

RESOLUTION NO. 2101-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO ITS HOME RULE POWERS, DELEGATING AUTHORITY TO THE CITY MANAGER UNDER SPECIFIC CONDITIONS TO NEGOTIATE CODE ENFORCEMENT LIENS AND TO EXECUTE SATISFACTIONS OR RELEASES OF CODE ENFORCEMENT LIENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY FOR THE PURPOSE OF ALLOWING PROPERTY CLOSINGS TO OCCUR WITHOUT DELAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida, recognizes that pursuant to Chapter 162, Florida Statutes, and pursuant to the Code of Ordinances of the City of Winter Park, Chapter 2, Administration, Article III. Boards and Commission, Division 4, Code Enforcement Board, Section 2-108, that a Code Enforcement Board fine, once recorded in the public records in Orange County, Florida, becomes a lien and that pursuant to state statute the lien runs in favor of the local governing body i.e. the City Commission of the City of Winter Park, which is thereby authorized to execute satisfactions or releases of liens; and

WHEREAS, there are many occasions where the City is requested by lenders, property owners, closing agents and other individuals, seeking to transfer title to real property. to compromise, negotiate and otherwise settle liens running in favor of the City Commission on an expedited basis; and

WHEREAS, the City Commission hereby declares that it is in the public interest of the City of Winter Park to delegate to the City Manager, under these or other emergency conditions, the City Commission's authority to negotiate or compromise code enforcement liens, up to Fifty Thousand Dollars (\$50,000.00), created pursuant to Chapter 162, Florida Statutes and the City Code, and thereafter to execute appropriate satisfactions or releases of liens.

NOW, THEREFORE, be it resolved by the City Commission of the City of Winter Park, Florida as follows:

Section 1. The foregoing "Whereas" clauses are true and correct, are hereby ratified and confirmed by the City Commission, and are incorporated herein and made a part hereof.

Section 2. The City Commission of the City of Winter Park, Florida hereby delegates to the City Manager the Commission's authority to negotiate and compromise code enforcement liens, up to Fifty Thousand Dollars (\$50,000.00), and to thereafter execute satisfactions or releases of those code enforcement liens.

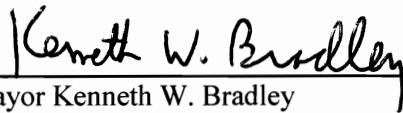
Section 3. The City Manager may only negotiate and compromise code enforcement liens when a property closing or other legal property title transfer occurs within a time period when the Code Enforcement Board is not scheduled or not able to convene in a timely manner to act upon the requested lien settlement and release.

Section 4. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the City Commission of the City of Winter Park, Florida, on this 13th day of February, 2012.



Mayor Kenneth W. Bradley

Attest: 

Cynthia S. Bonham, City Clerk