

RESOLUTION NUMBER 25-65

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; PROVIDING FOR A COMPROMISE, REDUCTION OR SATISFACTION OF OUTSTANDING CODE ENFORCEMENT LIENS AGAINST REAL PROPERTY LOCATED AT 1705 BLACKBERRY COURT, EUSTIS, FLORIDA, UPON SATISFACTION OF CONDITIONS LISTED HEREIN; 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 established code enforcement fines against the following described property under Case Number 20-00761 and 20-00764 against Arthur J. Young and Teresa A. Young, property owners, for failing to comply with City Ordinances:

EUSTIS, BRIARCLIFF SUB LOT 30 PB 26 PGS 45-46 ORB 1331 PG 898; and

WHEREAS, the City of Eustis, Florida, a Florida municipal corporation, has recorded two Code Enforcement Liens against the subject property, totaling \$207,350; and

WHEREAS, on October 4, 2024, the vacant structure located on the property was posted unsafe and unfit for human occupancy due to multiple holes in the roof; and

WHEREAS, on May 15, 2025, a Notice of Violation was issued required the property owners obtain a permit to repair and rehabilitate or demolish the vacant unsafe structure; and

WHEREAS, the yard and landscaping have been so severely neglected, nuisance conditions exist in violation of Section 34-96 and 34-97 of City Code; and

WHEREAS, on May 15, 2025, a Notice of Public Nuisance Violation was issued in accordance with Section 34-98 of City Code; and

WHEREAS, the Notice contained an estimate of the total cost of \$20,000 the City would incur if the nuisance violations were to be remedied by the City; and

WHEREAS, on May 19, 2025, in response to the Notices, Arthur Young contacted the Department to advise that they are in negotiation with an investor to purchase the property "as is", who is willing to perform all repairs to bring the property into compliance with City Code; and

WHEREAS, on June 2, 2025, the property owners submitted an application requesting that the fines be reduced to a negotiable amount; and

WHEREAS, on June 5, 2025, Angelo Monsanto with Angel's Services ATM Inc., the buyer, submitted an application requesting that the fines be reduced to \$0; and

WHEREAS, on June 9, 2025, the Code Enforcement Board reviewed the applications and after much discussion agreed to recommend that the City Commission reduce the accrued fines to \$10,000 upon execution of the pending contract with Angel's Services ATM Inc. and if payment is made within 30 days of City Commission approval; and

WHEREAS, Angel's Services ATM Inc., submitted a fully executed "AS IS" Residential Contract for Sale and Purchase dated June 21, 2025; 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 liens for Case Number 20-00761 and 20-00764 with a current outstanding amount of \$207,350.

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:

- ☐ The outstanding code fines of \$207,350 assessed for Case Number 20-00761 and 20-00764 are hereby reduced to \$10,000 upon sale of the property to Angel's Services ATM Inc. and if said payment is received by the City within 30 days from the effective date of this Resolution. Failure to comply results in this fine reduction being null and void, and the original lien amount being immediately reinstated in full.
- ☐ No payment shall be due, and the City shall promptly release the lien; or
- ☐ Full payment (\$207,350) remains due and payable to the City; or
- ☐ Upon sale of the property to Angel's Services ATM Inc., the liens 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. **Conditions:** Release of Liens will not be executed until Angel's Services ATM Inc. obtains all required permits to repair and rehabilitate or demolish the unsafe structure and abates all nuisance violations as enumerated in Section 34-96 of City Code.

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

DONE AND RESOLVED this 7th day of August 2025, in regular session of the City Commission of the City of Eustis, Florida.

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

Willie L. 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 physical presence, this 7th day of August 2025, by Willie L. 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 25-65 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