

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SATISFACTION OF LIEN IN THE CASE OF MARSH ENTERPRISES OF SW FLORIDA, INC., ROY WILLIAM HOWARD, PRESIDENT, AS PROPERTY OWNER OF 412 FRANCES STREET, KEY WEST FLORIDA, THROUGH HIS AUTHORIZED REPRESENTATIVE TRACY JANE JANNSSEN (POA); PROVIDING A CONDITION; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West holds liens in the total amount of \$7,750.00 against a property located at 412 Frances Street, known as Heron House Court, owned by Marsh Enterprises of SW Florida, Inc., by virtue of code enforcement orders originating in Code Compliance Case number 18-1064; and

WHEREAS, Florida Statute 162.09(3) mandates that a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter 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, the lien was filed with the Monroe County Clerk of Courts in Book number 2972, Page number 1268 on June 28, 2019; and

WHEREAS, the property owners brought the code violation at 412 Frances Street into compliance on March 29, 2019; and

WHEREAS, on October 26, 2021, a request for mitigation of lien was executed by the authorized representative for property owner, and it was placed on the City Commission agenda of December 3, 2021; and

WHEREAS, the City Commission considered the request to release the liens imposed on the property located at 412 Frances Street; 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, upon the advice and consent of the City Attorney, is authorized to execute a Satisfaction of Lien in the case of Marsh Enterprises of SW Florida, Inc. Roy William Howard, President, through its

authorized representative Tracy Jane Jannsen, as owner of the property known as 412 Frances Street, to allow the City's release of lien upon payment of a fee in the mitigated amount of \$_____. [**\$1,000.00 (requested and recommended)**].

Section 2: That the property owner shall pay the reduced lien amount of \$_____.00 [**\$1,000.00 (requested and recommended)**] by January 6, 2022 as a condition precedent to the release of the \$7,750.00 lien.

Section 3: That City staff is directed to provide the property owner/representative with a Release of Lien for recording with the Monroe County Clerk of Courts upon receipt of full payment of the lien mitigation amount.

Section 4: That the City Manager or designee is authorized to execute any necessary documents, upon consent of the City Attorney.

Section 5: 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 _____, 2021.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2021.

Filed with the Clerk on _____, 2021.

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