



MEMORANDUM

Office of the City Attorney

001373
Phone: 334-5011/Fax 334-2229
Box 46

new item

TO: Mayor and City Commission
FROM: City Attorney
SUBJECT: PARTIAL RELEASE OF LIEN
CEB CASE NO. 2000-047

DATE: May 29, 2001

Recommendation: The City Commission authorize the Mayor to execute a Partial Release of Lien in the Code Enforcement Board case, City of Gainesville v. Baskin, Case No. CEB 2000-047.

Carl Baskin was found guilty of code enforcement violations at 1524 NE 3rd Avenue, resulting in a fine and a lien being attached to that property and all other property owned by Mr. Baskin. The property at 1524 NE 3rd Avenue is now in compliance, although the lien is still attached and the fine still exists. The fine is approximately \$10,000. Mr. Baskin has a 1/16th interest in the property sought to be released. The City's lien attaches to this property as well. There is a sale pending on the property and the lien was just recently discovered. Mr. Baskin is estimated to receive approximately \$800.00 from the sale of this other property. Mr. Baskin, through attorney Robert Roundtree, requested last week that the City partially release its lien only as to this other property. In exchange, Mr. Baskin is willing to pay \$400.00 towards his existing fine. Partially releasing the lien does not release the lien as to other property owned by Mr. Baskin. Further, it does not affect the existing fine.

Robert Roundtree requested last week that this item be approved at the regular City Commission meeting on May 29, 2001, so that Mr. Baskin and the other parties may close on the other property. The City Attorney's Office has no objection to partially releasing this lien as to the subject property only. Furthermore, the Code Enforcement Division does not object to a partial release, especially since the violating property is now in compliance. The City Attorney's Office has prepared a Partial Release and requests the City Commission to authorize the Mayor to execute.

The Partial Release of Lien and a copy of the letter from Mr. Roundtree in support of his request are attached.

Prepared by: 
Debra S. Babb, Assistant City Attorney

Approved and
Submitted by: 
Marion J. Radson, City Attorney

GAINESVILLE CODE ENFORCEMENT BOARD

CITY OF GAINESVILLE,

Petitioner,

vs.

CASE NO. CEB 2000-047

CARL BASKIN,

PARTIAL RELEASE OF LIEN

Respondent.
_____ /

This is to certify that the Order Imposing Penalty/Lien, which runs in favor of the City of Gainesville, was recorded by the Gainesville Code Enforcement Board on April 23, 2001, in Official Records Book 2351, Page 1742, Public Records of Alachua County, Florida, is hereby released and canceled, but only as against the following described real property:

The Southeast ¼ of Northeast ¼ of Section 11, Township 9 South, Range 18 East, Alachua County, Florida, LESS the right of way for Interstate 75 by Order of Taking recorded in Official Records Book 181, page 185 and LESS the City of Gainesville Power Line right of way by Order of Taking recorded in Official Records Book 1464, page 256, all as per the Public Records of Alachua County, Florida.
Tax Parcel Number: 04109-000-000

This is a partial release only as to the foregoing described property; as to all other property of the Respondent, the Order Imposing Fine continues to be in full force and effect.

Dated this ____ day of May, 2001.

CITY OF GAINESVILLE

By: _____
THOMAS D. BUSSING, MAYOR

Prepared by: City Attorney
P.O. Box 1110
Gainesville, FL 32602
(352) 334-5011

CLAYTON-JOHNSTON, P.A.

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ROBERT E. ROUNDTREE, JR.**
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ERWIN A. CLAYTON
(1897 - 1986)

E. COVINGTON JOHNSTON
- RETIRED -

Email address:
roundtree@clayton-johnston.com

May 24, 2001

Debra S. Babb, Esquire
Assistant City Attorney
P.O. Box 1110
Gainesville, Fl 32640-1110

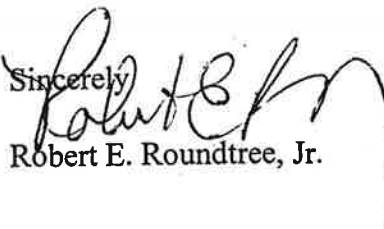
Re: Carl Baskin
Case No.: CEB 2000-047

Dear Debra:

This letter will confirm our settlement agreement whereby the City Attorney's office will recommend that the Mayor execute a partial release of lien regarding Mr. Baskin's interest in the Baskin/Williams heir property for \$400.00. The city's lien rights will continue as to any other property owned by Mr. Baskin until such time as the issue of the fines outstanding have been resolved. It is my understanding that Mr. Baskin has brought the property which is subject to the fines into compliance as of this date.

Enclosed is the legal description and tax parcel number of the property being released. It is my understanding that Sue Ann Williamson will prepare the release for the Mayor's signature. The closing is to take place by May 31, 2001 so your prompt attention to this matter is appreciated.

Thank you for your cooperation in this matter. The other heirs certainly appreciate the City's prompt attention to this matter.

Sincerely,

Robert E. Roundtree, Jr.

RERjr/mwt
enclosure: as stated

EXHIBIT "A"

The Southeast 1/4 of Northeast 1/4 of Section 11, Township 9 South, Range 18 East, Alachua County, Florida, LESS the right of way for Interstate 75 by Order of Taking recorded in Official Records Book 181, page 185 and LESS the City of Gainesville Power Line right of way by Order of Taking recorded in Official Records Book 1464, page 256, all as per the Public Records of Alachua County, Florida.

Tax Parcel Number: 04109-000-000

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(1997 - 1986)

E. COVINGTON JOHNSTON
- RETIRED -

May 29, 2001

Internet address:
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Marion J. Radson, Esquire
Gainesville City Attorney
P.O. Box 1110
Gainesville, Florida 32602

HAND DELI VERY

Re: Carl Baskin
Case No.: CEB 2000-047
Partial Release of Lien

Dear Mr. Radson:

This letter will confirm our conference today wherein you agreed to attempt to place the above referenced item on the agenda for today's City Commission meeting.

When I spoke with your office last week, it was their understanding that the resolution gave the Mayor the power to execute the partial release without commission action. It was agreed that the city would execute a partial release of the code enforcement lien as to Mr. Carl Baskin's interest in the Baskin/Williams heir property for \$400.00. The city's lien rights will continue as to any other property owned by Mr. Baskin until such time as the issue of the fines outstanding have been resolved. It is my understanding that Mr. Baskin has brought the property which is subject to the fines into compliance as of this date.

To give you a brief history, I have been involved with this family's efforts to sell this property since 1984. Since that time, I have worked with the Williams and Baskin families in an effort to help sell this property for them. There have been several contracts on the property which for one reason or another have fallen through. At one point in 1997, we had a sales contract, but when southern pine beetles were discovered on the property, the buyer backed out. There was protracted correspondence and in contacting all of the heirs to obtain approval, to sell the timber, and in distributing the proportional sales proceeds to each heir.

Our new contract has not been without difficulty. Most all of the heirs in this matter are elderly; one has died within the past two months, and Pearl Williams' health is failing. The heirs are also scattered up and down the east coast. It would be in the best interest of all of the heirs, to

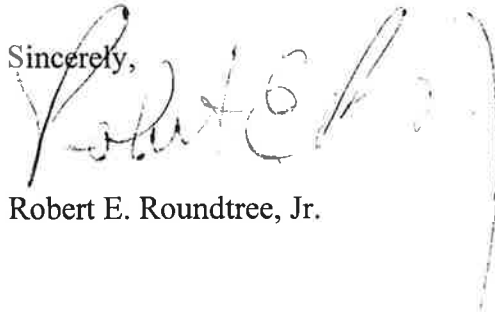
May 29, 2001
Page 2

resolve this matter as soon as possible, and to be able to forward their share of the sales proceeds to them and close this matter. Mr. Carl Baskin has an interest of less than 2% in this undeveloped piece of property which lies west of I-75 in Alachua County.

The contract calls for a closing by the end of this month. We certainly do not want to lose this sale because of the inability to obtain a partial release of lien over a technicality, especially when there is an agreement as to the amount to be paid for the release. Whatever help you can give to put this matter on the agenda and help these heirs will be appreciated.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Roundtree, Jr.", with a large, sweeping flourish extending to the right.

Robert E. Roundtree, Jr.

RERjr/mwt

