



Legislation Text

File #: 200983., **Version:** 1

Request to Release Lien 8688 NW 38th Circle (B)

This item is a request for the City Commission to consider a request for a lien reduction or rescission for 8688 NW 38th Circle. The property was previously found in violation of a City ordinance in 2013 for damage to the roof and overgrowth of the yard. A lien was placed on the property on February 17, 2014 and has accrued fines of approximately \$124,050.

An agent for the seller appeared before the Special Magistrate on January 14, 2021 to request a reduction or rescission for the fines. The Special Magistrate recommended a full rescission of the fines at the hearing based on the testimony provided by the seller's agent regarding the planned improvements to the property in the event the lien is rescinded. A description of the planned improvements, which are consistent with basic remediation of the existing dilapidated conditions present on the property and would be necessary to prepare the property for resale by the buyer. Based on the amount (\$124,000), the nature of the violations, and the length of time the violations remained unaddressed, staff is not recommending that the City Commission approve the applicant's lien reduction request.

Alternatively, the Commission may consider approving the release of lien but require the applicant to remit a portion of the lien prior to release. Staff suggests requiring the applicant to remit \$18,600 which is approximately 15% of the existing accumulated fines.

In determining the amount of the fine, if any, the Magistrate and City Commission shall consider the following factors listed in Florida Statutes Chapter 162.09(2)(b):

- 1.The gravity of the violation;
- 2.Any actions taken by the violator to correct the violation; and
- 3.Any previous violations committed by the violator.

The City Commission deny the applicant's request for lien rescission. Alternately, the Commission require that the applicant remit \$18,600 as a condition for release of the lien and authorize the City Manager to sign any required lien release documents.