

**CITY OF SANIBEL
RESOLUTION 25-069**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, LEVYING AN ASSESSMENT AGAINST 4560 WATERS EDGE LANE, STRAP NO.: 20-46-22-T4-00008.0150, TO RECOVER THE COST OF DEMOLITION OF A DANGEROUS STRUCTURE LOCATED ON THE SUBJECT PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the structure on 4560 Waters Edge Lane ("Subject Property") suffered damages in September 2022 from the impact of Hurricane Ian and suffered further damages during the 2024 hurricane season; and

WHEREAS, after proper notice of various violations of Sanibel Code and opportunity to be heard at a May 13, 2024 Sanibel Code Enforcement Hearing, Sanibel's Special Magistrate found the Subject Property to be a Distressed Property and ordered fines of \$200 per day to accrue beginning May 24, 2024 and continuing each day until such Sanibel Code violations were abated; and

WHEREAS, on June 20, 2025, after the Sanibel Code violations continued unabated for over a year, the City issued a Notice of Abatement and Lien, indicating the City intended to correct or abate the distressed property conditions by taking any of a variety of actions, including demolition of the structure on the Subject Property; and

WHEREAS, on July 25, 2025, a Certified Notice of Violation of Sanibel Code Section 14-243 was served on the Subject Property owner, in accordance with Sanibel Code Sections 14-268 and 14-269, informing the owner that the structure at the Subject Property was declared dangerous and substantially damaged; and

WHEREAS, no action was taken to bring the Subject Property into compliance within the 30 additional days provided by the July 25, 2025 Certified Notice of Violation, so the City proceeded with demolishing the structure on the Subject Property; and

WHEREAS, on September 26, 2025, demolition of the dangerous structure was completed, abating the cited violations of the Sanibel Code; and

WHEREAS, in accordance with Sanibel Code Section 14-272, the bill associated with the demolition services was served on the Subject Property owner September 30, 2025, and posted on the Subject Property, requiring payment in the amount of \$25,500.00 within 30 days; and

WHEREAS, in accordance with Sanibel Code Section 14-272, a Notice of Hearing was served on the Subject Property owner, advising a hearing would be held before City Council at its December 2, 2025 meeting, for the purpose of requesting a lien be assessed against the Subject Property for the \$20,500.00 in actual costs incurred in connection with the demolition of the dangerous structure; and

WHEREAS, during the December 2, 2025 hearing, a scrivener's error was discovered in the original Notice of Hearing (i.e. \$20,500 in demolition costs) and City Council directed that a new Notice of Hearing be sent to the property owner reflecting \$25,500 in demolition costs as well as \$454.96 for case preparation, and to table the hearing until January 13, 2026; and

WHEREAS, to date, the City has not received any payment for the bill associated with the demolition necessary to bring the Subject Property into compliance with the Sanibel Code; and

WHEREAS, after a duly noticed public hearing, the City Council of the City of Sanibel desires to levy an assessment against the Subject Property in the amount of \$25,500.00 to recover its actual

costs for demolition of the dangerous structure and \$454.96 for case preparation costs, for a total of \$25,954.96.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. Findings of Fact and Conclusions of Law.

- a. The recitals above are hereby adopted as findings of fact;
- b. All due process has been followed, including the procedures of Sanibel Code Chapter 14, Buildings and Building Regulations, Article VI, Dangerous Buildings and Hazardous Lands, Section 14-272, and the procedures of Sanibel Code Chapter 126, Zoning, Article XIV, Supplementary District Regulations, Division 17, Distressed Properties, Section 126-1319, Enforcement; and
- c. The demolition work performed was in conformance with the requirements of Sanibel Code Chapter 14, Article VI and Chapter 126, Article XIV; and
- d. An assessment of \$25,954.96 is hereby levied against the Subject Property, such amount being just and reasonable, based on the actual cost of such work; and
- e. The assessment levied by this Resolution is separate and distinct from the lien created by the Code Enforcement Order issued following the May 13, 2024 code enforcement hearing, which ordered \$200 per day fines to accrued from May 24, 2024 until such violations were abated, which abatement did not occur until the September 26, 2025 demolition of the dangerous structure on the Subject Property.

SECTION 2. Subject Property Assessed. This assessment is levied against the Subject Property, 4560 Waters Edge Lane, Sanibel FL 33957, Strap No.: 20-46-22-T4-00008.0150, which property is legally described as PARL IN GOVT LOT R AS DESC IN OR 0602 PG 0050.

SECTION 3. Subject Property Owner. The owner of the Subject Property being lienied hereby is Dorothy W.R. Messenger, 20732 Wolftrap St., Lexington Park, MD 20653.

SECTION 4. Interest Rate on Lien. In accordance with Sanibel Code Section 14-272(c), the assessed lien shall bear interest at the rate of ten percent (10%) per annum.

SECTION 5. Lien Priority; Foreclosure. In further accordance with Sanibel Code Section 14-272(c), the City's lien against the Subject Property shall be of equal dignity with other municipal liens for taxes, levies and assessments, and may be enforced as other such municipal liens. Upon foreclosure of such lien, the property owner shall be liable for all costs incidental to such foreclosure, including a reasonable attorney's fee, which shall also be secured by such lien.

SECTION 6. Service and Recording. A copy of this resolution shall be served on the owner by certified mail within ten days of the date of its adoption, and this resolution shall be recorded with the County Clerk in the Public Record of Lee County, Florida.

SECTION 7. Effective Date. This resolution and the associated assessment shall take effect immediately upon adoption of this resolution.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 13TH DAY OF JANUARY 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Michael Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller	_____
Smith	_____
DeBruce	_____
Henshaw	_____
Johnson	_____