

RESOLUTION NO. 18-10-105

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. 98-09-V-UM AND CASE NO. 09-04-100D RELATED TO THE ISLAMORADA BOAT CENTER PROPERTY; 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 98-09-V-UM and Case No. 09-04-100D against certain real property associated with the Islamorada Boat Center; and

WHEREAS, the subject properties are located at 81954 Overseas Highway, Islamorada, Florida 33036 having Monroe County Property Appraiser’s Real Estate Parcel ID number 00399730-000000 and 00399740-000000 and Alternate Key Numbers 8571968 and 8571933 (“Property 1”); as well as 108 Madeira Road, Islamorada, Florida 33036 having Monroe County Property Appraiser’s Real Estate Parcel ID number 00399390-000000 and Alternate Key Numbers 1491781 (“Property 2,” and with Property 1, collectively, the “Properties”) (the “Property”); and

WHEREAS, as of September 18, 2018, the accrued code compliance liens imposed by Case No. 98-09-V-UM totaled One Million Two Hundred Thirty-Six Thousand Four Hundred Dollars (\$1,236,400.00); 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 September 18, 2018, the Village Code Compliance Hearing Officer, after hearing testimony, entered an Amended Order in accordance with Section 2-120 of the Village

Code of Ordinances (the "Code"), thereby reducing the combined accrued lien total for both cases 98-09-V-UM and 09-04-100D totaling One Million Two Hundred Thirty-Six Thousand Four Hundred Dollars (\$1,236,400.00) down by twenty-five percent (25%) to Nine Hundred Twenty-Seven Thousand Three Hundred Dollars (\$927,300.00); 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. In accordance with Section 20-120(s) of the Village Code, the Village Council hereby determines that there is good cause to reduce the fine below the fine reduction guidelines, as evidenced by the Property achieving compliance in accordance with Major Conditional Use Application MJ-17-02 as adopted by Resolution 17-12-00 and in accordance with the terms of the approved Development Agreement adopted by Resolution 17-12-99.

Based on the foregoing, the Village Council recommends that the combined fines and lien amounts of One Million Two Hundred Thirty-Six Thousand Four Hundred Dollars (\$1,236,400.00) for both cases 98-09-V-UM and 09-04-100D be reduced down to a combined total of Two Hundred Fifty Thousand Dollars (\$250,000.00).

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 Councilwoman Cheryl Meads, second by Councilman Mike Forster.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Chris Sante	YES
Vice Mayor Deb Gillis	YES
Councilman Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES

PASSED AND ADOPTED ON THIS 18th DAY OF OCTOBER, 2018.



CHRIS SANTE, MAYOR

ATTEST:



KELLY S. 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