:

EUSTIS, LAKEVIEW COURT ADDITION LOT 63 PB 12 PG 107

WHEREAS, the City recorded two code enforcement liens against the subject property totaling \$95,350.00; and

WHEREAS, on December 12, 2023, at a tax deed sale, the subject property was sold to bidder Tributa Investment LLC for the sum of \$81,300.00; and

WHEREAS, after the tax deed sale, the City received notice that surplus funds remained, and it submitted a claim for the City's code enforcement liens against the property; and

WHEREAS, the City received surplus funds in the amount of \$66,578.11 which were subsequently applied towards the sums owed for the City's code enforcement liens against the property; and

WHEREAS, after application of the surplus funds received, the code enforcement lien for Case 19-00529 was satisfied in full, and the remaining funds were applied to partially satisfy the code enforcement lien for Case 19-00737; and

WHEREAS, Tributa Investment LLC submitted an application for the remaining code enforcement lien, Case 19-00737, to the City's Code Enforcement Board requesting the outstanding balance of \$28,750.00 be reduced to \$0, effectively eliminating the lien; and

WHEREAS, on December 9, 2024, City Staff expressed their reasoning in support of the applicant's request and recommended the Code Enforcement Board approve the request and eliminate the lien; and

WHEREAS, after much discussion, the Code Enforcement Board denied the applicant's request for lien elimination; however, considering many factors presented, it

made a recommendation to the City Commission of a fine reduction to \$13,230.00, payable within 30 days; and

WHEREAS, on January 16, 2025, the matter came before the City Commission where one of the commissioners was curably absent; and

WHEREAS, Chapter 2, Article VII, Division 1. Curable Absence Voting Procedure, of the City's Code of Ordinances, specifically Section 2-373 sets forth the procedure for required discussion to postpone a matter where a commissioner is curably absent; and

WHEREAS, consistent with Section 2-373, after the City Commission's discussion, the City Attorney conducted a straw poll of the four remaining commissioners to determine if there were enough votes to deny or approve the matter, as three votes would be required for official action to be taken by the City Commission; and

WHEREAS, consistent with Section 2-373, after the City Attorney conducted the straw poll procedure, the City Commission lacked the requisite votes to proceed with official action on the matter and the City Commission moved to postpone the item until there are enough commissioners present with sufficient votes to deny or approve the matter; 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 any actions necessary to implement the provisions of this Resolution.

Section 3. **Lien at Issue.** The City Commission has considered the code enforcement lien for Case Number 19-00737 with a current outstanding amount of \$28,750.00.

Section 4. **City Commission Decision.** The City Commission may compromise, reduce, or satisfy the lien at issue. After full hearing and discussion, the City Commission finds the below selected remedy to be the appropriate one for this matter:

- No payment shall be due, and the City shall promptly release the lien; or
- Full payment (\$28,750.00) remains due and payable to the City; or
- The lien shall be reduced to \$ _____, if said payment is received by the City within _____ days from the effective date of this Resolution. Failure to comply results in this compromise being null and void, and the original lien amount being immediately reinstated in full.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon its adoption by the City Commission.

DONE AND RESOLVED this 6th day of March 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, by means of personal presence, this 6th day of March 2025, by Willie Hawkins, 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, 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 25-11 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