

RESOLUTION No. 2009-114-1059

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RESOLUTION LEVYING AN ADMINISTRATIVE FEE OF \$500.00 FOR THE RELEASE OF LIEN IN CERTAIN INSTANCES; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE A SETTLEMENT AMOUNT FOR THE ISSUANCE OF PARTIAL RELEASES OF LIEN IN CERTAIN INSTANCES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as a part of the Code Enforcement Department, liens are imposed against properties if compliance is not gained through standard code enforcement methods, and

WHEREAS, currently, the City Manager only has the ability to reduce liens under the Code Enforcement Lien Amnesty Program, which is scheduled to sunset on June 30, 2009, and

WHEREAS, on numerous occasions, the City has been presented with opportunities to release liens on properties that cannot take advantage of the Special Master Lien Reduction Process or the Lien Amnesty Program when the City lien has been foreclosed by the Circuit Court; or when the City's lien attached to a property that is not the subject of the code enforcement case, and

WHEREAS, in the first instance, City Manager and the City Attorney are recommending that the City charge an administrative fee of \$500.00 for the release of lien, and in the second instance, the City Manager and the City Attorney are asking for the authority to negotiate a settlement amount, .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the levy of an administrative fee of \$500.00 for the release of liens in instances when the City lien has been foreclosed by the Circuit Court. The City Council further authorizes the City Manager and the City Attorney to negotiate a settlement amount for the issuance of partial releases of lien in instances where the City's lien is attached to a property that is not the subject of the code enforcement case.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JUNE 24, 2009.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER AND  
SONJA DICKENS, CITY ATTORNEY

Resolution No. 2009-114-1059

MOVED BY: Councilman Gilbert  
SECOND BY: Vice Mayor Watson

**VOTE:** 7-0

Mayor Shirley Gibson	<u>X</u> (Yes)	___ (No)
Vice Mayor Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	___ (No)
Councilman Aaron Campbell	<u>X</u> (Yes)	___ (No)
Councilman Oliver Gilbert, III	<u>X</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman André Williams	<u>X</u> (Yes)	___ (No)

SKD



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	June 10, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>			
				X					
<b>Fiscal Impact:</b>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>		
		X			<b>Public Hearing:</b>		<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b>		<b>Yes</b>		<b>No</b>		
							X		
<b>Contract/P.O. Required:</b>	<b>Yes</b>	<b>No</b>	<b>RFP/RFQ/Bid #:</b>		N/A				
		X							
<b>Sponsor Name</b>		Danny O. Crew, City Manager/ Sonja K. Dickens, City Attorney		<b>Department:</b>		City Manager /City Attorney			

### Short Title:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RESOLUTION LEVYING AN ADMINISTRATIVE FEE OF \$500.00 FOR THE RELEASE OF LIEN IN CERTAIN INSTANCES; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE A SETTLEMENT AMOUNT FOR THE ISSUANCE OF PARTIAL RELEASES OF LIEN IN CERTAIN INSTANCES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE**

### Staff Summary:

The Code Enforcement Department is charged with the administration of the Special Master process for the enforcement of code violation cases. A part of the enforcement process is the imposition of liens if compliance is not gained through standard code enforcement methods.

The City Manager has limited authority to negotiate or release liens placed on real property by the Code Enforcement Special Master. Currently, the Manager has the ability to reduce liens under the Code Enforcement Lien Amnesty Program, which is scheduled to sunset on June 30, 2009. However, on numerous occasions, the City has been presented with opportunities to release liens on properties that cannot take advantage of the Special Master Lien Reduction Process or the Lien Amnesty Program. Generally this situation occurs in two instances:

- 1) The City lien has been foreclosed by the Circuit Court; or
- 2) The City's lien attached to a property that is not the subject of the code enforcement case (by state law a code lien attaches to all real and personal property of the violator).

In the first instance, the City may never collect on the lien, but, the law does not require the City to execute a release of lien because the lien was foreclosed. However, the parties involved request that the City issue a release of lien to keep the chain of title clear. In this instance, the City Manager and the City Attorney are recommending that the City charge an administrative fee of \$500.00 for the release of lien.

In the second instance, the City has been offered settlement amounts for the issuance of partial releases of lien. This would only apply to other property owned by the violator that is not the subject of the code enforcement case, and which does not currently have a code enforcement lien recorded. In this instance the City Manager and the City Attorney are asking for the authority to negotiate a settlement amount.

**Proposed Action:**

The City Manager and City Attorney recommend the approval of the attached resolution levying an administrative fee of \$500.00 for the release of lien in certain instances as defined in the resolution and authorizing the City Manager and the City Attorney to negotiate a settlement amount amounts for the issuance of partial releases of lien in certain instances as defined in the resolution.

**Attachment:**

None