



AGENDA MEMORANDUM

Code Enforcement

City Council Regular Meeting Date: January 13, 2026

To: City Council
From: Glenn Nixon, Code Enforcement Manager
Date: December 16, 2025

SUBJECT: CODE-2025-001640; 4560 Waters Edge Ln., Sanibel FL 33957

BACKGROUND: The Code Enforcement Division has been diligently identifying and issuing notices of violation to those properties that have distressed conditions or dangerous structures from Hurricane Ian and subsequent hurricanes. The property at 4560 Waters Edge Ln. (Subject Property) was a residential building that sustained significant damage from Hurricane Ian.

Staff initially identified the Subject Property as a distressed property in case CODE 2024-001143, which was presented at a code enforcement hearing on May 13, 2024. After a code enforcement order finding violations was issued, the Subject Property began accruing daily fines of \$200 per day beginning on May 24, 2024. Thereafter, the Subject Property continued to fall into further disrepair, and the screen cage and lanai collapsed leaving the entire home open to the elements and wildlife. From the time the first case was presented in May of 2024, there were no efforts by the owner (or anyone on the owner's behalf) towards abating any of the code violations for the Subject Property. Because the owner failed to take any action to bring the Subject Property into compliance, a Certified Notice of Abatement and Lien was sent via certified mail to the owner at the address on file with the Lee County Property Appraiser, as well as posted on the property on June 20, 2025, 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. (See Composite Exhibit 1).

The Subject Property was thereafter deemed a dangerous property in accordance with Sanibel Code Section 14-243, resulting in the creation of the current code enforcement case, CODE 2025-001640. As a result, on July 25, 2025, in accordance with the Sanibel Code Section 14-268 and Section 14-269, as well as Section 162.12, Florida Statutes, a Certified Notice of Violation was sent to the owner as well as posted on the property. (See Exhibit 2).

Despite receiving the Notice of Abatement and Lien (which details the City's intent to demolish and lien if no abatement actions were taken) and the subsequent Notice of Violation designating the structure as a dangerous building, there were still no effort towards compliance. Therefore, the City proceeded with demolition of the structure on the Subject Property, which was completed on September 26, 2025.

Pursuant to Sanibel Code Section 14-272, on September 30, 2025, the bill for the demolition expense (Notice of Payment Due) was mailed to the owner via certified mail and posted on the Subject Property. (See Exhibit 3). The bill was not paid within 30 days following such service, so on November 10, 2025, a Notice of Hearing was mailed to the owner via certified mail and posted on the Subject Property (see Exhibit 4).

During the December 2, 2025 hearing, a scrivener's error was found relating to the amount owned and a corrected Notice of Hearing was mailed to the owner on December 16, 2025.

As indicated in the Notice of Hearing, this matter now comes before City Council for the purpose of considering the assessment of a lien against the Subject property for the \$25,500.00 in demolition costs and also \$454.96 in related administrative costs incurred by the City. (See Exhibit 5).

FUNDING SOURCE: Building Department

RECOMMENDED ACTION: Staff recommends approval of a resolution to levy an assessment against the Subject Property, in the amount of \$25,954.96, for the costs associated with bringing the Subject Property into compliance.

Exhibit 1: 6 Pages

1. Composite Notice of Abatement & Lien (dated 6/20/25)
2. Lee County Property Appraiser Owner Data Page
3. Photo of Posting
- 4-6. Photos of Dangerous Property



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

NOTICE OF ABATEMENT AND LIEN

CASE NO. CODE- 2024-001143

To: MESSENGER DOROTHY W R
20732 WOLFTRAP ST
LEXINGTON PARK MD 20653
Certified Mail # 9589 0710 5270 0785 2250 15
Subject Property: 4560 WATERS EDGE LN SANIBEL, FL 33957
Strap #: 20-46-22-T4-00008.0150

Dear Property Owner:

On March 28th, 2024, the City of Sanibel (City) issued a notice of code violation(s) to you, as the owner of record, concerning distressed property conditions at the Subject Property referenced above. The distressed property conditions at the Subject Property were not timely corrected or abated, so a code enforcement hearing was held before a Special Magistrate on May 13th, 2024. On May 14th, 2024, the Special Magistrate issued the enclosed Code Enforcement Order ("Order"), finding you in violation of the Sanibel Code, ordering abatement of the violation(s), ordering payment of certain costs, and in the absence of timely abating the violation(s), ordering fines in the amount of \$200 per day, which have been accruing since May 24th, 2024. Accordingly, as of this date, the total daily fines owed to the City is \$78,400.00 in addition to costs of \$302.30 for Hearing fees.

As of this date, you have failed to comply with the requirements of the Order by correcting or abating the distressed property condition(s) listed in the Order. Therefore, the City intends to take action to correct or abate the distressed conditions at the Subject Property as provided for in Section 126-1319 of the Sanibel Land Development Code (LDC). All expenses incurred by the City to correct or abate the distressed property identified in the Order shall be subject to the assessment of liens and potential levy against the Subject Property, in accordance with Section 14-272 and Section 126-1319(b) of the City's Code of Ordinances.

This Notice is to inform you that the City will be correcting or abating the distressed property conditions at the Subject Property at any time and without further notice. Correcting and abating the conditions may include any or all of the following: clearing vegetation and other debris, and securing, repairing or demolishing the structure at the Subject Property.

If you have any questions about this process, please contact the Code Enforcement Division by calling (239) 472-4555 or emailing code.enf@mysanibel.com.

ISSUED BY:

Jessica McNulty
Jessica McNulty, Deputy Building Director

DATE: 6/10/2025



Property Data

STRAP: 20-46-22-T4-00008.0150 Folio ID: 10021162

Tax Roll Value Letter N25+ Owner Of Record - Sole Owner
[Change Mailing Address] ?MESSINGER DOROTHY W R
20732 WOLFTRAP ST
LEXINGTON PARK MD 20853[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)+ Site Address
Site Address maintained by ESRI Program Addressing4560 WATERS EDGE LN
SANIBEL FL 33957? [Pictometry Aerial Viewer]Image of Structure ?

Property Description

Do not use for legal documents ?

PARL IN GOVT LOT 4 AS DESC IN OR 0602 PG 0050

View Recorded Plat at LeeClerk.org - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 802 and 50 for the book and page numbers

Attributes and Location Details

Total Bedrooms / Bathrooms 3 / 3 0

Gross Living Area 2,394

1st Year Building on Tax Roll 1970

Historic Designation No

Township	Range	Section	Block	Lot
46	22E	20		
Municipality	Latitude	Longitude		
City of Sanibel	26.44588	-82.13522		

Photo Date September of 2001 ? [\[View Other Photos \]](#)

DIRECTION
57 deg (T)

26.44577°N
082.13547°W

ACCURACY 4 m
DATUM WGS84



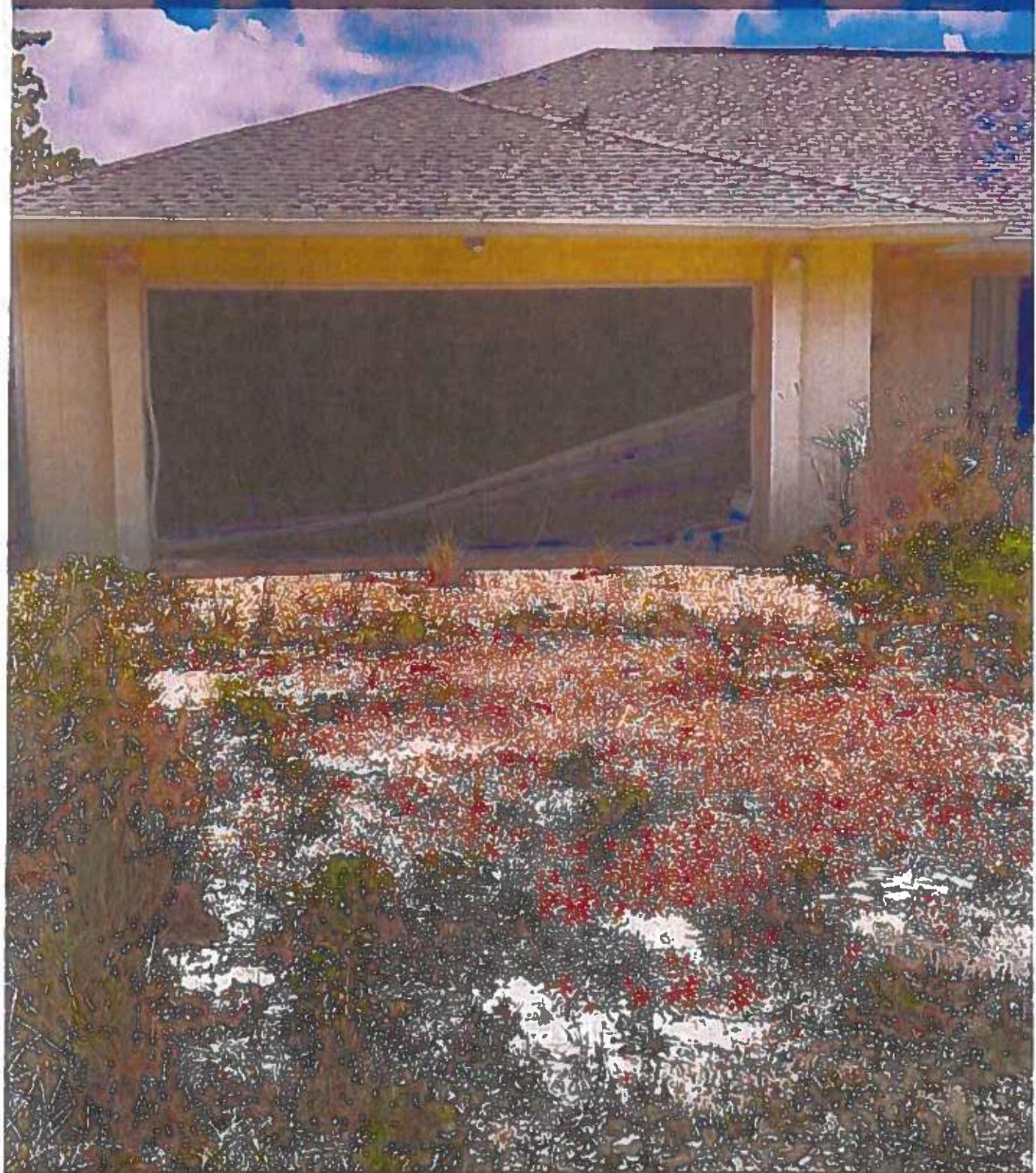
1808

2025-06-20
12:47:46-04:00

DIRECTION
61 deg(T)

26.44577°N
082.13544°W

ACCURACY 5 m
DATUM WGS84



1808

2025-06-20
12:47:56-04:00

DIRECTION
40 deg (T)

26.44576°N
082.13542°W

ACCURACY 7 m
DATUM WGS84



1808

2025-06-20
12:48:21-04:00

DIRECTION
195 deg (T)

26.44601°N
082.13513°W

ACCURACY 4 m
DATUM WGS84



1808

2025-06-20
12:50:39-04:00

Exhibit 2: 5 Pages

1-5. Notice of Violation (dated 7/25/25)



City of Sanibel

Code Enforcement

2475 Library Way

Sanibel, FL 33957

239-472-4555

NOTICE OF VIOLATION

CASE NO. 2025-001640

MESSENGER DOROTHY W R
20732 WOLFTRAP ST
LEXINGTON PARK MD 20653

Certified Mail # 9489017898203014586435

Subject Property: 4560 Waters Edge Ln., Sanibel FL 33957
STRAP: 20-46-22-T4-00008.0150

Dear Property Owner:

This Notice is sent in accordance with the City of Sanibel's Code of Ordinances (the "Sanibel Code") Sections 14-268 and 14-269 to inform you that the structure at the above-referenced subject property is in violation of Sanibel Code Section 14-243 and Subpart B – Land Development Code (the "LDC") Chapter 94 – Floods, Section 94-34. The structure has been determined to be dangerous.

The City Code section(s) of which you are in violation, or which are otherwise cited herein, are indicated in Attachment A to this Notice of Violation, and this notice serves as a written order to achieve compliance. In the absence of a timely appeal in accordance with Sanibel Code Section 14-270(b), regarding the determination that the structure at the subject property has been found to be dangerous or hazardous to the City; you have 30 days to obtain any necessary permits and diligently proceed with either (a) performing required repairs or alterations to bring the structure at the subject property into full compliance with the Florida Building Code or (b) demolition of the structure.

Failure to comply with the requirements of this Notice of Violation will result in the City pursuing enforcement action as described in Chapter 14, Article VI, of the City Code of Ordinances, which includes the City demolishing the structure at the above-referenced subject property, in accordance with Section 14-269(d), and levy a lien to recover any and all City expenses related to the repair or demolition of the structure on the above-referenced subject property in accordance with Section 14-272.

If you have any questions about this process, please contact Deputy Building Director, Jessica McNulty, at Jessica.mcnuity@mysanibel.com or 239-472-4555.

ISSUED BY:

 DATE: 7/25/25

Jessica McNulty, Deputy Building Director



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

ATTACHMENT A

CODE REFERENCES FOR NOTICE OF VIOLATION CASE NO. 2025-001640

Pursuant to Section 14-243. – Dangerous buildings., a building shall be declared a dangerous building if it has any or all of the defects described in the following subsections:

- (1) Those buildings whose exterior or interior walls or other structural members list, lean or buckle, or the support for which has become damaged or deteriorated, to such an extent that there is a reasonable likelihood that such walls or other structural members may fail.
- (2) Those buildings which have improperly distributed loads upon the floors or roofs in which the floors or roofs are overloaded, or which have insufficient strength to be reasonable safe for the purpose used.
- (3) Those buildings which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the city.
- (4) Those buildings which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are, by any applicable health code or environmental regulation, unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those working or living therein or of the public.
- (5) Those buildings having light, air, sanitation facilities which are inadequate, by any applicable building or health code or environmental regulation, to protect the health, safety or general welfare of human beings who may live or work therein.
- (6) Those buildings having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of egress, to the extent that occupants thereof may not be able to evacuate the building in a reasonably safe and quick fashion.
- (7) Those building which have parts thereof which are so attached that there is reasonable likelihood they may fall and injure members of the public or property in general.
- (8) Those building which are vacant and not sufficiently secured to prevent easy access to trespassers, loiterers and vagrants.
- (9) Those buildings which are untended or unkempt to the extent that they pose a health or safety hazard.
- (10) Those buildings, portion of buildings or other development for which construction has commenced but which has not been completed, and for which the building permit has been expired for more than 90 days.

Please be advised, the subject property at is found to have those defects identified in Section 14-243: (3), (4), (7), (8), and (9) as further evident by the supporting photos taken on June 20th, 2025 (included herein with this Notice).

In accordance with Section 14-268 of the Code of Ordinances, you are hereby notified of the following concerning the above subject property:

- a. A description of the location of the buildings or land involved, either by street address or by legal description or tax parcel number.
- b. A statement indicating the nature of the violation and reason or reasons why the notice of violation is issued.
- c. A specification of the section or sections of this article upon which the notice of violation is based.



City of Sanibel

Code Enforcement

2475 Library Way

Sanibel, FL 33957

239-472-4555

- d. If repairs or alterations will bring the structure into compliance with this article, a statement of the nature and extent of such repairs or alterations necessary to comply.
- e. If the violation is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.
- f. If hazardous lands are involved, a statement of the steps necessary to abate the conditions creating the hazard and to bring such lands in compliance with this article.
- g. If repairs, alterations or demolition of a building or structure are necessary for compliance, a time period for performing such repair, alteration or demolition, which shall not be less than ten nor more than 90 days. If the violation pertains only to hazardous lands, a time period for cleaning, clearing or abating such hazardous land, which shall not be less than ten nor more than 30 days.
- h. If vacation of a dangerous building is necessary, a statement to this effect and an order requiring vacation of the building within 30 days, unless the enforcing official believes the building is so dangerous that injury to an occupant is imminent, in which case an immediate vacation may be ordered.
- i. The name or names of persons upon whom the notice of violation is served as stated in subsection (1) of this section.
- j. A statement advising that upon the owner's failure to comply with the notice, the city may perform or cause to be performed the repairs, alterations, demolition or cleaning up of the building or land involved, and that the expense of such performance by the city shall constitute a lien against the property involved.
- k. A statement advising of the procedures available for review of the action of the enforcing official as set out in section 14-270.

In accordance with Section 14-269, you are hereby served this notice of violation in accordance with the below standards:

- a) The written notice of violation referred to in section 14-268 shall in all cases be served upon the owner, as well as upon the occupant of the premises if the premises are occupied by someone other than the owner. Such service shall be deemed complete if personally delivered and if the written notice cannot be delivered personally within the city, then service shall be deemed complete upon sending such written notice by certified mail, return receipt requested, to the last known address of the owner as shown on the tax rolls of the city, and by posting a copy of such notice in a conspicuous place on the premises.
- b) The enforcing official shall endorse on the copies of the written notice forwarded to the city manager and the city attorney the manner of service of the notice or notices as are required by this section.
- c) When any written notice of violation shall become an order, either because no petition for review of the decision of the enforcing official has been taken or because such petition for review has been taken and the decision of the enforcing official has not been reversed, then such order shall be executed by the enforcing official.
- d) If such order is not complied with in the time specified in the order, then the city may make such repairs, alterations, demolition or clean-up as may be required in such order. Such expense shall be paid by the owner in accordance with section 14-272.
- e) The enforcing official shall place a notice on all dangerous buildings and post such notice on hazardous land, reading as follows:

"This building (or land) has been found to be dangerous or hazardous by the city. This notice is to remain on this building (or land) as placed thereon until the requirements of the notice which has been given the



City of Sanibel

Code Enforcement

2475 Library Way

Sanibel, FL 33957

239-472-4555

owner have been fully complied with. It is unlawful to remove this notice until such requirements have been complied with."

The property owner has a right to appeal to City Council, subject to those procedures found in Section 14-270, as follows:

- a) **Generally.** Notice of violation by the enforcing official may be appealed to the city council, as provided in this section.
- b) **Procedure.** Appeals for dangerous building and hazardous land violations may be taken by any person aggrieved by any notice which has been issued in connection with the enforcement of this article. Such appeal shall be taken within 14 days after the notice of violation was served, by filing in the office of the city manager a written petition to the city council, setting forth the grounds therefor. Upon the receipt of such petition, the city manager shall schedule a hearing on the appeal at the next regular city council meeting more than ten days after the petition is filed. Written notice of the time and place of the hearing shall be sent by certified mail, return receipt requested, to the person taking such appeal at least ten days prior to the date of such hearing. At the hearing, any party may appear in person or by agent or attorney.
- c) **Power to sustain, modify or withdraw the notice of violation.** After public hearing, the city council may sustain, modify or withdraw the notice of violation.
- d) **Findings—Sustaining.** If the city council sustains the enforcing official, it shall find that:
 - (1) The facts as stated in the written notice of violation are correct and that the situation covered by the notice is, in fact, a violation of this article; and
 - (2) The remedy stated by the enforcing official in the written notice of violation is the minimum remedial action which will bring the building or the land cited into compliance with the article.
- e) **Same—Modification or withdrawal.** If the city council shall modify or withdraw the notice of violation, it shall find the following, as may be applicable to the specific case:
 - (1) That the facts as stated in the written notice of violation are not correct and that the situation as covered by the notice is not, in fact, a violation of this article, or that the procedures required of the enforcing official in this article have not been complied with; or
 - (2) That the remedial action required by the enforcing official is not the minimum remedial action necessary to bring the structure or premises into compliance with this chapter and that some other remedial action, to be stated by the city council as a part of the record of the case, is the minimum action necessary to secure compliance with this article.

The City has the right to assess liens on the property in accordance with Section 14-272, as follows:

- a) **Billing and notice.** Promptly after completion of any demolition, repairs, alterations, clearing or cleanup done by the city under authority of this article, the enforcing official shall cause the owner to be billed for the cost of such work including labor, materials and title searches. The bill shall be served upon the owner by delivery to the owner personally or by certified mail, return receipt requested, at his/her last known address as shown in the city tax rolls. If the bill is not paid within 30 days following such service, the owner shall be notified of the enforcing official's intention to apply for a lien against the property. Such notice shall:



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

- (1) Describe the premises involved either by legal description or street address;
- (2) Describe the nature of the work done thereon and state the amount for which a lien assessment is sought;
- (3) Specify the date on which the city council will hold a public hearing for the purpose of making a lien assessment against the property for the cost of the work done thereon, and advise the owner of his/her right to be heard on any matter pertaining to the proposed lien assessment; and
- (4) Such notice shall be served on the owner not less than ten days prior to the date set for the hearing in the same manner as set forth in this section.

b) Hearings on liens. At the hearing, the enforcing official shall report to the city council on the nature of the work accomplished, the cost of the work, and the service of the required notice. All interested parties shall be given an opportunity to be heard at such hearing with respect to the validity and amount of the proposed lien assessment.

c) Levy by city council. After such hearing, the city council may levy an assessment against the property for the cost of such work done on such property in such amount as the city council may find to be proper and reasonable. Such assessments shall be made by the adoption of a resolution containing findings of the city council, including the finding that.

- (1) The procedures of this article have been followed;
- (2) That the work done was in conformity with the requirements of this article; and
- (3) That the amount of assessment is just and reasonable and based on the actual cost of such work.

The resolution shall contain a legal description of the property, the names of the owners of such property, and such other information as may be deemed appropriate. The assessment shall become effective immediately upon the adoption of the resolution and shall bear interest thereafter at the rate of ten percent per annum. Upon the adoption of the resolution, the city shall have a lien against the property on which the work was done and on the real estate on which it is located, as described in the resolution, which lien 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.

d) Notice of adoption of resolution. A copy of such resolution shall be served on the owner by certified mail within ten days of the date of its adoption.

Exhibit 3: 5 Pages

1-5. Notice of Payment Due (dated 9/30/25)



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

NOTICE OF PAYMENT DUE CASE NO.2025-001640

MESSENGER DOROTHY WR
20732 WOLFTRAP ST
LEXINGTON PARK, MD 20653

Certified Mail# 70221670000121586071

SUBJECT PROPERTY: 4560 Waters Edge Ln., Sanibel FL 33957
(STRAP:20-46-22 T4-00008.0150)

Dear Property Owner:

On July 25th, 2025, a Certified Notice of Violation was sent to your attention in accordance with the City of Sanibel Code of Ordinances (the "Sanibel Code") Sections 14-268 and 14-269, to inform you that the structure at the above-referenced subject is in violation of the Sanibel Code Section 14-243. Due to the existing conditions, severity of the violation, and lack of property maintenance, the Notice of Violation also notified you of the City's intent to demolish the structure and recover all City expenses related to the demolition pursuant to Sanibel Section 14-268 and Section 14-272 (included herein as Attachment A).

As of September 26th, 2025, the structure was demolished and the property was brought into compliance. At this time, there is an outstanding payment of \$ 25,500.00 which is due within 30 days of this notice. Please contact the City's Finance Department immediately to make payment at 239-472-3700.

Failure to comply with the requirements of this Notice may result in the City placing a lien against the property.

If you have any questions about this process, please contact Deputy Building Director, Jessica McNulty at Jessica.McNulty@mysanibel.com or 239-470-2547.

ISSUED BY:

Jessica McNulty, Deputy Building Director

DATE: 9/30/25



City of Sanibel

Code Enforcement

2475 Library Way

Sanibel, FL 33957

239-472-4555

ATTACHMENT A

CODE REFERENCES FOR NOTICE OF VIOLATION CASE NO. 2025-001640

Pursuant to Section 14-243. – Dangerous buildings., a building shall be declared a dangerous building if it has any or all of the defects described in the following subsections:

- (1) Those buildings whose exterior or interior walls or other structural members list, lean or buckle, or the support for which has become damaged or deteriorated, to such an extent that there is a reasonable likelihood that such walls or other structural members may fail.
- (2) Those buildings which have improperly distributed loads upon the floors or roofs in which the floors or roofs are overloaded, or which have insufficient strength to be reasonable safe for the purpose used.
- (3) Those buildings which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the city.
- (4) Those buildings which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are, by any applicable health code or environmental regulation, unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety, or general welfare of those working or living therein or of the public.
- (5) Those buildings having light, air, sanitation facilities which are inadequate, by any applicable building or health code or environmental regulation, to protect the health, safety or general welfare of human beings who may live or work therein.
- (6) Those buildings having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of egress, to the extent that occupants thereof may not be able to evacuate the building in a reasonably safe and quick fashion.
- (7) Those building which have parts thereof which are so attached that there is reasonable likelihood they may fall and injure members of the public or property in general.
- (8) Those building which are vacant and not sufficiently secured to prevent easy access to trespassers, loiterers and vagrants.
- (9) Those buildings which are untended or unkempt to the extent that they pose a health or safety hazard.
- (10) Those buildings, portion of buildings or other development for which construction has commenced but which has not been completed, and for which the building permit has been expired for more than 90 days.

Please be advised, the subject property at is found to have those defects identified in Section 14-243: (3), (4), (7), (8), and (9) as further evident by the supporting photos taken on June 20th, 2025 (included herein with this Notice).

In accordance with Section 14-268 of the Code of Ordinances, you are hereby notified of the following concerning the above subject property:

- a. A description of the location of the buildings or land involved, either by street address or by legal description or tax parcel number.
- b. A statement indicating the nature of the violation and reason or reasons why the notice of violation is issued.
- c. A specification of the section or sections of this article upon which the notice of violation is based.



City of Sanibel

Code Enforcement

2475 Library Way

Sanibel, FL 33957

239-472-4555

- d. If repairs or alterations will bring the structure into compliance with this article, a statement of the nature and extent of such repairs or alterations necessary to comply.
- e. If the violation is of such a character that repairs or alterations cannot bring the building into compliance, a statement to this effect and an order of demolition of the building indicating fully the reason therefor.
- f. If hazardous lands are involved, a statement of the steps necessary to abate the conditions creating the hazard and to bring such lands in compliance with this article.
- g. If repairs, alterations or demolition of a building or structure are necessary for compliance, a time period for performing such repair, alteration or demolition, which shall not be less than ten nor more than 90 days. If the violation pertains only to hazardous lands, a time period for cleaning, clearing or abating such hazardous land, which shall not be less than ten nor more than 30 days.
- h. If vacation of a dangerous building is necessary, a statement to this effect and an order requiring vacation of the building within 30 days, unless the enforcing official believes the building is so dangerous that injury to an occupant is imminent, in which case an immediate vacation may be ordered.
- i. The name or names of persons upon whom the notice of violation is served as stated in subsection (1) of this section.
- j. A statement advising that upon the owner's failure to comply with the notice, the city may perform or cause to be performed the repairs, alterations, demolition or cleaning up of the building or land involved, and that the expense of such performance by the city shall constitute a lien against the property involved.
- k. A statement advising of the procedures available for review of the action of the enforcing official as set out in section 14-270.

In accordance with Section 14-269, you are hereby served this notice of violation in accordance with the below standards:

- a) The written notice of violation referred to in section 14-268 shall in all cases be served upon the owner, as well as upon the occupant of the premises if the premises are occupied by someone other than the owner. Such service shall be deemed complete if personally delivered and if the written notice cannot be delivered personally within the city, then service shall be deemed complete upon sending such written notice by certified mail, return receipt requested, to the last known address of the owner as shown on the tax rolls of the city, and by posting a copy of such notice in a conspicuous place on the premises.
- b) The enforcing official shall endorse on the copies of the written notice forwarded to the city manager and the city attorney the manner of service of the notice or notices as are required by this section.
- c) When any written notice of violation shall become an order, either because no petition for review of the decision of the enforcing official has been taken or because such petition for review has been taken and the decision of the enforcing official has not been reversed, then such order shall be executed by the enforcing official.
- d) If such order is not complied with in the time specified in the order, then the city may make such repairs, alterations, demolition or clean-up as may be required in such order. Such expense shall be paid by the owner in accordance with section 14-272.
- e) The enforcing official shall place a notice on all dangerous buildings and post such notice on hazardous land, reading as follows:

"This building (or land) has been found to be dangerous or hazardous by the city. This notice is to remain on this building (or land) as placed thereon until the requirements of the notice which has been given the



City of Sanibel

Code Enforcement

2475 Library Way

Sanibel, FL 33957

239-472-4555

owner have been fully complied with. It is unlawful to remove this notice until such requirements have been complied with."

The property owner has a right to appeal to City Council, subject to those procedures found in Section 14-270, as follows:

- a) Generally. Notice of violation by the enforcing official may be appealed to the city council, as provided in this section.
- b) Procedure. Appeals for dangerous building and hazardous land violations may be taken by any person aggrieved by any notice which has been issued in connection with the enforcement of this article. Such appeal shall be taken within 14 days after the notice of violation was served, by filing in the office of the city manager a written petition to the city council, setting forth the grounds therefor. Upon the receipt of such petition, the city manager shall schedule a hearing on the appeal at the next regular city council meeting more than ten days after the petition is filed. Written notice of the time and place of the hearing shall be sent by certified mail, return receipt requested, to the person taking such appeal at least ten days prior to the date of such hearing. At the hearing, any party may appear in person or by agent or attorney.
- c) Power to sustain, modify or withdraw the notice of violation. After public hearing, the city council may sustain, modify or withdraw the notice of violation.
- d) Findings—Sustaining. If the city council sustains the enforcing official, it shall find that:
 - (1) The facts as stated in the written notice of violation are correct and that the situation covered by the notice is, in fact, a violation of this article; and
 - (2) The remedy stated by the enforcing official in the written notice of violation is the minimum remedial action which will bring the building or the land cited into compliance with the article.
- e) Same—Modification or withdrawal. If the city council shall modify or withdraw the notice of violation, it shall find the following, as may be applicable to the specific case:
 - (1) That the facts as stated in the written notice of violation are not correct and that the situation as covered by the notice is not, in fact, a violation of this article, or that the procedures required of the enforcing official in this article have not been complied with; or
 - (2) That the remedial action required by the enforcing official is not the minimum remedial action necessary to bring the structure or premises into compliance with this chapter and that some other remedial action, to be stated by the city council as a part of the record of the case, is the minimum action necessary to secure compliance with this article.

The City has the right to assess liens on the property in accordance with Section 14-272, as follows:

- a) Billing and notice. Promptly after completion of any demolition, repairs, alterations, clearing or cleanup done by the city under authority of this article, the enforcing official shall cause the owner to be billed for the cost of such work including labor, materials and title searches. The bill shall be served upon the owner by delivery to the owner personally or by certified mail, return receipt requested, at his/her last known address as shown in the city tax rolls. If the bill is not paid within 30 days following such service, the owner shall be notified of the enforcing official's intention to apply for a lien against the property. Such notice shall:



City of Sanibel

Code Enforcement

2475 Library Way

Sanibel, FL 33957

239-472-4555

- (1) Describe the premises involved either by legal description or street address;
- (2) Describe the nature of the work done thereon and state the amount for which a lien assessment is sought;
- (3) Specify the date on which the city council will hold a public hearing for the purpose of making a lien assessment against the property for the cost of the work done thereon, and advise the owner of his/her right to be heard on any matter pertaining to the proposed lien assessment; and
- (4) Such notice shall be served on the owner not less than ten days prior to the date set for the hearing in the same manner as set forth in this section

- b) Hearings on liens. At the hearing, the enforcing official shall report to the city council on the nature of the work accomplished, the cost of the work and the service of the required notice. All interested parties shall be given an opportunity to be heard at such hearing with respect to the validity and amount of the proposed lien assessment.
- c) Levy by city council. After such hearing, the city council may levy an assessment against the property for the cost of such work done on such property in such amount as the city council may find to be proper and reasonable. Such assessments shall be made by the adoption of a resolution containing findings of the city council, including the finding that:
 - (1) The procedures of this article have been followed;
 - (2) That the work done was in conformity with the requirements of this article; and
 - (3) That the amount of assessment is just and reasonable and based on the actual cost of such work.

The resolution shall contain a legal description of the property, the names of the owners of such property, and such other information as may be deemed appropriate. The assessment shall become effective immediately upon the adoption of the resolution and shall bear interest thereafter at the rate of ten percent per annum. Upon the adoption of the resolution, the city shall have a lien against the property on which the work was done and on the real estate on which it is located, as described in the resolution, which lien 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.

- d) Notice of adoption of resolution. A copy of such resolution shall be served on the owner by certified mail within ten days of the date of its adoption.

Exhibit 4: 4 Pages

1-4. Notice of Hearing

5-6. Photo of Posting



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

AMENDED NOTICE OF HEARING

CITY COUNCIL CONSIDERATION OF LIEN

CASE NO. 2025-001640

MESSENGER DOROTHY W R
20732 WOLFTRAP ST
LEXINGTON PARK MD 20653
Certified Mail # 7017 1450 0000 7708 6423
Subject Property: 4560 Waters Edge Ln., Sanibel FL 33957
STRAP: 20-46-22-T4-00008.0150

Dear Property Owner:

Your property at 4560 Waters Edge (the "Subject Property") was identified as Distressed in Code 2024-001143 which was presented at a code enforcement hearing on May 13th 2024. After a code enforcement order finding violations was issued, the Subject Property began accruing daily fines of \$200 per day beginning on May 24th, 2024. These code enforcement violations were never abated, and the Subject Property continued to fall into further disrepair. Due to the failure to abate the violations and deteriorating condition of the Subject Property, a Certified Notice of Abatement was served on June 20th, 2025, notifying you of the City's intent to abate the violations, including the potential to demolish the structure and recover all City expenses related to the demolition. Thereafter, on July 25th, 2025, a Certified Notice of Violation was served to inform you that the structure at the Subject Property had been declared a dangerous building, pursuant to Sanibel Code Section 14-243, and accordingly, that the City would proceed with demolishing the structure, in the event you took no action to abate the violations.

Because you took no action to abate the above-referenced code violations, the City proceeded to demolish the structure, as indicated would be the result of continued non-compliance. As of September 26th, 2025, the structure was demolished, which action abated the above-referenced code enforcement violations at the Subject Property. The bill associated with the demolition services was sent to you by Certified Mail on September 30th, 2025, and posted on the Subject Property, requiring payment in the amount of \$25,500 within 30 days of that date. Such amount was not timely paid, and additional costs of \$454.96 have now been incurred in connection with the demolition abatement efforts and the current efforts to bring this matter to hearing before the Sanibel City Council for consideration of placing a lien on the Subject Property.

This matter was originally noticed for hearing before the Sanibel City Council at its December 2, 2025 meeting; however, a scriveners error was discovered in the Notice of Hearing for that date, so this Amended Notice of Hearing is to provide you notice that this matter has been rescheduled and will be presented to the Sanibel City Council at a public hearing to be held at 9:00 a.m. on January 13, 2026, at McKenzie Hall, Sanibel City Hall, 800 Dunlop Road, Sanibel, FL 33957, for the purpose of making application to City Council for a lien assessment against the Subject Property for the cost of the demolition work and associated costs, in the total amount of \$25,954.96 (including \$25,500 in

demolition costs and \$454.96 in related administrative costs), in accordance with Section 14-272 (included herein).

Glenn Nixon

12/16/2025

Glenn Nixon Code Enforcement Manager

If you have any questions about this process, please contact Glenn Nixon Code Enforcement Manager at Glenn.Nixon@MySanibel.com or 239-470-3181.



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

ATTACHMENT A

CODE REFERENCES FOR NOTICE OF VIOLATION CASE NO. 2025-001640

The City has the right to assess liens on the property in accordance with Section 14-272, as follows:

- a) Billing and notice. Promptly after completion of any demolition, repairs, alterations, clearing or cleanup done by the city under authority of this article, the enforcing official shall cause the owner to be billed for the cost of such work including labor, materials and title searches. The bill shall be served upon the owner by delivery to the owner personally or by certified mail, return receipt requested, at his/her last known address as shown in the city tax rolls. If the bill is not paid within 30 days following such service, the owner shall be notified of the enforcing official's intention to apply for a lien against the property. Such notice shall:
 - (1) Describe the premises involved either by legal description or street address;
 - (2) Describe the nature of the work done thereon and state the amount for which a lien assessment is sought;
 - (3) Specify the date on which the city council will hold a public hearing for the purpose of making a lien assessment against the property for the cost of the work done thereon, and advise the owner of his/her right to be heard on any matter pertaining to the proposed lien assessment; and
 - (4) Such notice shall be served on the owner not less than ten days prior to the date set for the hearing in the same manner as set forth in this section.
- b) Hearings on liens. At the hearing, the enforcing official shall report to the city council on the nature of the work accomplished, the cost of the work, and the service of the required notice. All interested parties shall be given an opportunity to be heard at such hearing with respect to the validity and amount of the proposed lien assessment.
- c) Levy by city council. After such hearing, the city council may levy an assessment against the property for the cost of such work done on such property in such amount as the city council may find to be proper and reasonable. Such assessments shall be made by the adoption of a resolution containing findings of the city council, including the finding that:
 - (1) The procedures of this article have been followed;
 - (2) That the work done was in conformity with the requirements of this article; and
 - (3) That the amount of assessment is just and reasonable and based on the actual cost of such work.

The resolution shall contain a legal description of the property, the names of the owners of such property, and such other information as may be deemed appropriate. The assessment shall become effective immediately upon the adoption of the resolution and shall bear interest thereafter at the rate of ten percent per annum. Upon the adoption of the resolution, the city shall have a lien against the property on which the work was done and on the real estate on which it is located, as described in the resolution, which lien shall be of equal dignity, with other municipal liens for taxes, levies and



City of Sanibel

Code Enforcement
2475 Library Way
Sanibel, FL 33957
239-472-4555

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.

- d) Notice of adoption of resolution A copy of such resolution shall be served on the owner by certified mail within ten days of the date of its adoption.

DIRECTION
69 deg(T)

26.44571°N
082.13540°W

ACCURACY 17 m
DATUM WGS84



Albert Sanchez
Code Enforcement
Officer

2025-12-16
14:43:49-05:00

Code Officer Affidavit

As it pertains to Code Case-CODE-001640-2025

I, Albert Sanchez, Code Officer for the City of Sanibel, swear and affirm that the following information is true and accurate:

- On December 16th, 2025, I posted the Notice of Hearing City Council Consideration of Lien on the property location

at 4560 Waters Edge Ln., Sanibel, Florida 33957, as demonstrated in the photos, and at City Hall located at 800 Dunlop Rd as provided for in Florida Statutes 162.12.

Albert Sanchez 12/16/2025

Signature of Code Officer

Exhibit 5: 1 Page

Costs of hearing case through first hearing

Standard Administrative Costs
for Hearing Case Through First Hearing
Case #2025-001640

<u>CHARGE</u>	<u>PER HOUR</u>	<u>NO. HOURS or INSPECTIONS</u>	<u>TOTAL</u>
Inspections	\$50.00 each	3	\$150.00
Certified Mailings	\$11/\$35/Intl. each		\$ 22.00
City Attorney/case prep	\$280.00		\$
Staff Case review-at various stages during process with the Planning Director and/or City Manager.	\$75.00 per case		\$75
City staff required at hearing.	\$75.00 per hearing		\$75
Code Enforcement Mgr.	\$59.73	2	\$ 119.46
			\$
Deputy Planning Director	\$84.03		\$
Albert Sanchez	\$45.45		\$ 45.45
Senior Planner	\$84.03		\$
Police Officer	\$52.85		\$
Sabine Schroeder	\$34.54		\$
City Manager	\$165.54		\$
Scotty Lynn Kelly	\$86.11	.5	\$43.05
Natural Resources Director	\$110.65		\$
Building Official	\$115.49		\$
Dana Dettmar	\$56.86		\$
Joel Caouette	\$62.13		
Deputy Building Official	\$77.30		
Hearing Examiner Tony Gargano, Esq			\$
		TOTAL COSTS TO DATE	\$ 454.96

The City of Sanibel requests that the Hearing Examiner find a violation in case CODE 2025-001640. Case preparation costs of \$ 454.96 be assessed to the respondent.

Glenn Nixon
Glenn Nixon Code Enforcement Manager
City of Sanibel, Florida