

**AGENDA ITEM SUMMARY SHEET**  
**VILLAGE COUNCIL MEETING**  
**December 4, 2019**

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**Agenda Item:**

Consider a lien mitigation request from Celedonio Varela relating to his property at 8401 Mockingbird Lane, located at the corner of Highlands Avenue and Mockingbird Lane, just east of Estero United Methodist Church.

**Description:**

The owner acquired the residential Property at 8401 Mockingbird Lane on May 12, 2003. The owner was cited in December, 2016 for the entire property being overgrown, nuisance accumulation and an old shed that needed to be demolished. A hearing was held in March, 2017. The owner was not present. The Special Magistrate imposed a fine beginning in April, 2017. A code enforcement lien in the amount of \$152,557.50 has accrued.

The owner said he was unaware of any code violations until he found a certified mail notice for a different violation at the residence after the previous occupant vacated the premises. (See attached explanation from property owner.) This was in September, 2019. The property was brought into compliance on October 5, 2017.

Pursuant to prior direction of Council, liens in excess of \$100,000 must be approved by the Village Council. The case for fine review was heard by the Special Magistrate on November 21, 2019. The property has been brought into compliance. The Village Attorney supports the requested mitigation.

**Action Requested:**

Approve the lien mitigation request releasing any outstanding liens against the Property in exchange for payment of a reduced fine of \$2,000.00 and \$307.50 for administrative costs as recommended by the Village Attorney.

**Financial Impact:**

The Village will recover its out-of-pocket costs for the Code Enforcement Case against the Property.

**Attachments:**

1. Code Enforcement Case Overview
2. Request for Fine Review
3. Special Magistrate Order Finding Violation
4. Special Magistrate Order of Imposition of Fine