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5 RESOLUTION NO. 18-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA,
6 DOCUMENTING THE ASSESSMENT OF THE COSTS INCURRED BY THE CITY
7 PURSUANT TO SECTION 12-42 OF THE CITY CODE OF ORDINANCES FOR THE
8 ABATEMENT OF CERTAIN NUISANCES (LOT CLEARING) WITHIN THE CITY;
9 LEVYING LIENS ON SAID PROPERTIES IDENTIFIED HEREIN; PROVIDING FOR THE
10 RECORDING OF THIS RESOLUTION IN THE PUBLIC RECORDS OF PALM BEACH
11 COUNTY, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, AN EFFECTIVE DATE
12 AND FOR OTHER PURPOSES.

13
14 WHEREAS, the City of Lake Worth Beach, Florida has, pursuant to sections 12-
15 38 through 12-42 of the Code of Ordinances of the City of Lake worth beach, Florida, as
16 amended, found and determined that the condition of certain properties or parcels of land
17 as hereinafter described violated section 12-38 of said Code by reason of the existence
18 of debris, vegetation, tree, or other matter thereon and thereby created a hazard declared
19 to be a public nuisance; and

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21 WHEREAS, the respective owners of the parcels of property hereinafter described
22 were duly notified of the existence of the aforesaid nuisances on their properties and were
23 required to abate the nuisances; and

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25 WHEREAS, said owners have, after being duly notified by a Notice of Violation,
26 failed to bring their property into code compliance; and

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28 WHEREAS, the lots have been cleared of debris, vegetation, tree or other public
29 nuisance thereon by the City or its contractor at a cost to the City as set forth below; and

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31 WHEREAS, it is recommended that in accordance with section 12-42 of the Code
32 of Ordinances of the City of Lake Worth Beach, the costs incurred to abate said
33 nuisances, which are assessed against the respective properties as special assessment
34 liens, be hereby documented and recorded against the properties in the Public Records
35 of the Palm Beach County, Florida.

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38 NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE
39 CITY OF LAKE WORTH BEACH, FLORIDA, that:

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41 **Section 1.** The foregoing recitals are hereby ratified and confirmed as being true and
42 correct and are hereby made a specific part of this resolution.

44 **Section 2.** Legislative Determinations. It is hereby ascertained and declared that the
45 lot clearing on the properties listed in **Exhibit "A"** (attached hereto and incorporated
46 herein) provided a special benefit to each parcel assessed, based upon the following
47 legislative determinations:

48
49 (A) It is hereby ascertained, determined, and declared that each assessed
50 parcel has benefitted by the City's provision of lot clearing services in an amount not less
51 than the amount of the lot clearing services costs imposed against each parcel.

52
53 (B) It is fair and reasonable to assess the lot clearing services costs in the
54 amounts actually expended by the City to benefit each assessed parcel.

55
56 **Section 3.** In accordance with sec. 12-42 of the Code of Ordinances, at the time
57 services were provided, all costs incurred by the City in the abatement of nuisances on
58 the following parcels of land, along with an administrative fee, were levied and assessed
59 against said properties as municipal special assessment liens on the properties identified
60 and in the amounts indicated on the attached "**Exhibit A**". To each of the aforesaid lien
61 amounts shall be added the cost to reimburse the City to record each lien in the Public
62 Records of Palm Beach County, Florida. The City Commission is hereby documenting
63 such special assessment liens through this resolution.

64
65 **Section 4.** Said liens shall be prior in dignity to all other liens, encumbrances, titles and
66 claims against the property and equal in rank and dignity with ad valorem taxes and shall
67 remain on such property until paid. A failure to pay any such lien, even a lien upon
68 homesteaded property, may result in a loss of title to property.

69
70 **Section 5.** Said special assessment liens shall bear interest from the date of adoption
71 of this resolution at the legal rate until fully paid.

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73 **Section 6.** The City Clerk is hereby directed to record a certified copy of this resolution
74 in the Public Records of Palm Beach County, Florida. The failure to record a certified
75 copy of this resolution shall not affect the validity of any special assessment.

76
77 **Section 7.** The Finance Department is hereby directed to mail a copy of this resolution
78 to the owners of the parcels of land levied hereby at the last known address of such
79 owner.

80 **Section 8.** Such assessment liens, together with interest, administrative fees costs,
81 and reasonable attorneys' fees shall be enforced and collected, and may be foreclosed,
82 pursuant to the Code of Ordinances of the City of Lake worth beach and applicable
83 provisions of law. Such assessment liens, if they remain unpaid, may also be collected
84 pursuant to the uniform method set forth in sec. 197.3632, Fla. Stat. or through any other
85 remedy available at law or in equity.

86
87 **Section 9.** All resolutions or parts of resolutions in conflict herewith are hereby
88 repealed.

89

90 **Section 10.** If any provision of this resolution or the application thereof to any person or
91 circumstances is held invalid, the invalidity shall not affect other provisions or applications
92 of this resolution which can be given effect without the invalid provision or application and
93 to this end the provisions of this resolution are declared severable.

94

95 **Section 11.** This resolution shall take effect upon adoption.

96

97 The passage of this resolution was moved by Commissioner _____,
98 seconded by Commissioner _____, and upon being put to a vote, the vote
99 was as follows:

100

- 101 Mayor Pam Triolo
- 102 Vice Mayor Andy Amoroso
- 103 Commissioner Scott Maxwell
- 104 Commissioner Omari Hardy
- 105 Commissioner Herman Robinson

106

107 The Mayor thereupon declared this resolution duly passed and adopted on this 5th
108 day of May, 2020.

109

LAKE WORTH BEACH CITY COMMISSION

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111

112

By: _____
Pam Triolo, Mayor

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114

ATTEST:

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Deborah M. Andrea, CMC, City Clerk

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