

## **RESOLUTION NO. 21-04-30**

### **A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. CEWSTR20150000240; 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 "Code"), the Village recorded a code compliance lien in Case No. CEWSTR20150000240 against property located within the Village at 173 Orchid Street, Tavernier, Florida 33070 (the "Property"); and

**WHEREAS**, as of May 15, 2018, the lien totaled Two Hundred Seven Thousand Five Hundred Dollars (\$207,500.00); and

**WHEREAS**, the Village's Code Compliance Department has determined that the property was in compliance as of May 15, 2018; and

**WHEREAS**, on February 16, 2021, in accordance with Section 2-120 of the Village Code, the Village Code Compliance Hearing Officer, after hearing testimony, entered an "Order Reducing Fines" thereby reducing the lien total of Two Hundred Seven Thousand Five Hundred and 00/100 Dollars (\$207,500.00) by fifty percent (50%) to One Hundred Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$103,750.00) plus an Administrative fee in the amount of One Hundred Twenty-Five and 00/100 Dollars (\$125.00); and

**WHEREAS**, Section 2-120(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 appropriate in accordance with Chapter 162, Florida Statutes, and the Village Code of Ordinances.

**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 good cause to reduce the fine below the fine reduction guidelines. Based on the foregoing, the Village Council recommends that the fine and lien amount be further reduced by 100% to zero Dollars (\$0.00) inclusive of the administrative fee.

**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 Councilman David Webb, second by Vice Mayor Pete Bacheler.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:**

Mayor Joseph B. Pinder III	YES
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

**PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF APRIL, 2021.**

  
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JOSEPH B. PINDER III, MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY TOOTH, VILLAGE CLERK

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

  
\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY