



Legislation Text

File #: 070777., Version: 3

Partial Release of Lien Affecting 1245 Southeast 4th Avenue, Tax Parcel #11669-000-000 and 1239 Southeast 3rd Avenue, Tax Parcel #11670-000-000 (B)

The City Commission referred the issue of partial release of liens following a request to release a lien affecting 1245 Southeast 4th Avenue and 1239 Southeast 3rd Avenue. The lien stemmed from a city ordinance violation on another property owned by the same property owner which resulted in fines accruing and a lien enforced by the City of Gainesville Code Enforcement Board. Liens are enforced when property owners fail to comply with a Code Enforcement Board (CEB) order and fines exist. Liens apply to all property owned by the subject property's owner. If the property comes into compliance, the CEB can rescind a fine the board imposes which effectively removes the lien, however, only the City Commission has the authority to release a lien imposed by the city. In the case which led to the referral to the Community Development Committee (CDC), a request was made to release a lien on properties owned by a property owner whose ordinance violations resulted in a lien but not the properties where the violations occurred.

The CDC discussed this item on February 27, 2012, and recommended that because liens may only be released by the City Commission, staff should continue to present requests for the partial release of liens on secondary properties to the City Commission for approval. When staff receives a request, staff will evaluate the request to determine if: 1) blight will be removed from the neighborhood; 2) the new property owner has a clear plan for productive use of the property; and 3) the actions are clear to achieve a positive impact on the neighborhood and community. Staff will also review the condition of the property to ensure that no city ordinance violations exist at the time of the request. If the aforementioned conditions are met, staff will recommend that the City Commission approve the request.

The City Commission has received two recent requests to release an administrative lien enforced by the city resulting from abatement actions taken by the city. These liens are in place to recover city funds used to abate a city ordinance violation. The committee recommended that the City Commission add an item regarding the reduction or rescission of administrative liens to the Community Development Committee referral list for further review and discussion.

None

The Community Development Committee to the City Commission: 1) remove item #070777 from the Community Development Committee referral list; and 2) refer the issue of the reduction or rescission of administrative liens to the Community Development Committee referral list.