

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20041492

1. REQUESTED MOTION:

ACTION REQUESTED: Approve reduction in demolition and lot mowing liens totaling approximately \$7,166 down to \$2,200 for a parcel located at 4976 N. Galaxy Drive, East Fort Myers, payable within 60 days from date of Board approval.

WHY ACTION IS NECESSARY: Board approval is required for mitigation of county assessment liens.

WHAT ACTION ACCOMPLISHES: Allows assessment lien to be released.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #**

C4A

3. MEETING DATE:

12-07-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Dev.
- C. DIVISION Development Services

BY: Robert Stewart
Building Official *BS*

7. BACKGROUND:

Lee County has recorded special assessment liens on vacant property located at 4976 N. Galaxy Drive, East Fort Myers. The demolition and lot mowing liens plus accrued interest total approximately \$7,166. Mrs I. Hyacinth Gordon-Grant is requesting that the Board reduce the liens.

The property has an assessed value of \$5,590 and still has a sewer assessment lien of approximately \$1,000. The property was purchased at tax sale for \$2,383.30.

Staff recommends the liens be reduced to \$2,200 payable within 60 days. This is the amount Code Enforcement would likely receive were the County to have pursued foreclosure action on the property.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>M. Gibbs</i>				<i>Schud Medyne 11-22-04</i>	<i>OA 11/23/04</i>	<i>OM 11/23/04</i>	<i>RISK 11/23/04</i>	<i>GC 11/23/04</i>	<i>11/23/04</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: <i>11/22/04</i>
Time: <i>11:35</i>
Forwarded To: <i>CC - Admin. 11/22/04 - JJK</i>

RECEIVED BY COUNTY ADMIN: <i>JD</i>
<i>11/22/04</i>
<i>3:40 pm SL</i>
COUNTY ADMIN FORWARDED TO: <i>11-30-04</i>
<i>11-30-04</i>

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES

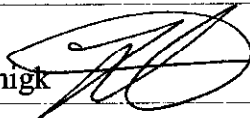
LEE COUNTY
RECEIVED

08 AUG 18 PM 12:01

COMM. DEV/
PLANNING & ENVR. CNTR.
2ND FLOOR

DATE: August 12, 2004

TO: Bob Stewart
Building Official

FROM: Fred Roenigk 
Senior Code Enforcement
Officer

RE: Request to mitigate Demolition and Lot Mowing Liens

Please find the attached request from I. Hyacinth Gordon-Grant.

Mrs Gordon Grant purchased the parcel at 4976 N. Galaxy Drive at tax sale on May 25, 2004. The property was purchased for \$2383.30 and is currently assessed at \$5590.00.

The County holds a lien for the demolition of an unsafe structure on the parcel. The principal amount of the lien is \$1075.00 with accrued interest of \$1630.42 (\$2705.42).

There are also eleven lot mowing liens totaling \$2155.76 principal and 2305.09 interest (\$4460.85)

In addition there is a lien for an abated code enforcement case in the amount of \$49,750.00.

According to the request there are also approx. \$1000 in principal and interest due for the East Lee County Sewer Project.

The tax sale purchase price, and special assessment liens owed total more than twice the assessed value. This does not include the Code enforcement lien.

The County should receive approx \$900.00 in overbid funds towards the liens.

If all interest is waived by the Board and the code enforcement lien is mitigated by the Hearing Examiner to the County's costs, the new owner would still have over \$6000 invested in the parcel.

I believe that failure to grant some relief would cause the new owner to abandon the parcel and create similar maintenance problems for the County.

Thanks!

cc: Rick Roberts, Chief Code Enforcement Officer
Dawn Perry-Lehnert, Assistant County Attorney

4020 S.W. 151 Terrace
Miramar, FL 33027

July 28, 2004

Mr. Fred Roenigk
Code Enforcement
Lee County Board of Commissioners
P.O. Box 398
Fort Myers, FL 33902

Dear Mr. Roenigk:

Re: Property Identification #16-44-25-03-000D.0140

As I have stated during my visit to your offices on July 27, 2004, I attended an auction at the Lee County Clerk of Circuit Court on May 25 where I purchased the above-captioned property for the sum of Two Thousand Three Hundred and Eighty Three Dollars and Thirty Cents (\$2,383.30) including fees (see attached receipt). This was my first time at an auction after an invitation from a friend. I felt that there were sufficient properties on the list that everyone could have gotten one if some members of the audience did not gobble up most of the bids. Some of the audience had started to disappear towards the end of the session. I felt I could try for the last piece on the list and so I did. I had no idea that such an act might have brought me to my knees in such grief.

Shortly thereafter, I received an "Official Notification of Code Violation" letter (copy attached) dated June 22, 2004 from Lee County Development Services Division, Code Enforcement. In essence, this letter stated that the property was a nuisance and that I needed to cut the grasses and weeds which were in excess of sixteen (16) inches high on over 50% of the property. I thought for a moment that this was rather strange because I just bought the property--not even a month--from the County, and there has not been any rain since. In any event, I called the County and spoke with Mr. John McNabb regarding the letter who told me that it was my responsibility. I made several phone calls, visited the property, to try to rectify the situation.

By early July 2004, I received yet another letter (copy attached) in my mail box. This one is even more disconcerting. This letter "2004 INVOICE" dated July 1, 2004 from Lee County Utilities Division referred to amounts owed on the said property due to East Lee County Sewer Project. The invoice specified that there were \$470.25 for principal from prior years, \$617.61 for interest from prior years, and \$21.95 for interest for 2004 billing. It also specified total which was the

Page 2

Dear Mr. Roenigk:

Re: Property Identification #16-44-25-03-000D.0140

minimum payment due which was same as the total amount in full by a due date of July 31, 2004. I was stunned. I made a phone call to the office and spoke with Ms. Judy Raye who informed me that this amount was accumulated over a number of years for the sewer project done in 1983. She proceeded to offer me a payment plan. In 1983, I was not even a residence of the United States, and own the land for less than two months.

On July 27, my husband and I went to the County's Delinquent Tax Department to try to resolve the issue. Upon inquiring whether the overbid amount could be put towards the sewer project invoice that I received, we were told that the amount of \$910.13 was already applied towards a lien on the property and that that was only a small portion of the lien. We were made aware that Lee County liens on the property were to the tune of \$56,916.27 (see attachments). Words cannot describe how I felt. My dark face turned pale. My heart was racing, and I felt like my heart fell flat on the floor. I could only call upon the Almighty, dear Jesus, please have mercy upon me. I can remember saying it aloud and covering my mouth when I realized that I uttered it aloud.

I am sure you would agree that this whole scenario is outrageous and unreasonable. If additional amounts were owed to Lee County, it is difficult to understand why they were not included in the bid price from the onset. These taxes and interest on the taxes were owed by the previous owner for over the past 20 years. For the County to transfer this enormous amount to me, I think is grossly unreasonable. From the County's records, the property is assessed to carry a value of \$5,690 (see attachments). I work as an administrative assistant and cannot afford to pay this amount for myself nor for anyone else that owed it for the past 20 years. I hereby request that Lee County Board of Commissioners reconsider the issue and waive these charges and/or taxes.

Your cooperation in this matter would be very much appreciated.

Sincerely,



I. Hyacinth Gordon-Grant

Attachments

TAX DEED
SEC. 197 FS



Return to: TAX DEPT

This instrument prepared by :
Delinquent Tax Department
Charlie Green, Clerk of Circuit Court
P.O. Box 2278, Ft. Myers, FL 33902

INSTR # 6290826
OR BK 04311 Pg 2645; (1pg)
RECORDED 05/25/2004 04:25:38 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 6.00
DEED DOC 16.00
DEPUTY CLERK B Lantis

Tax Deed File #: 2003-005133
Property Identification #: 16-44-25-03-0000D.0140

STATE OF FLORIDA
COUNTY OF LEE

The following Tax Sale Certificate Numbered 04210 issued in 1997 was filed in the office of the Tax Collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 25th day of May, 2004, offered for sale as required by law for cash to the highest bidder and was sold to:

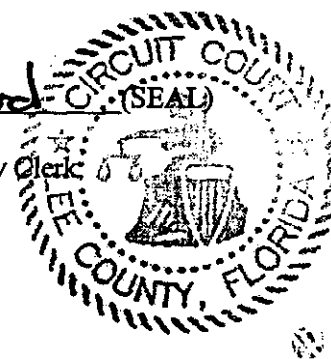
I. HYACINTH GORDON-GRANT
ITF DERRICK GRANT
4020 SW 151 TER
MIRAMAR, FL 33027

being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

NOW, this 25th day of May, 2004, the County of Lee, State of Florida, in consideration of the sum of \$2,360.50 being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State and described as follows:

LOT 14, BLK D, UNIT 2, GOLDEN LAKE HGTS.
PB 23 PG 63 OR 1475 PG 1116

Debbie Underwood
Clerk of Circuit Court
Debbie Underwood, Deputy Clerk
Lee County, Florida



Witness:

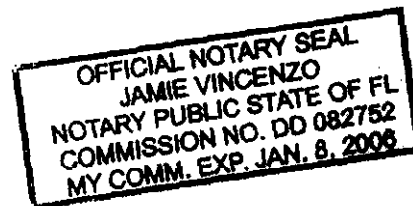
Bryan Mayer *Bryan Mayer*
Lisa Maxim LISA MAXIM

STATE OF FLORIDA
COUNTY OF LEE

On this 05/25/2004, before me a notary personally appeared Debbie Underwood, Deputy Clerk in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be her own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

Jamie Vincenzo



5/25/04

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: June 14, 2004

To: Helen Carroll
Clerk of Courts, Recording

FROM: *Dawn E. Perry-Lehnert*
Dawn E. Perry-Lehnert
Assistant County Attorney

**RE: Public Sale Surplus Funds Request
Tax No. 2003-005133
File LU-1006.YY.**

Attached is a Statement of Claim Affidavit and request for a portion of the surplus funds generated by sale of the property located at 4976 N. Galaxy Drive. The total claim amount is \$910.13.

Also attached is a copy of the overbid letter generated by your office evidencing the available surplus funds.

Should you have any questions concerning the above, please do not hesitate to contact me.

DPL:tlb
attachments

cc: Fred Roenigk, Code Enforcement w/affidavit only

STATE OF FLORIDA
COUNTY OF LEE

STATEMENT OF CLAIM AFFIDAVIT

Dawn E. Perry-Lehnert, Assistant County Attorney, on behalf of the Lee County Board of County Commissioners, being duly sworn:

1. I am an Assistant County Attorney for the Lee County Board of Commissioners. The purpose of this application is to support an application to obtain a portion of the surplus funds resulting from the May 25, 2004 public sale of the property described below. The apparent surplus is \$910.13.

2. Lee County holds a lien of record against the subject property.

3. The total amount due and owing on the Lee County Code Enforcement Demolition Lien recorded at OR Book 2054, Page 499 is \$2,705.42; Lot Mowing Lien recorded at OR Book 2305, Page 2138 is \$466.04; Lot Mowing Lien recorded at OR Book 2348, Page 2315 is \$454.58; Lot Mowing Lien recorded at OR Book 2420, Page 2626 is \$437.39; Lot Mowing Lien recorded at OR Book 2469, Page 3657 is \$428.96; Lot Mowing Lien recorded at OR Book 2537, Page 3435 is \$433.63; Lot Mowing Lien recorded at OR Book 2592, Page 2500 is \$419.64; Lot Mowing Lien recorded at OR Book 2667, Page 2324 is \$402.80; Lot Mowing Lien recorded at OR Book 2727, Page 862 is \$394.79; Lot Mowing Lien recorded at OR Book 2827, Page 1245 is \$370.74; Lot Mowing Lien recorded at OR Book 2988, Page 3921 is \$340.68; Lot Mowing Lien recorded at OR Book 3078, Page 3108 is \$311.60; and Code Enforcement Lien recorded at OR Book 2043, Page 1270 is \$49,750.00. Lee County claims the total amount due and owing of \$56,916.27.

4. The legal description of the property is as follows:

Lot 14, Block "D", of that certain subdivision known as Golden Lake Heights, Unit 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 23, Page 63, Public Records of Lee County, Florida.

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Maria M. Encarnacion

Witness

MARIA M. ENCARNACION

Printed Name

John J. Fredyma

Witness

JOHN J. FREDYMA

Printed Name

Dawn E. Perry-Lennert

Dawn E. Perry-Lennert

Assistant County Attorney

Subscribed and sworn to before me this 14th day of June, 2004.

Tina L. Boone

Notary Public

Personally Known

My Commission Expires:



Tina L. Boone

My Commission DD245993

Expires September 01 2007

MEMORANDUM

FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES

2004 JUN 11 PM 12:11
RECEIVED BY
LEE CO. ATTORNEY

DATE: June 10, 2004

TO: Dawn Perry-Lehnert
Asst. County Attorney

FROM: Fred Roenigk
Senior Code Enforcement
Officer

RE: SURPLUS FUNDS - Charles R. Guedel 2003-005133

Please find the attached copy of the Tax Collectors Statement for the property at 4976 N Galaxy Drive. There is a surplus of \$910.13 and we have one demolition lien, eleven mowing liens and one code enforcement liens recorded against the parcel.

OR 2054P499 - unsafe building
Principal 1075.00
Interest thru 5-25-04 1630.42
Total 2705.42

OR2305P2138 LM
Principal 191.00
Interest thru 5-25-04 275.04
Total 466.04

OR2348P2315 LM
Principal 191.00
Interest thru 5-25-04 263.58
Total 454.58

OR2420P2626 LM
Principal 191.00
Interest thru 5-25-04 246.39
Total 437.39

OR2469P3657 LM
Principal 191.50
Interest thru 5-25-04 237.46
Total 428.96

Page 2

OR 2537P3435 LM

Principal	199.83
Interest thru 5-25-04	233.80
Total	433.63

OR2592P2500 LM

Principal	199.83
Interest thru 5-25-04	219.81
Total	419.64

OR2667P2324 LM

Principal	200.40
Interest thru 5-25-04	202.40
Total	402.80

OR2727P862 LM

Principal	200.40
Interest thru 5-25-04	194.39
Total	394.79

OR2827P1245 LM

Principal	200.40
Interest thru 5-25-04	170.34
Total	370.74

OR2988P3921 LM

Principal	200.40
Interest thru 5-25-04	140.28
Total	340.68

OR3078P3108 LM

Principal	190.00
Interest thru 5-25-04	121.60
Total	311.60

OR2043P1270	HE88-163 (abated)	CE
Fine		49750.00

Total of Liens

\$56916.27

Please attempt to secure any available funds.

Thanks!

**PROPERTY DATA FOR PARCEL 16-44-25-03-0000D.0140
TAX YEAR 2004 PRELIMINARY**

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 (Preliminary)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)
| [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2004 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

FORDON GRANT I HYACINTH +
GRANT ITF DERRICK T/C
4020 SW 151 TER
MIRMAR FL 33027

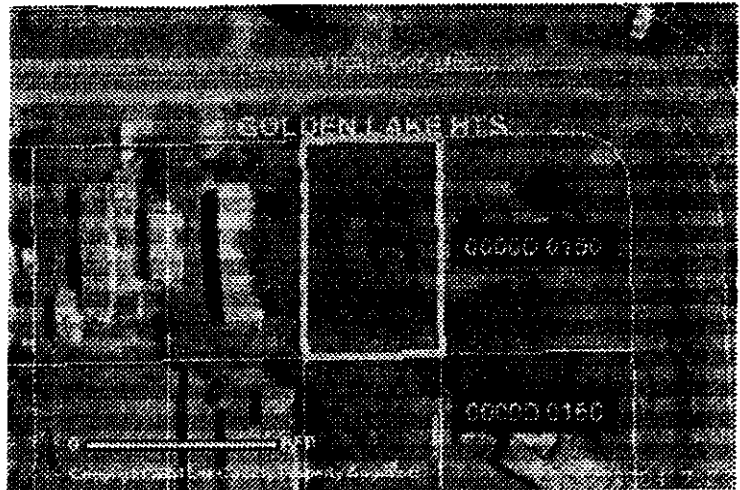
SITE ADDRESS

4976 N GALAXY DR
FORT MYERS FL 33905

LEGAL DESCRIPTION

GOLDEN LAKE HGTS. UNIT 2
BLK D PB 23 PG 63
LOT 14 .

[[VIEWER](#)] [TAX MAP](#) [[PRINT](#)]



[[PICTOMETRY](#)]

TAXING DISTRICT

141 - TICE FIRE/EAST CO SEWER MSTU

DOR CODE

00 - VACANT RESIDENTIAL

PROPERTY VALUES

[[New!](#) [HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

JUST	5,590	HOMESTEAD	0 UNITS OF MEASURE	FF
ASSESSED	5,590	AGRICULTURAL	0 NUMBER OF UNITS	60.00
ASSESSED SOH	5,590	WIDOW	0 FRONTAGE	60
TAXABLE	5,590	WIDOWER	0 DEPTH	95
BUILDING	0	DISABILITY	0 BEDROOMS	
LAND	5,590	WHOLLY	0 BATHROOMS	



Search...

[Home](#) [Taxes](#) [Vehicles & Vessels](#) [Hunting & Fishing](#) [Occupational License](#)

- [LCTC Home](#)
- Information**
 - [Announcements](#)
 - [Calendar of Events](#)
 - [Hours & Locations](#)
 - [Employment](#)
 - [Contact Information](#)
 - [Other Agencies](#)
 - [Related Links](#)
 - [About Us](#)
 - [Site Map](#)
- Record Search**
 - [Vehicles & Vessels](#)
 - [Tangible Property](#)
 - [Real Estate Property](#)
 - [Tax Certificates](#)
 - [County Held Certificates](#)
 - [Occupational Licenses](#)
- Payments**
 - [Payment Information](#)
 - [Pay Online](#)
 - [Pay Online Help](#)
- Services**
 - [Address Change](#)
 - [Downloads](#)
 - [Forms](#)
 - [Glossary of Terms](#)
 - [Site Search](#)
 - [Website Tips](#)
 - [FAQs](#)

Real Property Information		
Account	Tax Year	Status
16-44-25-03-0000D.0140	2003	DELQ
Original Account	Book/Page	
16-44-25-03-0000D.0140	4311 /2645	
Physical Address	Mailing Address	
FORDON GRANT I HYACINTH + GRANT ITF DERRICK T/C 4976 N GALAXY DR FORT MYERS FL 33905	FORDON GRANT I HYACINTH + GRANT ITF DERRICK T/C 4020 SW 151 TER MIRMAR FL 33027 USA	
Legal Description		
GOLDEN LAKE HGTS.UNIT 2 BLK D PB 23 PG 63 LOT 14		
Outstanding Balance as of 7/23/2004		\$119.56

See also:

Additional Information: [Tax Detail](#) [New Search](#)

District	141
Market Assessed Value	\$5,590.00
Agricultural Exemption	\$0.00
Assessed SOH Value	\$5,590.00
Homestead Exemption	\$0.00
Other Exemption	\$0.00
Wholly Exemption	\$0.00
Taxable Value	\$5,590.00
Senior Exemption	\$0.00
Historical Exemption	\$0.00
Economic Exemption	\$0.00
Tax Amount	\$111.78
Ad Valorem Taxes	
Taxing Authority	Millage Rate Taxes Levied
PUBLIC SCHOOL - BY LOCAL BOARD	2.5890 \$14.47
PUBLIC SCHOOL - BY STATE LAW	5.7570 \$32.18
LEE COUNTY CAPITAL IMP	1.0124 \$5.66
LEE CO UNINCORPORATED - MSTU	1.2114 \$6.77
LEE COUNTY GENERAL REVENUE	4.3277 \$24.19
LEE COUNTY HYACINTH CONTROL	0.0295 \$0.16
LEE COUNTY LIBRARY FUND	0.9630 \$5.38