



Legislation Details (With Text)

File #: 110704. **Version:** 0 **Name:** Partial Release of Lien Affecting 226 SW 5th Avenue, Tax Parcel #12986-000-000 (B)

Type: Staff Recommendation **Status:** Passed

File created: 3/1/2012 **In control:** City Manager

On agenda: **Final action:** 3/1/2012

Title: Partial Release of Lien Affecting 226 SW 5th Avenue, Tax Parcel #12986-000-000 (B)

This item requests that the City Commission release the above-referenced properties from the lien arising from Code Enforcement Board Cases: CEB 2010-142; CEB 2010-143; and CEB 2010-151.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 110704A_FL Statute 162.09(3)_20120301.pdf, 2. 110704B_Reeb Request_20120301.pdf, 3. 110704C_Map_20120301.pdf

Date	Ver.	Action By	Action	Result
3/1/2012	0	City Commission	Approved as Recommended	Pass

Partial Release of Lien Affecting 226 SW 5th Avenue, Tax Parcel #12986-000-000 (B)

This item requests that the City Commission release the above-referenced properties from the lien arising from Code Enforcement Board Cases: CEB 2010-142; CEB 2010-143; and CEB 2010-151.

Occasionally property owners have Code Enforcement Board (CEB) liens filed on multiple properties as permitted by 162.09(3) Florida Statutes, which allows liens "against the land on which the violation exists and upon any other real or personal property owned by the violator" (see Attachment A). These liens can serve as a barrier to those who would rehabilitate properties affected by a CEB lien that is recorded against multiple properties. In such cases, the greater need of the community may be served by the release of such properties from existing liens when the equity of the city lien is protected by other such properties. The authority of the CEB is limited and only the City Commission may execute a release of lien entered pursuant to 162.09, Florida Statutes.

Brandon S. Reeb is requesting the City Commission release such a lien affecting 226 SW 5th Avenue, Tax Parcel #12986-000-000 (see Attachment B). The three properties with the original violations were as outlined below:

- 1) The Code Enforcement Board issued an order on December 20, 2010 (Case# CEB 2010-142) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 818 NW 3rd Avenue, Tax Parcel #13748-000-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment A).
- 2) The Code Enforcement Board issued an order on December 20, 2010 (Case# CEB 2010-143) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 810 NW 3rd Avenue, Tax Parcel #13748-001-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment A).
- 3) The Code Enforcement Board issued an order on January 20, 2011 (Case# CEB 2010-151) finding Bonnie Laslo guilty of violating Sections of Chapter 13 of the Gainesville Code of Ordinances at 3443 NW 1st Court, Tax Parcel #06494-005-000. Ms. Laslo was provided 10 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment A).

On November 4, 2011, Brandon S. Reeb purchased the parcels at 226 SW 5th Avenue at a tax sale. This property was previously owned by Bonnie Laslo and subject to the aforementioned liens. At this time no city ordinance violations exist at 226 SW 5th Avenue and the property is located within the CRA Downtown Redevelopment Area. Additionally, Brandon S. Reeb does not own any properties that are subject to any known city ordinance violations. The petitioners request is that the property purchased by them be released from the lien placed on their property by Case #CEB 2010-142; #CEB 2010-143; and CEB 2010-151 which continue to be in violation and therefore secures that fine. On January 31, 2012, the total fines imposed for all three cases was assessed at \$235,598.01 and is currently accruing at \$250 per day for two cases and \$100 per day for one case.

No additional costs other than staff time. This is a partial release only as to the foregoing described properties; as to all other property encumbered by the lien, the order imposing fine continues to be in full force and effect.

The City Commission release 226 SW 5th Avenue, Tax Parcel 12986-000-000 from Code Enforcement Board liens related to CEB Case #CEB 2010-142; CEB 2010-143; and CEB 2010-151.