

RESOLUTION NO. 14-1232

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AUTHORIZING THE TOWN MANAGER, IN COORDINATION WITH THE TOWN ATTORNEY, TO REDUCE THE AMOUNT OF CIVIL PENALTIES AND COSTS OWED TO THE TOWN ARISING FROM LIENS PERTAINING TO CODE ENFORCEMENT MATTERS, DETERMINE WHETHER A CODE ENFORCEMENT LIEN HAS BEEN SATISFIED, AND DELEGATING TO THE TOWN MANAGER THE POWER TO EXECUTE A LEGAL SATISFACTION OR RELEASE FROM LIEN WHERE AN IMMINENT BANKRUPTCY AND/OR FORECLOSURE PROCEEDING IS PENDING AND/OR WHERE THE LIEN ENCUMBERS PROPERTY OUTSIDE OF THE TOWN OF MIAMI LAKES; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes, Florida (the “Town”), through its Code Enforcement department and Code Enforcement Hearing Officer enters orders imposing civil penalties, fines, and costs for violations of the Town Code (“Orders”); and

WHEREAS, these Orders can constitute a lien against the land on which the code violation exists or existed and upon any other real or personal property owned by a violator; and

WHEREAS, upon being recorded, such Orders can become a lien that may only be compromised, satisfied or released by the Town Council; and

WHEREAS, a lien on real or personal property can, among other things, make it difficult for a property owner to sell, mortgage, refinance their property or resolve bankruptcy and/or foreclosure issues relating to their property; and

WHEREAS, the Town regularly receives requests from property owners and/or their representatives seeking reductions of civil penalties, fines, and costs imposed pursuant to Orders (“requests for reductions”); and

WHEREAS, the requests for reductions are frequently associated with time-sensitive bankruptcy and/or foreclosure proceedings; and

WHEREAS, the requests for reductions are sometimes associated with properties located outside of the Town but within Miami-Dade County, Florida; and

\WHEREAS, the Town Council has the power to determine whether a lien imposed pursuant to an Order has been satisfied and has the power to execute the legal satisfaction or release from the lien; and

WHEREAS, the Town Council generally considers requests for reductions at its monthly council meetings; and

WHEREAS, due to the time-sensitive nature of bankruptcy and/or foreclosure proceedings which can directly affect a property owner's interests in their property and due to the fact that a lien can encumber a property owner's property outside of the Town but within Miami-Dade County, it is the Town Council's desire to delegate to the Town Manager the authority to reduce the amount of civil penalties and costs owed to the Town by the violator, determine whether a lien imposed pursuant to an Order has been satisfied, and execute the legal satisfaction or release from the lien; and

WHEREAS, it is the Town Council's intent that the Town Manager use this limited authority only in circumstances where the Town Manager and the Town Attorney find that it would be imprudent to delay a decision on a request for reduction until the Town Council's next regularly scheduled council meeting due to the imminent nature of a bankruptcy and/or foreclosure proceeding which will directly affect a property owner's interests in their property or due to the imminent nature of a transaction that is pending with regard to a property affected by a Town lien where said property is located outside of the Town but within Miami-Dade County; and

WHEREAS, it is the Town Council's intent that the Town Manager use this limited authority only in circumstances where the Town Manager and the Town Attorney find that is in the best interest of the Town to make a decision on a request for reduction prior to the Town Council's next regularly scheduled council; and

WHEREAS, it is the Town Council's intent that the Town Manager use this limited authority only in circumstances where the Town Manager finds that the violation that gives rise to the lien has been cured; and

WHEREAS, it is the Town Council's intent that the Town Manager execute this limited authority in consultation with the Town Attorney; and

WHEREAS, it is the Town Council’s intent that the Town Manager and/or the Town Attorney provide a report of any satisfied or released liens at the next regularly scheduled Town Council meeting after the satisfaction or release of lien is issued.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization of Town Manager. Where a property owner makes a request for a reduction of a lien arising from a code enforcement violation and the Town Manager and Town Attorney agree that it would be imprudent to delay a decision on the property owner’s request for reduction until the Town Council’s next regularly scheduled council meeting due to either the imminent nature of a bankruptcy and/or foreclosure proceeding which will directly affect a property owner’s interests in their property or due to the imminent nature of a transaction that is pending with regard to a property affected by a Town lien where said property is located outside of the Town but within Miami-Dade County or that it is otherwise in the Town’s best interest, the Town Manager is hereby authorized to reduce the amount of civil penalties and costs owed to the Town by the violator, determine whether a lien imposed pursuant to an Order arising from a code enforcement violation has been satisfied, and is hereby delegated the power to execute the legal satisfaction or release from the lien. Where the Town Manager chooses to act upon this limited delegation of power, the Town Manager must further consult with the Town Attorney prior to authorizing a reduction of the amount of civil penalties and costs owed by the violator to the Town and prior to executing the legal satisfaction or release from the lien. The Town Manager and/or Town Attorney shall provide a report of any reduction in civil penalties and costs and the satisfied or released liens associated therewith at the next regularly scheduled Town Council meeting after a request for reduction in civil penalties and costs is granted, the reduced amounts due are paid in full, and the satisfaction or release of lien is issued.

Section 3. Conflicts. To the extent this Resolution conflicts with any portion of Resolution No. 04-195, this Resolution shall take precedence.

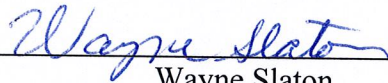
Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 8th day of July, 2014.

The foregoing resolution was offered by Vice Mayor Cid who moved its adoption. The motion was seconded by Councilman Mingo and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Absent</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>




Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY