

**AGENDA ITEM SUMMARY SHEET**  
**VILLAGE COUNCIL MEETING**  
**JANUARY 9, 2019**

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**Agenda Item:**

Lien Removal Request: This item requests the Council remove a Village code enforcement lien on property located at 9870 Horne Lane which is being purchased by the Estero Fire District (Code Enforcement Case No. 18060031)

**Description:**

The Estero Fire District Chief contacted staff and the Village Attorney because he is purchasing this property, an approximately 5-acre tract, located behind the fire station on Three Oaks Parkway, and he became aware of a code enforcement lien through the title company's research for the closing which is scheduled for January 9, 2019.

The code enforcement notice of violation was issued in May, 2018 for 2 unmaintained sheds which had fallen into disrepair. The Special Magistrate heard the case in August (property owner did not attend) and fines were imposed and a lien was recorded in the Lee County official records. In October, code enforcement staff was contacted by the owner, Mr. Crews, who stated that the sheds were not on his property, but were on the adjacent property. The title company is having a survey prepared to show the location of the sheds. If the sheds are located on the adjacent property, the lien should be removed.

Because the lien was already recorded, a "Satisfaction of Lien" document will need to be recorded to remove the lien from the official records.

**Action Requested:**

The Village attorney and staff recommend removal of the lien.

**Financial Impact:**

The lien has accrued to \$14,827.20.

**Attachments:**

1. Case No. 18060031 Background Materials

## Case Overview

### Property/Incident Information

Owner	Address	Site Address
CREWS WILLIAM J TR + CREWS JOAN TR	15200 SHAMROCK DR FORT MYERS, FL 33912	9870 HORNE LN , ESTERO, FL 33928

### Legal Description

PAR IN NE 1/4 OF SE 1/4 DESC IN OR 1527 PG 0420 LESS W 183 FT LESS OR 3795 PG 3873

### Description

Old Camper on the property with broken windows, improper plates  
2 sheds that are in need of maintenance or demolition

**Case Status** Closed **Case #** 18060031

**Notes** Old Camper on the property with broken windows, improper plates  
2 sheds that are in need of maintenance or demolition

The old Camper will need removed from the property or repairs made to it and proper/current registration and plates  
The sheds are in need of maintenance or demolition  
missing doors, collapsed roofs etc.

Thank you

Stanley Knight  
knight@estero-fl.gov

\*\* partial compliancy - Camper has been removed. The 2 Sheds are still in need of repairs of demolition - A PERMIT WILL BE REQUIRED IF YOU DEMOLISH THE SHEDS

### Documents Issued

<u>Date Issue</u>	<u>Document Type</u>
5/3/2018	Complaint
5/3/2018	Courtesy Notice
6/4/2018	Affidavit of Non-Compliance
6/25/2018	Notice of Violation
7/9/2018	Notice of Hearing
8/22/2018	Affidavit of Non-Compliance
8/23/2018	Notice of Hearing
8/23/2018	Final Order
9/20/2018	Affidavit of Non-Compliance
9/20/2018	Affidavit of Non-Compliance
9/20/2018	Order of Imposition/Liens
10/18/2018	Affidavit of Compliance

### Violations

## Case Overview

Ordinance/Regulation	Section	Description	Date Complied
CHAPTER 17 - HEALTH AND SANITATION	Sec. 17-33(1a,b,c)(2)(3). - Nuisance declared.	It is hereby declared by the board of county commissioners that nuisance accumulations on private property shall constitute a public nuisance, subject to immediate abatement as provided by this article or by any other remedy in law or equity, if: (1) The private property is not: a. A legally permitted junkyard, automobile wrecking or wrecking yard or sanitary landfill as defined and regulated by the county zoning ordinance or any other applicable ordinance; or b. Zoned or permitted by special permit or variance to allow such nuisance accumulations; and (2) The nuisance accumulation impairs the economic value of the underlying or adjacent property, creates a danger to the public health, safety and welfare, constitutes an attractive nuisance as defined by law, or creates a fire hazard; and (3) The accumulation is not made as a part of a regularly scheduled garbage removal program or service.	10/18/2018
Chapter 6 - BUILDINGS AND BUILDING REGULATIONS	Section 6-115. - Maintenance.	(d) Nuisances (2) The existence of any of the following conditions or conduct is hereby declared to be a public nuisance: a. Buildings that are abandoned. b. Buildings that are boarded up, except when placed for temporary hurricane protection and removed within 30 days. c. Buildings that are partially destroyed and not rebuilt or repaired within a reasonable temporary period. d. Partially constructed buildings or structures for which building permits have expired. e. Attractive nuisances dangerous to children such as untended or unfenced excavations, untended or unenclosed swimming pools, or abandoned or broken equipment or machinery. f. Blocking of drainage swales or pipes so as to cause flooding or adversely affect surrounding property. g. Outdoor storage on private property of boats and motor vehicles and trailers that are not affixed with a current registration decal.	10/18/2018

## Fines

<u>Fine Type</u>	<u>Section</u>	<u>Fine Type</u>	<u>Date Complied</u>	<u>Total Fine</u>
Individual Violation	Sec. 17-33(1a,b,c)(2)(3). - Nuisance declared.	Individual Violation	10/18/2018	\$7,250.00
Individual Violation	Section 6-115. - Maintenance.	Individual Violation	10/18/2018	\$7,250.00
Admin Fixed		Admin Fixed		\$327.20
			<b>Total Fines</b>	<b>\$14,827.20</b>

## Payments

<u>Date</u>	<u>Payment Type Name</u>	<u>Amount</u>
	<b>Total Payments</b>	<b>\$0.00</b>
	<b>Fees Outstanding</b>	<b>\$14,827.20</b>





05/02/2018 9:42:37 AM



