

AN ORDINANCE ESTABLISHING A CERTIFICATE OF LIEN SEARCH FEE; LIMITING CITY LIABILITY; ADOPTING REVENUE SECTIONS 3.005 TO 3.015; REPEALING PRIOR ORDINANCES; AND DECLARING AN EMERGENCY.

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1. The following sections are hereby adopted as part of the City of Drain's Revenue Code:

3.005. Issuance of Lien Certificate Authorized.

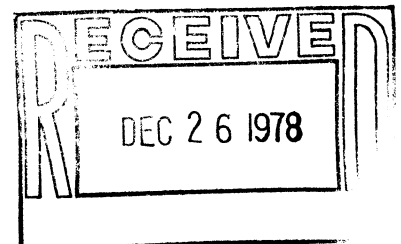
Upon receipt of application and payment of fees as herein provided, the City Administrator or his or her designated representative is authorized to make a search of the lien records of the City and to issue a certificate of the existence of the City and to issue a certificate of the existence of liens upon real property within the City. Each certificate shall set forth any lien or liens disclosed on the lien record required by law to be maintained on the date the certificate is issued.

3.010. Certificate Fee.

An applicant for a lien search shall pay a lien search fee in the amount of ten dollars (\$10.00) for each parcel for which a separate tax lot number has been assigned and for which a search is requested.

3.015. City Liability

No person, firm or corporation other than the party to whom the certificate is directed and issued shall be entitled to rely upon any information contained in a certificate of lien search issued in accordance with this chapter, and the City shall assume no responsibility and shall have no liability to any third person as a result of any information contained in any lien search certificate, nor shall the City be liable to any person who has actual



knowledge of notice of any lien, whether disclosed on the certificate or otherwise, or who has suffered loss by his or her own negligence. There shall be no liability for any error in any certificate in excess of the actual loss to the party to whom a certificate has been issued and in any event any liability shall be limited to the amount of any lien or liens existing at the date of issuance of the certificate and erroneously omitted from the certificate. In any case where the City shall be liable for damages as provided for herein it shall, upon payment of such damage, become subrogated to all of the rights of the damaged party and shall be entitled to an assignment of such rights against any and all third parties that may be liable for such damage.

Section 2. All ordinances or resolutions relating to the issuance of lien certificates and any other ordinances or resolutions in conflict herewith, are hereby repealed.

Section 3. The provisions contained herein affect the public welfare and safety, and therefore, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage by the Council and approval by the Mayor.

PASSED BY THE COUNCIL
THIS 13 DAY OF

February, 19 79

Robert A. Gray
Clerk of the Council, Pro-Tem

APPROVED BY THE MAYOR
THIS 13 DAY OF

February, 19 79.

Leroy J. Farley
Mayor
Leroy J. Farley

