

RESOLUTION NO. 05-50

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SETTLE AND RELEASE CERTAIN CODE ENFORCEMENT LIENS AND DELEGATING TO THE CITY MANAGER THE AUTHORITY TO EXECUTE ADMINISTRATIVE RELEASES OF CERTAIN RECORDED LIENS.

WHEREAS, code enforcement liens imposed pursuant to Chapter 162.09(3), Florida Statutes, run in favor of the City of Fort Lauderdale; and

WHEREAS, pursuant to that section, the City Commission has the authority to execute a satisfaction or release of such a lien; and

WHEREAS, on November 18, 2003 by adopting Resolution 03-176, the City Commission delegated to the City Manager the authority to settle and release liens having a face value of \$5,000.00 or less; and

WHEREAS, on November 18, 2003 by adopting Resolution 03-177, the City Commission delegated to the City Manager the authority to settle and release unenforceable code enforcement liens; and

WHEREAS, on July 20, 2004 by adopting Resolution 04-137, the City Commission delegated to the City Manager the authority to settle and release liens in lieu of litigation for no less than 75% or 85% of the face value of the lien, depending on the circumstances of the pending or proposed litigation; and

WHEREAS, the City routinely records as liens against real property the value of unpaid bills for municipal services provided to that property; and

WHEREAS, municipal liens are periodically rendered unenforceable due to the passage of the statutory time period for enforcement or for other reasons; and

WHEREAS, from time to time property owners or their successors-in-interest request the city execute a release of such an unenforceable lien; and

WHEREAS, the City Commission has the authority to execute a release of such a lien; and

WHEREAS, the City Commission desires to enable the City Manager to settle and release those liens that do not meet the criteria for settlement established by Resolutions 03-176, 03-177, and 04-137 and the City Commission desires to enable the City Manager to release certain unenforceable municipal liens for services,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

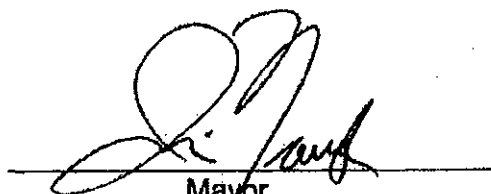
SECTION 1. That the authority to settle and execute a release of any code enforcement lien is delegated to the City Manager, provided that he not release any such lien for less than the cost of the City's expenditure in the underlying enforcement and provided that he follow the procedure set forth in Section 2 of this resolution.

SECTION 2. That for code enforcement liens having a face value of more than \$5,000.00, the City Manager shall present a report of the proposed settlements to the City Attorney each month for review. If the City Attorney concurs with the City Manager's proposed settlement, the City Manager shall present the report to the City Commission at a regular City Commission conference meeting. Each Commissioner or the Mayor may call up a proposed settlement for review either by advising the City Manager at the meeting or by filing a statement of intent with the City Clerk within 30 days of the date the Manager presented the report; a copy of the statement of intent shall also be provided to the City Manager. Upon receiving the request for Commission review, the City Manager shall place the request for review on the next available regular meeting agenda as a Motion for Discussion. If the City Commission approves the proposed settlement by Motion, or if a proposed settlement is not called for review within the 30-day period, the City Manager shall accept payment and shall execute a release of lien and cause the release of lien to be recorded in the Public Records of Broward County.

SECTION 3. That the authority to execute a release of any unenforceable municipal lien for services is delegated to the City Manager, who shall execute such release in exchange for the administrative fee of \$250.00 per release, or for the value of the lien, whichever amount is less, plus the County's fee for recording the release, if not already included in the face value of the lien.


SECTION 4. That the office of the City Attorney shall review and approve as to form all documents prior to their execution by City officials.

ADOPTED this the 15th day of March 2005.



Mayor
JIM NAUGLE

ATTEST:



City Clerk
JONDA K. JOSEPH

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