



Legislation Text

File #: 120471., **Version:** 1

Partial Release of Lien Affecting 14376 SW State Road 45, Archer, Florida, Tax Parcel #05124-001-002 (B)

This item requests that the City Commission release the above-referenced property from the lien arising from Code Enforcement Board Cases: CEB 2010-112; CEB 2010-113; and CEB 2010-114.

On some occasions 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." On some occasions these liens 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. On June 7, 2012, the City Commission approved a review process for severing liens recommended by the Community Development Committee. Staff reviewed this request and determined that this request met the criteria included in the process in that the original violations have been corrected and the new owner will return the property to productive use following the severing of the property from the lien.

Federal National Mortgage Association as assignee for JP Morgan Chase bank is requesting the City Commission to sever such a lien affecting 14376 SW State Rd. 45, Archer, Florida, Tax Parcel #05124-001-002 (Attachment A).

The properties with the original violations are:

The Code Enforcement Board issued an order on August 23, 2010 (Case# CEB 2010-112) finding Rick Noble guilty of violating Sections of Chapter 30 of the Gainesville Code of Ordinances at **3835 NW 17th Street**, Tax Parcel #08964-002-003. Mr. Noble 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" (Attachment B).

The Code Enforcement Board issued an order on August 23, 2010 (Case# CEB 2010-113) finding Rick Noble guilty of violating Sections of Chapter 30 of the Gainesville Code of Ordinances at **705 NW 19th Lane**, Tax Parcel #09270-024-000. Mr. Noble 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" (Attachment B).

The Code Enforcement Board issued an order on August 23, 2010 (Case# CEB 2010-114) finding Rick Noble guilty of violating Sections of Chapter 30 of the Gainesville Code of Ordinances at **2024 NW 31st Place**, Tax Parcel #08873-015-000. Mr. Noble 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" (Attachment B).

On September 13, 2012, the Federal National Mortgage Association as assignee for JP Morgan Chase purchased the property located at 14376 SW State Road 45, Archer, Florida at a foreclosure sale/auction. This property was previously owned by Rick Noble and subject to the aforementioned liens. The petitioner's request is that the property purchased by it be severed from the lien placed as a result of Case #CEB 2010-112; #CEB 2010-113; and CEB 2010-114 which are currently in compliance with the city ordinance originally cited. At this time, the total fines imposed for all three cases are assessed at \$21,375.

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

The City Commission: release 14376 SW State Road 45, Archer, Florida, Tax Parcel #05124-001-002 from Code Enforcement Board liens related to CEB Case #CEB 2010-112; CEB 2010-113; and CEB 2010-114.

Alternate Recommendation A: Take no action and allow lien to remain in place.