



Council Report

To: The Honorable Mayor and City Council

From: Jeff P. H. Cazeau, City Attorney

Date: May 22, 2018

RE: Proposed Resolution authorizing foreclosure of code liens

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO INITIATE LITIGATION FOR THE FORECLOSURE OF CERTAIN CODE ENFORCEMENT LIENS AND FOR MONEY JUDGMENT; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

RECOMMENDATION

It is recommended that the Mayor and City Council approve the attached resolution providing for foreclosure of code enforcement and special assessment liens which attach to non-homestead properties.

BACKGROUND

The City of North Miami currently has accumulated thousands of dollars in recorded code enforcement liens and special assessments which exist on the non-homestead properties identified in Exhibit "1." Additionally, the Clean City Task Force has identified these properties to be nuisances constituting blight on our community. By taking this recommended action, the City has the opportunity to secure title to properties that have become blighted as the Owners have neglected to abate the underlying code enforcement violations. Therefore, it is recommended that this resolution be adopted to authorize the City Attorney to foreclose on these properties which have amassed large amounts of code enforcement liens and are non-homestead.

Attachments

Proposed Resolution and List of Outstanding Liens owed to the City.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO INITIATE LITIGATION FOR THE FORECLOSURE OF CERTAIN CODE ENFORCEMENT LIENS AND FOR MONEY JUDGMENT; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, In January 2018, the City of North Miami (“City”) established a Clean City Task Force (the “Task Force”) to respond to the concerns of both residents and elected officials regarding the general cleanliness of the City; and

WHEREAS, the task force is aggressively pursuing foreclosure litigation for properties that are in severe disrepair constituting a blight on the community with substantial outstanding code enforcement liens; and

WHEREAS, section 21-66 of the Code of Ordinance provides that the Mayor and City Council may authorize the City Attorney to initiate litigation to foreclose on code enforcement liens and to file litigation seeking a money judgment; and

WHEREAS, the Task Force has identified several properties in the City with substantial outstanding code enforcement liens that they recommend foreclosure litigation be filed against. Said properties are set forth in “Exhibit 1”; and

WHEREAS, the Mayor and City Council, after being fully advised, have determined that it is in the best interest of the City and its residents to proceed to litigation against the recommended three (3) properties.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. Authorization to City Attorney. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Attorney to initiate litigation for foreclosure of code enforcement liens and money judgment against the properties set forth in “Exhibit 1”.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this ____ day of _____, 2018.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.	_____ (Yes)_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)_____ (No)
Councilman Scott Galvin	_____ (Yes)_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)_____ (No)
Councilman Alix Desulme	_____ (Yes)_____ (No)

EXHIBIT 1

Property 1:

1270 NW 123 Street

Owner: Julie Ann Luterman

The City has liens totaling \$289,804.00. The property is assessed at approximately \$76,000 and has no mortgage.

Property 2:

1935 NE 124 Street

Owner: Rafael Alcantara

The City has liens which total \$727,257.21. The property is assessed at approximately \$278,000.00 with \$5,843.00 in federal tax liens and no mortgage.

Property 3:

13895 NE 11 Avenue

Owner: Crusito Geraldo

The City has liens totaling \$353,945.90. The property is assessed at approximately \$151,000 with a mortgage in the amount of \$330,000.00.