

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE RELEASE OF ALL CODE ENFORCEMENT LIENS ARISING OUT OF VIOLATION NO. V13-16988, FILED AGAINST THE HOLOCAUST DOCUMENTATION & EDUCATION CENTER (THE "HDEC").

WHEREAS, in 2012, the Hollywood, Florida Community Redevelopment Agency (the "CRA") filed a foreclosure action against the HDEC for failure to pay the loan, secured by a purchase money mortgage, that was made at the time the HDEC purchased the property at 2031 Harrison Street (the "Harrison Street property") from the CRA; and

WHEREAS, on December 16, 2015, the Board of the Hollywood, Florida Community Redevelopment Agency (the "CRA") adopted Resolution No. R-CRA-2015-60, which approved the agreement between the CRA and the HDEC to settle the foreclosure action; and

WHEREAS, the settlement agreement includes a provision by which the parties agree to release each other of and from all claims and demands whatsoever, in law or in equity, which either party ever had or now has against each other that were or could have been brought in the foreclosure action; and

WHEREAS, however, the only parties to the settlement agreement are the CRA and the HDEC, thus it was not effective to release any liens held in the name of the City of Hollywood, despite that being the intent of the parties; and

WHEREAS, in 2013, when the HDEC owned the Harrison Street property, a notice of violation, designated Violation No. V13-16988, was filed against the HDEC for discharging non-stormwater to a surface area or stormwater management system without the City's prior written approval; and

WHEREAS, as a result of the finding of the special magistrate and the failure to correct the violation, the City is owed approximately \$47,000.00 in fines; and

WHEREAS, by recording a certified copy of the special magistrate's order regarding the Harrison Street property, the City has a lien, in the amount of the fines, against the Harrison Street property and any other property owned by the HDEC in Broward County, including the property at 303 N. Federal Highway in Dania Beach; and

WHEREAS, although the City is not a party to the settlement agreement, the City Commission fully supports the settlement and wishes to cooperate in every way possible to accomplish the objectives of the CRA and HDEC; and

WHEREAS, the primary way the City Commission can show its support of the settlement is by authorizing the release of all liens arising out of Violation No. V13-16988, including the liens against the Harrison Street property and the property at 303 N. Federal Highway in Dania Beach;

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

Section 1: That it hereby approves and authorizes the release, by the appropriate City officials, of any and all liens arising out of Violation No. V13-16988, including the liens against the Harrison Street property and the property at 303 N. Federal Highway in Dania Beach.

Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida only:

JEFFREY P. SHEFFEL, CITY ATTORNEY