



Village of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

OFFICE OF THE SPECIAL MAGISTRATE

VILLAGE OF ESTERO, FLORIDA

Case #: 17010028

Petitioner,

Vs

CELEDONIO VARELA

Respondent(s)

ORDER OF IMPOSITION OF FINE & CLAIM OF LIEN

TO: CELEDONIO VARELA

8401 MOCKINGBIRD LANE, ESTERO, FL 33928

The Village of Estero Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Village of Estero Special Magistrate did issue on 3/16/2017, a Final Order in the above captioned case commanding the Respondent to bring the violations specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on the dates shown below plus an additional fine to cover costs incurred by the Village in the amount of \$307.50.

Ordinance/Regulation	Violation Description/Correction	Order Date to Comply by	Date Complied	Daily Fine
Chapter 17 – Health & Sanitation. Section 17-33(1a,b,c)(2)(3). – Nuisance Declared.	It is hereby declared by the village of Estero 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 Village 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.	4/17/2017		\$250.00

Section 17-49(a). –
Mowing of Nuisance
Vegetation Required.

(a) All real property owners, agents, custodians, lessees and occupants of real property within unincorporated Lee County will, in accordance with the published notice set forth in Section 17-48, cut and keep cut, to a height not exceeding twelve (12) inches, all grasses and weeds on any property owned, controlled or occupied by them except as provided for in Section 17-47.

4/17/2017

\$250.00

Chapter 34 – Zoning.
Section 34-3131(a). –
Vehicle Visibility at
Intersections..

(a) Corner lots. On a corner lot, no obstruction shall be planted or erected which materially obstructs traffic visibility within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines 25 feet from their intersection. No structural and planting masses shall be permitted between three feet and ten feet above the average grade of each street.

2. That said violations occurred on the following described real property situate, lying and being in the Village of Estero, Florida, to-wit:

FOLIO #: 28-46-25-E3-U1938.2477

LEGAL DESCRIPTION: BEG NE COR W ½ OF E ½ OF SE ¼ S 330 FT TH S W FOR 338 FT TO POB DESC OR 2954 PG 1034

STREET ADDRESS: 8401 MOCKINGBIRD LANE, ESTERO, FL 33928

3. That the Respondent did not comply with the Final Order on or before the date specified therein.

Upon complying with this Final Order, the Respondent **SHALL NOTIFY STANLEY KNIGHT**, The Code Enforcement Compliance Manager, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Manager. **Additionally, a fine of \$307.50 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**

5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Article VI – Code Enforcement of the Village of Estero Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this order in the Public Records of Lee County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violations were timely complied. A written request for a hearing MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE. You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Lee County, constituting a lien on the subject real property.

Respondents may appeal a final administrative order of the Special Magistrate for the Village of Estero to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED this 24th day of April, 2017.

ATTEST:

OFFICE OF THE SPECIAL MAGISTRATE
VILLAGE OF ESTERO, FLORIDA


Tobi R Tirado
SPECIAL MAGISTRATE CLERK

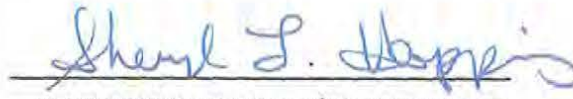

Joseph Faerber
SPECIAL MAGISTRATE

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 24th day of April,

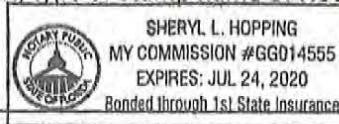
2017 by Joseph Faerber and Tobi Tirado, Clerk and Special Magistrate, respectively, of the Village of Estero, who are personally known to me and who did not take an oath.

My Commission Expires:


NOTARY PUBLIC, State of Florida at Large

Sheryl L. Hopping

Print, type or stamp name of Notary



Commission Number, if any

Note: Mail your payment to the above address made payable to The Village of Estero.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
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Total Postage and Fees	
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17010028

Signature: Varella Celedonio
Street: 8401 Mockingbird Lane
City: Estero, FL 33928