

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JANICE ISHERWOOD, THROUGH HER REPRESENTATIVE ATTORNEY LEE ROHE, AS FORMER PROPERTY OWNER OF 523 ELIZABETH STREET, PERMITTING A RELEASE OF LIEN UPON PAYMENT BY THE OWNERS OF THE AMOUNT OF [\$36,500.00]; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a property lien in the total amount of \$36,500.00, resulting from fines accrued in Code Compliance File Nos. 14-1821, 16-0020 and 17-0869, was promulgated upon then-owner of record, Janice Isherwood; and

WHEREAS, compliance was achieved in Case 14-1821 on May 28, 2015 and on November 19, 2015 a lien in the amount of \$500.00 was filed with the Monroe County Clerk in Book 2770 on Page 1025, compliance was not achieved in Case 16-0020 and a lien in the amount of \$500.00 was filed with the Monroe County Clerk in Book 2810 on Page 177, and in Case 17-0869 a lien was filed on November 17, 2007 in Book 2880 on Page 1307 for a daily fine of \$500.00 commencing on September 27, 2017, and compliance was achieved on February 2, 2018, at which time the fine amount had accumulated to Thirty Five Thousand Five Hundred Dollars (\$35,500.00); and

WHEREAS, the property was sold pursuant to Foreclosure on June 6, 2019; and

WHEREAS, on July 29, 2019, and pursuant to an Order from Judge Tim Koenig dated August 19, 2019, \$36,500.00 of the Surplus Funds were retained by the court pending the claim of liens by the City of Key West; and

WHEREAS, on October 22, 2019, Code Compliance received a Lien Mitigation Request from Lee Rohe, on behalf of Janice Isherwood, the former owner of the foreclosed property, offering \$25.00 to settle the liens; and

WHEREAS, on December 3, 2019, the City Commission considered the former owner's request to release the liens imposed on the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Manager, upon the advice and consent of the City Attorney, is authorized to enter into an agreement with Janice Isherwood, through her representative Attorney Lee Rohe, as the former owner of the property known as 523 Elizabeth Street, to allow the City's release of lien upon payment of a mitigated amount of [\$36,500.00.]

Section 2: That the property owner shall pay the [reduced] lien amount of [\$36,500.00] within thirty (30) days of the date of this Resolution as a condition precedent to the release of the \$36,500.00 lien.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_, 2019.

Filed with the Clerk on \_\_\_\_\_, 2019.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK