



## Legislation Text

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### PARTIAL RELEASE OF LIEN AFFECTING 704 NW 6TH AVE., TAX PARCEL #13564-000-000 (B)

This item requests that the City Commission release the above-referenced property from the lien arising from Code Enforcement Board Case No. CEB 2008-064, styled City of Gainesville v. Salvatore R. Gomes. Per section 162.09, Florida Statutes, fines ordered by the Code Enforcement Board may be recorded as liens "against the land on which the violation exists and upon any other real or personal property owned by the violator". On some occasions these liens serve as a barrier to those who would rehabilitate properties affected by a Code Enforcement Board 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 Code Enforcement Board is limited, and only the City Commission may execute a release of lien entered pursuant to 162.09, Florida Statutes.

On January 21, 2010, during the Citizen Comment section of the meeting of the City Commission of the City of Gainesville, Kirk P. Reeb, on behalf of the Kirk P. Reeb Revocable Living Trust (hereinafter referred to as "Reeb Trust"), requested relief from two liens encumbering property located at 704 NW 6th Avenue, Gainesville, Florida (Tax Parcel #13564-000-000). The Reeb Trust acquired the property by way of an Alachua County Tax Deed Sale on September 25, 2009. The previous owner of the property was Salvatore Gomes. Upon bidding at the September 24, 2009 forced sale, the Reeb Trust relied on an Ownership and Encumbrance Search report dated June 14, 2009 issued to the Alachua County Tax Collector. The report included a reference to a lien established by a City of Gainesville Code Enforcement Board Order Imposing Fine recorded in O. R. Book 3814, page 17 on July 17, 2008, arising from Code Enforcement Board Case No. CEB 2008-064. Subsequent to the issuance of the Ownership and Encumbrance report, but prior to the Reeb Trust's acquisition of the property, the City of Gainesville Code Enforcement Division filed a Claim of Lien on July 16, 2009 recorded in O. R. Book 3893, page 2312, arising from the demolition of a dangerous building located on property then owned by Salvatore Gomes located at 704 NW 6th Avenue, Gainesville, Florida.

After consulting with City management, and learning that the demolition lien recorded in O. R. Book 3893, page 2312 was directly related, and provided direct benefit, to the acquired property, the Reeb Trust paid the full amount of the \$4,297.90 Claim of Lien on January 27, 2010.

Presently, the Reeb Trust seeks only relief from the lien established by Code Enforcement Board Case No. CEB 2008-64. This lien resulted from code violations occurring at another property owned by Salvatore Gomes, located at 710 NE 9th Street (Tax Parcel #12436-009-000). On June 12, 2008, the City of Gainesville Code Enforcement Board met at a properly-noticed, open hearing, and found Salvatore Gomes guilty of violating Section 30-57(a)(3) of the Gainesville Code of Ordinances for renting property located at 710 NE 9th Street without acquiring a landlord permit. Salvatore Gomes was given 10 days from the date of the June 18, 2008 Order to come into compliance. Salvatore Gomes failed to bring the property into compliance, so, per the Order, a running fine of \$25.00 per day began accruing and will continue to accrue until such time as the property is brought into compliance. 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, including the property located at 704 NW 6th Avenue that the Reeb Trust would later acquire by forced sale.

The Reeb Trust requests that the property located at 704 NW 6th Avenue be released from the lien placed on it by virtue of a Code violation occurring at 710 NE 9th Street. The City of Gainesville Code Enforcement Board Order Imposing Fine entered in Case No. CEB 2008-064 and recorded in O. R. Book 3814, page 17 would continue to encumber the property located at 710 NE 9th Street and any other property owned by Salvatore Gomes located in Alachua County.

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

The City Commission authorize the Mayor to execute the Partial Release of Lien on property located at 704 NW 6th Avenue, Tax Parcel 13564-000-000, from a City of Gainesville Code Enforcement Board lien related to Case No. CEB 2008-064.