

65 Lenox Street
Newton, MA 02465

March 14, 2025

Mr. John Agnew
City Attorney
City of Sanibel
800 Dunlop Road
Sanibel, FL 33957

Dear Mr. Agnew,

Thank you for the opportunity to share our thoughts with you ahead of your March 18, 2025 City Council Meeting. We write to you today as tax paying residents of Sanibel, Florida. We have a home at 4546 Waters Edge Lane which is just adjacent to 4560 Waters Edge Lane.

We have been so pleased to see the island recovering in the 2.5 years since Hurricane Ian. So many people have worked very hard and spent a lot of money to make forward progress. 4560 Waters Edge Lane has been completely vacant with no action taken since Hurricane Ian. We are writing to encourage you and City Council to consider taking next steps (which we understand to be foreclosure action) with this home as the current lien (which I believe went into place about 10 months ago in May) does not seem to be incentivizing the home owners to take action.

We have several concerns around the state of our neighbor's home which include safety and visual appearance. As you may know, 4560 Waters Edge Lane is completely open and has not been touched since the storm on September 28, 2022. One safety concern we have is the potential for a population of animals to set up a home in the wide open residence. Rodents are the most obvious risk, but we could see a wide variety of animals finding the home appealing. A second safety concern we have is the very large danger of a pool filled with storm water and without a fence around it. As the property stands today, any child or pet could wander into that backyard and drown. In terms of the visual appearance, this home detracts from the charm and appeal of our neighborhood. It happens to be in a highly visible part of the neighborhood (on the way to the beach access), so it is particularly disruptive to the neighborhood. Of course, there are many homes in various stages of construction all over the neighborhood, but construction is ok because we know the homes are being cared for and will eventually be restored. We would love to see this home cared for and restored as well.

Thank you so much for everything you are doing to help the city of Sanibel to recover from Hurricane Ian. We appreciated the opportunity to share our thoughts.

Regards,

Melissa Yanagi

Melissa and Tad Yanagi
4546 Waters Edge Lane, Sanibel, FL
Melissayanagi@gmail.com
(860) 338-4060

PARCEL #: 20-46-22-T4-00008.0150

THIS SPACE FOR RECORDING
**BEFORE THE HEARING EXAMINER OF
SANIBEL, FLORIDA**

CITY OF SANIBEL
Petitioner

VS.

Case # 2024-1143

Dorothy W. R. Messenger
Respondent

CODE ENFORCEMENT ORDER
(According to Chapter 162, Florida Statutes)

THIS CAUSE was heard at a public hearing on May 13, 2024, before the undersigned Hearing Examiner. The Petitioner was present and the Respondent was not present.

THE HEARING EXAMINER having considered the sworn testimony, evidence, and arguments presented by the Petitioner, and the Respondent not having appeared or presented any testimony, evidence, or argument, the Hearing Examiner finds and decides as follows:

A. FINDINGS OF FACT

1. The City of Sanibel Code Inspector initiated these proceedings.
2. All testimony was given under oath.
3. The Respondent, Dorothy W. R. Messenger is the owner of the Respondent's Property, located at 4560 Waters Edge Lane, Sanibel, Florida, 33957, (the "Respondent's Property").
4. The Notice of Violation and Notice of Hearing were properly served by posting on the Respondent's Property.

RECEIVED CITY OF SANIBEL
MAY 17 2024 AM 10:33

RECEIVED
MAY 17 2024 AM 11:23
SANIBEL LEGAL

RECEIVED SANIBEL LEGAL
MAY 17 '24 AM 11:23

5. The Respondent has violated the City of Sanibel Ordinance as alleged in the Notice of Violation by failing to: secure the doors and windows of the dwelling; secure the pool area; maintain the pool (or empty and cover it) or install a temporary six foot fence around the perimeter of Respondent's Property; and remove rubbish in the yard and maintain the yard.

6. Petitioner has incurred costs in the amount of \$302.30.

B. CONCLUSIONS OF LAW

1. These proceedings are pursuant to the Local Government Code Enforcement Boards Act, Chapter 162, Florida Statutes.

2. The Hearing Examiner has the authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist.

3. Respondent, has failed to abate the violations by failing to: secure the doors and windows of the dwelling; secure the pool area; maintain the pool (or empty and cover it); or install a temporary six foot fence around the perimeter of Respondent's Property; and remove rubbish in the yard and maintain the yard.

4. Petitioner has prevailed in prosecuting its case and according to 162.07 (2), Florida Statutes, Petitioner is entitled to recover all costs in prosecuting the case which shall be included in the lien authorized by 162.09 (3).

5. Respondent's violation of any of the City of Sanibel Code provisions set forth in the Notice of Violation within five (5) years shall be a repeat violation as defined by 162.04 (5), Florida Statutes.

Wherefore it is ORDERED:

1. Within ten (10) calendar days from the date of this Order, Respondent shall abate the violation by: (1) securing the doors and windows of the dwelling; securing the pool area; maintaining the pool (or emptying and covering it) or installing a temporary six foot fence around the perimeter of Respondent's Property; and removing rubbish in the yard and maintaining the yard; and (2) by paying Petitioner's Costs in the amount of \$302.30.

2. If Respondent fails to timely perform the foregoing, then a fine in the amount of \$200.00 per day shall be begin to accrue, without further order, until Respondent fully complies with this Order and abates the violations; and in addition the Petitioner may, in its sole discretion, secure the Respondent's Property and the cost thereof shall be added to the costs due from Respondent to the Petitioner under this Order.

3. This Order may be supplemented to add the Petitioner's additional costs.

Upon recording this Order in the Public Records, this Order shall constitute a lien against all of Respondent's real and personal property, including but not limited to the Respondent's Property described herein, and subsequent foreclosure of the lien may result in the loss of such property.

Done and ordered on May 14, 2024 at Sanibel, Lee County, Florida.



Anthony J. Gargano

Hearing Examiner in and for the City of Sanibel

Note: Appeal: An aggrieved party may appeal an order of the Hearing Examiner to the Circuit Court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been sent by U.S. Mail to Respondent Dorothy W. R. Messenger at 20732 Wolftap Street, Lexington Park, MD 20653; and to Petitioner, City of Sanibel, c/o John D. Agnew, Office of Legal Affairs, 800 Dunlop Road, Sanibel, Florida 33957-4096 on May 14, 2024.



Anthony J. Gargano

Hearing Examiner in and for the City of Sanibel

RECEIVED CITY OF SANIBEL
MAY 17 2024 AM 10:34

RECEIVED SANIBEL LEGAL
MAY 17 '24 AM 11:23