

RESOLUTION NUMBER 21-04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AUTHORIZING THE CITY MANAGER TO RELEASE OR REDUCE CODE ENFORCEMENT LIENS UNDER CERTAIN CONDITIONS.

WHEREAS, pursuant to 162.09 F.S. the Code Enforcement Board (Board) may order a violator to pay a fine for non-compliance of City Ordinances; and

WHEREAS, this section also authorizes the Board to reduce a fine imposed pursuant to this section; and

WHEREAS, the City of Eustis, Florida may record a Code Enforcement Board Order Imposing a Fine, which shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator; and

WHEREAS, a lien arising from a fine imposed pursuant to this section runs in favor of the local governing body (the Eustis City Commission), and the local governing body may execute a satisfaction or release of lien entered pursuant to this section; and

WHEREAS, pursuant to Section 2(b), Art. VIII of the State Constitution, 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, as the Eustis City Commission finds that in instances where the City's liens have been nullified pursuant to F.S. 48.23 or 695.11 encumbrances still exist on a property until a lien release is recorded; and

WHEREAS, the Eustis City Commission finds that releasing liens made invalid should be expedited and such release is an administrative function which may be addressed in a more efficient and streamlined manner by the City Manager versus City Commission; and

WHEREAS, the Eustis City Commission similarly finds that fine reductions approved by the Code Enforcement Board when a property has been brought into compliance and the property owner agrees to pay, at a minimum, administrative costs associated with code enforcement action in order to obtain a lien release, may be addressed by the City Manager versus City Commission; and

WHEREAS, the Eustis City Commission finds that authorizing the City Manager to consider and approve partial lien releases for cross attachment liens created pursuant to this section will furthermore streamline the administrative functions of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

That the City Commission authorizes the City Manager to release code enforcement liens when one or more of the following conditions apply:

1. Code enforcement liens are invalid pursuant to F.S. 48.23 or 695.11.
2. The Code Enforcement Board has issued an Order Reducing the Fine when a property has been brought into compliance and the property owner agrees to pay, at a minimum, administrative costs associated with the code enforcement action.
3. Cross-attachment liens exist on properties outside the City limits; the City Manager may consider and approve partial releases for liens cross-attached to properties outside the City limits.

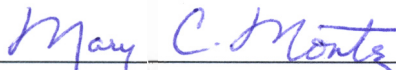
DONE AND RESOLVED this 21st day of January, 2021, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**



Michael L. Holland
Mayor/Commissioner

ATTEST:



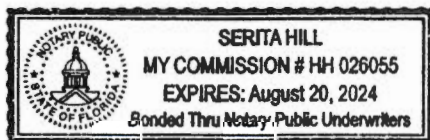
Mary C. Montez, City Clerk



CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

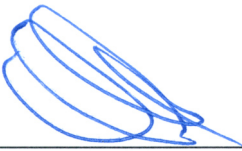
The foregoing instrument was acknowledged before me, by means of physical presence, this 21st day of January, 2021, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.



Notary Public - State of Florida
My Commission Expires: *August 20, 2024*
Notary Serial No: *HH 026055*

CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

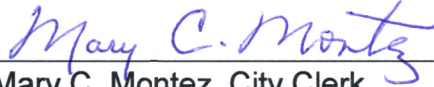


City Attorney's Office

2/21/2021
Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 21-04 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.



Mary C. Montez, City Clerk