



Legislation Text

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Removing Property from Liens in Certain Circumstances: Removal of Lien Affecting 222 Southeast 9th Street (B)

This item requests that the City Commission establish a policy regarding the removal of a property from a lien involving multiple properties, under certain limited circumstances and remove the lien as it affects 222 Southeast 9th Street.

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's lien is protected by other such properties.

There is a specific request before the City Commission to remove a lien. The property with the original violation was 1605 Northeast 5th Place, owned still by Eddie Deal Willis. That property was in violation of Section 13-17(b) for keeping non-operational vehicles in open storage, a violation that was found in compliance on October 5, 2006. One other property located at 222 Southeast 9th Street, and previously owned by Mr. Willis, is also subject to the CEB lien. The property at issue 222 Southeast 9th Street has been purchased by B.J. Bukata and Todd Osborn and has been rehabilitated. The City's interest is protected by the lien against 1605 Northeast 5th Place, if the lien against 222 Southeast 9th Street is lifted.

The City Commission consider establishing a narrow policy to provide a procedure for staff to identify properties the City Commission may choose to remove from CEB liens when the lien interest is protected by recordation against other properties, and authorize removing the lien from 222 Southeast 9th Street subject to recorded terms consistent with the draft policy.