

**RESOLUTION NO. 17-01-04**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA CONSIDERING A REDUCTION OF LIEN IN CODE COMPLIANCE CASE NO. 10-169-GM; 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. 10-169-GM again property located within the Village at 169 Venetian Drive, Islamorada, Florida 33036; and

**WHEREAS**, as of November 19, 2016, the lien totaled Four Hundred Seventy-Five Thousand Five Hundred Thirty and 56/100 Dollars (\$477,530.56); 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 December 20, 2016, the Village Code Compliance Hearing Officer, after hearing testimony, entered an “Order Reducing Fines” thereby reducing the lien total of Four Hundred Seventy-Seven Thousand Five Hundred Thirty and 56/100 Dollars (\$475,530.56) to Three Hundred Fifty-Seven Thousand Four Hundred Five and 56/100 Dollars (\$358,905.56) in accordance with Section 2-120 of the Village Code of Ordinances (the “Code”); 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 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 **reduced by 95% to Seventeen Thousand Seven Hundred Ninety-Three Dollars and Seventy-Five Cents (\$17,793.75).**

**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 Chris Sante; second by Mayor Jim Mooney.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	NO
Councilwoman Deb Gillis	NO
Councilwoman Cheryl Meads	YES

PASSED AND ADOPTED this 26<sup>th</sup> day of January, 2017.

  
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JIM MOONEY, MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

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

  
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ROGET V. BRYAN, VILLAGE ATTORNEY