

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

**A RESOLUTION OF THE CITY COMMISSION OF THE  
CITY OF KEY WEST, FLORIDA, PERMITTING A  
RELEASE OF LIEN ON PROPERTY LOCATED AT 1075  
DUVAL SQUARE #C-14 AND OWNED BY THE ESTATE OF  
ROBERTA S. FINE RELATED TO CODE COMPLIANCE  
CASE NUMBER CES-07-2973 (804 TRUMAN AVENUE);  
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, at its meeting of February 5, 2020, the City Commission considered a request to release a lien imposed on the Respondents in CES 07-2973; and

WHEREAS, in 2010, the City Commission accepted a mitigated fine amount of \$5,000.00 from the owner/seller, and provision of a compliance escrow in the amount of \$5,000.00 from the buyer, due to short sale of the premises. The mitigation of Lien was recorded in OR Book 2451, Page 2238; and

WHEREAS, any remaining lien balance remained with the property owner, Estate of Roberta S. Fine, and accordingly attached to property owned by the Estate at 1075 Duval Square #C-14; and

WHEREAS, the property at 1075 Duval Square is subject to a first mortgage totaling more than \$170,493.89 and Internal Revenue Service (IRS) liens totaling approximately \$267,700.40, which supersede any funds which may be due to the City; and

WHEREAS, to facilitate sale of the property, which is "under water," and subject to debts greater than its sale value, the City Commission finds that it is reasonable to fully release the lien as it relates to the real property, so the property can be sold and proceeds used to satisfy mortgage and IRS debts that supersede any remaining code lien; and

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

Section 1: That the city manager, with the advice and consent of the city attorney, is authorized to execute a release of lien as it relates to the real property located at 1075 Duval Square #C-14.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Authenticated by the Presiding Officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Filed with the Clerk on \_\_\_\_\_, 2020.

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