

**Condensed Title:**

A Resolution Approving The Settlement Of City Lien On Property Owned By Lincoln West Tower Condominium Association, Located At 1331 Lincoln Road.

**Key Intended Outcome Supported:**

Increase resident's satisfaction with level of Code Enforcement.

**Supporting Data (Surveys, Environmental Scan, etc.):** 61% of residents are satisfied with fairness and consistency of enforcement of codes and ordinances.

**Issue:**

Shall the Mayor and City Commission approve Resolutions approving these lien settlements?

**Item Summary/Recommendation:**

Several liens have been negotiated while the Administration has developed solutions to the question of outstanding liens in general. Through the referral item on this agenda and planned process improvements, the overall lien process should begin to improve. It would be anticipated that consistent with the policy direction the City Commission for the resolution of outstanding liens, future groups or blocks of liens will also be brought to the Commission's attention to address.

Lien presented for City Commission action involves property located at 1331 Lincoln Road, owned by Lincoln West Tower Condominium Association. This sixty (60) unit condominium building has one (1) Code Compliance lien dating back to 2005 in the amount of \$149,447.53. The violation on this property was written for failure to secure a Certificate of Appropriateness before planting palm trees on the edge of their property. The Condominium Association was advised to remove the palm trees and to plant Oak trees and did so within the thirty (30) day time period requested. Unfortunately, the Condominium Association or the management company failed to ask for a re-inspection. In light of the immediate compliance and the nature of the violation, it is recommended that this lien waived/released in its entirety.

Adopt the Resolution.

**Advisory Board Recommendation:**

**Financial Information:**

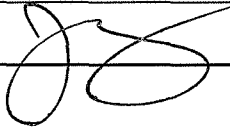
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Robert C. Middaugh, Assistant City Manager

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
	RCM	JMG 

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: January 28, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF CITY LIEN ON PROPERTY OWNED BY LINCOLN WEST TOWER CONDOMINIUM ASSOCIATION, LOCATED AT 1331 LINCOLN ROAD, SETTLING OUTSTANDING LIENS IN THE AMOUNT OF \$149,447.53 BY DISMISSING THE AMOUNT IN ITS ENTIRETY; AND FURTHER AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION(S) AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS TO COMPLETE SUCH LIEN RELEASES AND SETTLEMENTS.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

The City Administration has been attempting over the years to find a simple and effective method with which to deal both with the lien process and the lien process outcomes. The lien process involves the enforcement departments including the Fire Department, the Building Department, the Code Compliance Division, as well as the Licensing and Tax Collection Section of the Finance Department, who handles Utility Billing. The process also involves the Office of the Special Master, as well as the City Attorney and at times the City Administration in general. While a large number of cases in each of the enforcement departments are successfully resolved each year and compliance is achieved timely, there are a number that enter into the Special Master process and ultimately result in a lien. As a result of the number of entities involved, noticing issues and follow-up issues, the process improvement has not yet been achieved.

In a separate referral item on the January 28, 2009 agenda, a brief outline for administrative steps to address liens is included, together with a request for City Commission policy direction to help improve the lien process.

While this administrative and policy consideration has taken shape, presenting liens for City Commission action was temporarily suspended. The Administration felt that it was important to be able to inform the City Commission how a larger process problem could be resolved before asking for specific approvals from the City Commission. While not fully developed, the referral item outlines several improvements and a direction established to address liens.

It would be anticipated that consistent with whatever the policy direction the City Commission gives for the resolution of outstanding liens, future groups or blocks of liens will also be brought to the Commission's attention to address as expeditiously as can be done.

Lien presented for City Commission action involves property located at 1331 Lincoln Road, owned by Lincoln West Tower Condominium Association. This sixty (60) unit condominium building has one (1) Code Compliance lien dating back to 2005 in the amount of \$149,447.53. The violation on this property was written for failure to secure a Certificate of Appropriateness before planting palm trees on the edge of their property. The Condominium Association was advised to remove the palm trees and to plant Oak trees and did so within the thirty (30) day time period requested. Unfortunately, the Condominium Association or the management company failed to ask for a re-inspection. In light of the immediate compliance and the nature of the violation, it is recommended that this lien waived/released in its entirety.

JMG\RCM\sam

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**RESOLUTION TO BE SUBMITTED**

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