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RESOLUTION
NUMBER 2014-115

RESOLUTION AMENDING AND
EXTENDING THE CODE ENFORCEMENT
LIEN RELIEF PROGRAM ESTABLISHED IN
RESOLUTION NO. 2012-036.

RECITALS

WHEREAS, on June 12, 2012, the Charlotte County Board of County Commissioners adopted Resolution 2012-036 establishing a Code Enforcement Lien Relief Program (the "Lien Relief Program"); and

WHEREAS, said Resolution 2012-36 is scheduled to expire on July 1, 2014; and,

WHEREAS, the Charlotte County Board of County Commissioners recognizes that the Lien Relief Program for Charlotte County has been successful, and it continues to be in the public interest and in the best interest of the health, safety, and welfare of the citizens of Charlotte County by encouraging both residential and commercial property owners to bring property into compliance with Charlotte County codes; and

WHEREAS, the Charlotte County Board of County Commissioners desires to amend and extend the Lien Relief Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. The Charlotte County Board of County Commissioners hereby amends and extends the Lien Relief Program. The Lien Relief Program shall have the following terms and conditions:

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A. Lien Reduction Procedure for Owners.

1. Property owners of all properties may apply to the Charlotte County Building Construction Services Code Compliance Department for a reduction of code enforcement board liens encumbering their property.

2. The property must be in compliance with all Charlotte County (the "County") codes at the time of application.

3. Liens will be reduced to \$1,000 plus the County's actual abatement, administrative and prosecutorial costs incurred during enforcement.

4. The application fee for the lien reduction will be \$150. The application shall be per property not per code enforcement case.

5. The property owner shall, within 30 days from the date of the notification of the lien reduction amount, make full payment of that amount; failure to do so will deem the application void and a release of lien shall not be executed.

B. Lien Reduction Procedure for Non-Owners.

1. In anticipation of pending sale, persons with a bona fide purchase contract for affected properties may seek an anticipatory lien reduction from the Charlotte County Building Construction Services Code Compliance Department provided the following:

a. The property must be in compliance with all County codes at the time of application or must meet the requirements of subsection 5 below.

b. The application fee for the lien reduction will be \$150. The application shall be per property not per code enforcement case and must be authorized by the current owner of the property.

2. Liens will be reduced to \$1,000 or the County's actual abatement, administrative and prosecutorial costs incurred during enforcement, whichever is greater.

3. The applicant shall, within 30 days from the date of the notification of the lien reduction amount, make full payment of that amount; failure to do so will deem the application void and a release of lien shall not be executed.

4. In the event the property is not in compliance at the time of application, the applicant must, in addition to prepaying the reduced lien amount, enter into a written agreement with the County giving the applicant 90 days from the closing date to bring the property into compliance with any existing code enforcement orders or risk the reinstatement of the previous fine amounts and code enforcement proceedings.

5. In all instances of transfer under this section the transferring party must provide the prospective owner with notice in writing as required pursuant to §162.06(5), Florida Statutes.

C. Lien Release Procedure.

1. Property owners who purchase property through a judicially-imposed sale, including a foreclosure sale, may apply to the Charlotte County Building Construction Services Code Compliance Department for a release of any code enforcement board liens on their property after the sale closes. Tax deed sales and foreclosure short-sales are not judicially imposed sales and are not included in the criteria for the Lien Release Program.

2. The property owner shall not be the owner of the property at the time the lien was imposed.

3. The property must be in compliance with all County codes at the time of application.

4. The fee for the application for the lien release will be \$150. The application shall be per property not per code enforcement case.

D. Revenues. Revenues generated from this program will be placed in the County's general fund to offset the cost of code enforcement and future abatement needs.


2. The County Administrator or his designee shall develop the application for use with the Lien Relief Program. The County Administrator or his designee is authorized to approve the applications seeking the lien reductions or lien releases and to sign the satisfaction and release of liens necessary to implement the Lien Relief Program. The County Administrator or his designee is hereby authorized in consultation with the

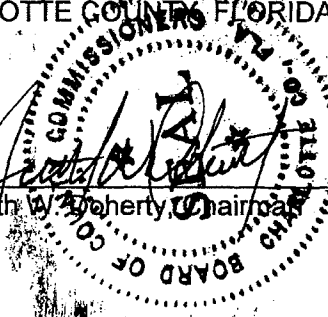
County Attorney to enter into and enforce agreements with current and potential property owners to ensure compliance with this program.

3. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED this 13TH of May 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

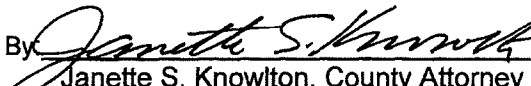
By: 
Kenneth W. Coehery, Chairman



ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Janette S. Knowlton, County Attorney
LR 13-2624 P.P.