

RESOLUTION NO.: _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH PROVIDING AN INTERIM PROCEDURE FOR THE PARTIAL RELEASE OF CITY CODE ENFORCEMENT LIENS THAT ATTACH TO PROPERTY LYING OUTSIDE THE CORPORATE LIMITS OF THE CITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach administers a Code Enforcement program in accordance with Chapter 162 of the Florida Statutes; and

WHEREAS, Section 162.09 (3) provides a lien arising from a fine imposed pursuant to Section 162.09 runs in favor of the local governing body, and provides that the local governing body may execute a satisfaction or release of lien entered pursuant to this section; and

WHEREAS, Section 162.09 (3) provides that a Code Enforcement lien constitutes a lien against the land on which the violation exists and upon any other real or personal property owned by the violator; and

WHEREAS, Section 166.021 of the Florida Statutes, Municipal Home Rule Powers Act provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, property owners whose properties lie outside the City are subject to the city's Code Enforcement liens have requested partial releases of liens with respect to properties lying outside the city's corporate boundaries: and

WHEREAS, the City Council for the City of Riviera Beach declares and determines that there may be circumstances where the release of Code Enforcement liens on properties lying outside its municipal boundaries may not be adverse to the public interest or the City's Code Enforcement efforts; and

WHEREAS, the City Council of the City of Riviera Beach desires to establish a policy for the partial release of Code Enforcement liens on properties lying outside of the corporate limits of the city boundaries.

RESOLUTION NO.: _____
PAGE -2-

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That the Code Enforcement Administrator is hereby authorized to issue a partial release of City Code Enforcement liens attached to property outside the corporate limits of the City of Riviera Beach provided that:

- A. The requested partial release of lien does not extinguish the City's ability to compel compliance with the property referenced in the final order/lien.
- B. The requested partial release of lien does not extinguish the City's ability to sue to recover a money judgment for the amount of the lien plus accrued interest or to foreclose against the property in violation in accordance with the final order/lien.
- C. Where the requesting party owns property located within the City that is subject to a Code Enforcement order, the City is provided with a performance bond in an amount to be determined by the City to guarantee compliance within thirty (30) days.

SECTION 2. An administrative charge of \$250.00 shall be paid by each applicant for a partial release of lien under this resolution.

SECTION 3. A charge not to exceed 2.5% of the market value of the property requested to be released shall be paid to satisfy the City's lien.

SECTION 4. Partial release of liens shall be prepared by the Office of the City Attorney and executed by the Mayor and City Clerk and recorded in the public records of the county in which the property is located.

PASSED and APPROVED this _____ day of November, 2016.

RESOLUTION NO.: _____
PAGE -3-

APPROVED:

THOMAS A. MASTERS
MAYOR

TERENCE D. DAVIS
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
CHAIR PRO TEM

LYNNE L. HUBBARD
COUNCILPERSON

TONYA DAVIS JOHNSON
COUNCILPERSON

DAWN S. PARDO
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS-JOHNSON _____

D. PARDO _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT
CITY ATTORNEY