

ORDINANCE 2021-1

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING SATISFACTION OF CITY LIENS; ADDING A SECTION TO BE NUMBERED 2-215 PROVIDING FOR SATISFACTION AND RELEASE OF CITY LIENS; PROVIDING FOR SEVERABILITY AND RELEASE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

Section 1. That the Code of Ordinances, City of Ocala, Florida, is hereby amended by adding a section to be numbered 2-215 which shall read as follows:

Sec. 2-215. - Satisfaction and release of city liens.

(a). *City liens subject to this section.* For purposes of this section only, a “city lien” is a lien, under Florida law, held by the city on real property owned by another party. A city lien may include, without limitation:

- (1). A mortgage.
- (2). A judgment lien.
- (3). A lien arising under an agreement between city and a property owner providing that the city will have a lien on the property owner’s real or personal property.
- (4). A lien arising under article V of chapter 2 of this code concerning code enforcement.

(b). *Authority for satisfaction and release.* The city manager is authorized to:

- (1). Satisfy city liens pursuant to this section, when the city manager determines that all obligations secured by the lien, including the payment of money (if required), have been performed.
- (2). Release city liens pursuant to this section, when the city manager determines that the all conditions to the release, including the payment of money (if required), have been performed.

(c). *Procedure.* Upon request of city staff, the owner of the property subject to a lien, or another interested person (including a proposed purchaser from an owner, a proposed mortgagee, or a title insurance company or agent), that a city lien be satisfied or released under this section, the city manager shall:

- (1). Request appropriate city staff to review the city lien to determine whether it should be satisfied or released under this section.
 - (2). Request the city attorney to review the city lien to determine whether it should be satisfied or released under this section, and whether there are any provisions thereof that should be preserved for the benefit of the city.
- (d). *Form of satisfaction or release.*
- (1). If the city manager determines the city lien should be satisfied or released under this section, the city manager shall direct the city attorney to prepare the appropriate document satisfying or releasing the city lien.
 - (2). Such document may satisfy the city lien in whole or in part, or may release the city lien from portions of the property encumbered by the city lien, and may reserve, for the benefit of the city, owner or developer, certain provisions of the city lien.
 - (3). The city manager and city attorney may thereafter execute the document satisfying or releasing the city lien, and the city clerk shall attest such document and record it in the public records.
- (e). *No further action by city council required.* The execution of a document satisfying or releasing a city lien under this section shall constitute approval of the document pursuant to section 2.01(d) of the City Charter, as if executed by the city council president, and it is not necessary that city council further approve the document or that it be executed by the city council president.
- (f). *Limitations.* A satisfaction or release of a city lien under this section shall be effective only to satisfy or release the city lien and shall not be effective to satisfy or release any other provisions of any agreement or other document pursuant to which the lien arose.
- (g). *Satisfaction of code enforcement liens.* Any lien arising under article V of chapter 2 of this code concerning code enforcement may be satisfied or released as follows:
- (1). By the city manager pursuant to this section.
 - (2). By the chairman or vice-chairman of the municipal code enforcement board, if the lien arose under an order issued by such board, pursuant to procedures established by the code enforcement board and approved by the city manager.
 - (3). By the special magistrate, if the lien arose under an order issued by the special magistrate, pursuant to procedures established by the special magistrate and approved by the city manager.

(h). *Not exclusive.* The provisions of this section are not intended to be the exclusive means of satisfying or releasing a city lien. Thus, nothing set forth herein shall preclude the satisfaction or release of a city lien by city council, or as otherwise permitted by applicable law.

Section 2. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.


Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

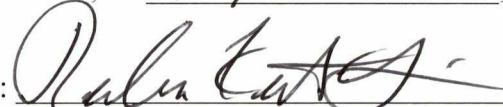
ATTEST:

By: 
Angel B. Jacobs
City Clerk

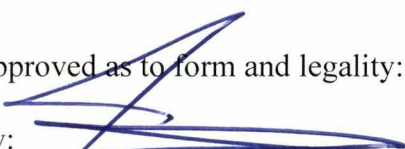
CITY OF OCALA

By: 
Jay A. Musleh
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 10/21, 2020.

By: 
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: 
Patrick G. Gilligan
City Attorney

Ordinance No: 2021-1
Introduced: 10/6/2020
Adopted: 10/20/2020
Legal Ad No: A000973885 - 10/9/20