

RESOLUTION NO. 19-06-42

**A RESOLUTION OF THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA
CONSIDERING A REDUCTION OF LIEN IN CODE
COMPLIANCE CASE NO. CEPM20170000128;
AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL
NECESSARY AND EXPEDIENT ACTION; AND PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, Islamorada, Village of Islands (the “Village”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in accordance with Chapter 162, Florida Statutes, and the Village Code of Ordinances, the Village recorded a code compliance lien in Case No. CEPM20170000128 against a vacant lot located at approximately mile marker 86.5, Islamorada, Florida 33036 (the “Property”); and

WHEREAS, as of April 16, 2019, the lien totaled One Hundred Twenty-Nine Thousand Five Hundred Twenty-Five Dollars (\$129,525.00), inclusive of the administrative fee of One Hundred Twenty-Five Dollars (\$125.00); and

WHEREAS, the Village’s Code Compliance Department has determined that the property is in compliance and an Affidavit of Compliance has been issued for the property; and

WHEREAS, on April 16, 2019, the Village Code Compliance Hearing Officer, after hearing testimony, entered an “Order Reducing Fines” in accordance with Section 2-120 of the Village Code of Ordinances (the “Code”), thereby reducing the lien total of One Hundred Twenty-Nine Thousand Five Hundred Twenty-Five Dollars (\$129,525.00) to Sixty-Four Thousand Eight Hundred Twenty-Five Dollars (\$64,825.00) inclusive of the administrative fee of One Hundred Twenty-Five Dollars (\$125.00); and

WHEREAS, the property owner has requested a hearing for consideration before the Village Council seeking a further reduction of the lien amount; and

WHEREAS, Section 20-120(s) of the Code provides that the Village Council may, for good cause shown, reduce the fine below the fine reduction guidelines; and

WHEREAS, in determining good cause, the Village Council may consider the efforts of the owner to bring the property into compliance, the seriousness of the violation, prior violations, if any, the reduced lien amount approved by the Village Code Hearing Officer and any other relevant factors; and

WHEREAS, the Village Council finds that consideration of this Request for Reconsideration is in accordance with Chapter 162, Florida Statutes, and the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Consideration of Reduction. The Village Council hereby determines that there is cause to reduce the fine below the fine reduction guidelines. Based on the foregoing, the Village Council recommends that the fine and lien amount, inclusive of the administrative fee, be reduced to Two Thousand Five Hundred Dollars (\$2,500.00).

Section 3. Authorization of Village Officials. The Village Manager is hereby authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Vice Mayor Mike Forster, second by Councilman Ken Davis.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilwoman Cheryl Meads	ABSENT
Councilman Jim Mooney	YES
Councilman Ken Davis	YES

PASSED AND ADOPTED ON THIS 27TH DAY OF JUNE, 2019.



DEB GILLIS, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY:



ROGET V. BRYAN, VILLAGE ATTORNEY