

RESOLUTION NO. 17-246

A RESOLUTION IDENTIFYING PROPERTIES THAT MEET THE CRITERIA FOR FORECLOSURE PURSUANT TO CHAPTER 162, FLORIDA STATUTES; AUTHORIZING THE CITY ATTORNEY TO PROCEED WITH FORECLOSURE PROCEEDINGS ON THE PROPERTIES; REMOVING THE JURISDICTION OF THE CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE ON CODE ENFORCEMENT CASES RELATED TO THE FORECLOSURE PROCEEDING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 162, Florida Statutes, the “Local Government Code Enforcement Boards Act”, provides authority for the local government code enforcement board or special magistrate designated by the local governing body to conduct hearings and impose fines against property owners for violation of City codes; and

WHEREAS, §§ 2.7.B. and 2.8.B. of the Land Development Code, provide for the powers and duties of the Code Enforcement Board and Special Magistrate, respectively, including the power to conduct administrative hearings, issue orders, and carry out any other powers and duties delegated by the City Commission in accordance with State Law; and

WHEREAS, Chapter 162, Florida Statutes, further provides that a certified copy of an order imposing a fine may be recorded in the public records and thereafter 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, pursuant to Chapter 162, Florida Statutes, the local governing body may enforce outstanding code enforcement liens through the foreclosure process; and

WHEREAS, the City Attorney has identified several parcels referenced below that meet the criteria in Chapter 162, Florida Statutes, for foreclosure of code enforcement liens.

WHEREAS, the City Attorney recommends removal of jurisdiction of the Code Enforcement Board and Special Magistrate, including consideration of petitions for reduction of code liens, in those Code Enforcement Board or Special Magistrate cases where the Order Imposing Fine/Lien issued by the Code Enforcement Board or Special Magistrate forms the basis for the foreclosure action.


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The City Attorney is hereby authorized to institute foreclosure proceedings on unpaid liens imposed by the Code Enforcement Board or Special Magistrate pursuant to Chapter 162, Florida Statutes, in the manner approved by Sections 162.09 and 162.10, Florida Statutes, on the following properties:

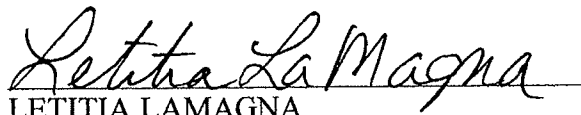
South Grandview Avenue – Volusia County Parcel No.: 5304-01-11-0120  
311 San Juan Avenue - Volusia County Parcel No.: 5338-27-01-0260  
640 North Grandview Avenue - Volusia County Parcel No.: 5305-01-40-0120

SECTION 2. Jurisdiction and authority of the Code Enforcement Board and Special Magistrate as provided in §§ 2.7.B. and 2.8.B., Land Development Code, is hereby removed, and reserved to the City Commission, for those Code Enforcement Board or Special Magistrate cases where the Order Imposing Fine/Lien issued by the Code Enforcement Board or Special Magistrate forms the basis for the foreclosure action authorized in Section 1.

SECTION 3. This Resolution shall take effect immediately upon adoption.

  
DERRICK L. HENRY  
Mayor

ATTEST:

  
LETITIA LAMAGNA  
City Clerk

Adopted: August 2, 2017