



MEMORANDUM
Office of the City Attorney

Legistar No. _____

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

TO: Mayor and City Commission

DATE: July 24, 2000
RESOLUTION

FROM: City Attorney


SUBJECT: Resolution No. _____

A resolution of the City Commission of the City of Gainesville, Florida, authorizing the Mayor of the City of Gainesville to execute satisfactions and releases of liens approved by the Code Enforcement Board of the City of Gainesville as provided in this resolution; and providing an immediate effective date.


Recommendation: The City Commission adopt the proposed resolution.

Section 162.09(3), Florida Statutes, provides that any lien imposed by the Code Enforcement Board runs in favor of the local governing body and that the local governing body may execute a satisfaction or release of the lien. The proposed resolution authorizes the Mayor to execute satisfactions and releases of liens under certain circumstances.

Prepared by:


Debra S. Babb,
Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

MJR:DSB:sw

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RESOLUTION NO. _____

A resolution of the City Commission of the City of Gainesville, Florida, authorizing the Mayor of the City of Gainesville to execute satisfactions and releases of liens approved by the Code Enforcement Board of the City of Gainesville as provided in this resolution; and providing an immediate effective date.

WHEREAS, section 162.09(2)(c), Florida Statutes, provides that a Code Enforcement Board may reduce a fine it has imposed; and

WHEREAS, section 162.09(3), Florida Statutes, provides that any lien imposed pursuant to an order by the Code Enforcement Board runs in favor of the local governing body and the local governing body may execute a satisfaction or release of the lien; and

WHEREAS, it is in the best interests of the City that there exists an efficient, simple, and timely process to release certain code enforcement liens when releasing such liens would be a ministerial act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

1. The Mayor of the City of Gainesville is authorized on behalf of the City Commission to execute satisfactions and releases of liens arising from code enforcement violations in the following circumstances:

A. Where no underlying fine exists for that particular violation either because the individual has paid the fine or the fine was reduced or rescinded by the Code Enforcement Board to \$0.00. An affidavit of compliance must be issued by a code enforcement officer before the lien can be satisfied; or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

B. Where staff and the individual subject to the lien have entered into a written agreement that assures the property will be brought into compliance and the agreement has been approved by the Code Enforcement Board.

2. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2000.

PAULA M. DeLANEY
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

