

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 ROBERT JANICKI, THROUGH HIS REPRESENTATIVE ATTORNEY VAN FISCHER, AS PROPERTY OWNER OF 1205 11TH STREET, PERMITTING A RELEASE OF LIEN UPON PAYMENT BY THE OWNERS OF THE AMOUNT OF [\$100,000.00 REQUESTED]; PROVIDING CONDITIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West holds a lien in the total amount of \$585,250.00, against a property located at 1205 11th Street, owned by Robert Janicki, by virtue of code enforcement orders originating in Code Compliance Case number 18-0280; and

WHEREAS, on January 4, 2021, compliance was achieved, and daily fines were discontinued, however, the fine amount had accumulated to Five Hundred and Eighty-Five Thousand Two Hundred and Fifty Dollars (\$585,250.00); and

WHEREAS, Florida Statutes Sec. 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 3026, Page number 2303 on June 16, 2020; and

WHEREAS, on January 26, 2022, Code Compliance received a Lien Mitigation Request from Van Fischer on behalf of the property owner, offering \$10,000.00 to settle the case, and on March 1, 2022, the City Commission denied the owner's request; and

WHEREAS, on April 13, 2022, the property owner, through his attorney, proffered a new Lien Mitigation Request, offering \$100,000.00 to settle the case, and on May 3, 2022 the City Commission considered the owner's request.

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 Robert Janicki, through his representative Attorney Van Fischer, as the owner of the property known as 1205 11th Street, to allow the City's release of lien upon payment of a mitigated amount of [\$100,000.00 requested].

Section 2: That the property owner shall pay the reduced lien amount of [\$100,000.00 requested] [on or before June 2, 2022, or within thirty (30) days of the date of this Resolution, whichever is sooner,] as a condition precedent to the release of the \$585,250.00 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 signatures of the presiding officer and Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2022.

Filed with the Clerk on _____, 2022.

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