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RESOLUTION NO. 17-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DOCUMENTING THE ASSESSMENT OF THE COSTS INCURRED BY THE CITY PURSUANT TO SECTION 9-2.2(q) OF THE CITY CODE OF ORDINANCES FOR THE ABATEMENT OF CERTAIN NUISANCES (DEMOLITIONS) WITHIN THE CITY; LEVYING LIENS ON SAID PROPERTIES IDENTIFIED HEREIN; PROVIDING FOR THE RECORDING OF THIS RESOLUTION IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Lake Worth Beach, Florida has, pursuant to sections 9-2.2(a) through 9-2.2(t) of the Code of Ordinances of the City of Lake Worth Beach, Florida, as amended, found and determined that the condition of certain properties or parcels of land as hereinafter described violated section 9-2.2(c) of said Code by reason of the existence of a structure that is unsafe which thereby has created a hazard declared to be a public nuisance; and

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

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

WHEREAS, the structures have been demolished by the City or its contractor at a cost to the City as set forth below; and

WHEREAS, it is recommended that in accordance with section 9-2.2(q) of the Code of Ordinances of the City of Lake Worth Beach, the costs incurred to abate said nuisances, which are assessed against the respective property owners as special assessment liens, be hereby documented and recorded against the properties in the Public Records of the Palm Beach County, Florida.

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

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

Section 2. Legislative Determinations. It is hereby ascertained and declared that the demolitions of the structures on the properties listed in **Exhibit "A"** (attached hereto and

46 incorporated herein) provided a special benefit to each parcel assessed, based upon the
47 following 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 demolition services in an amount not less
51 than the amount of the demolition services costs imposed against each parcel.

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

55
56 **Section 3.** In accordance with secs. 9-2.2(p) and (q) of the Code of Ordinances, at the
57 time services were provided, all costs incurred by the City in the abatement of nuisances
58 on the following parcels of land, along with an administrative fee, were levied and
59 assessed against said properties as municipal special assessment liens on the properties
60 identified and, in the amounts, indicated on the attached "**Exhibit A**". To each of the
61 aforesaid lien amounts shall be added the cost to reimburse the City to record each lien
62 in the Public Records of Palm Beach County, Florida. The City Commission is hereby
63 documenting 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 liens shall bear interest from the date of adoption of this Resolution at
71 the legal rate until fully paid.

72
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
81 **Section 8.** Such assessment liens, together with interest, administrative fees costs,
82 and reasonable attorneys' fees shall be enforced and collected, and may be foreclosed,
83 pursuant to the Code of Ordinances of the City of Lake Worth Beach and applicable
84 provisions of law. Such assessment liens, if they remain unpaid, may also be collected
85 pursuant to the uniform method set forth in sec. 197.3632, Fla. Stat. or through any other
86 remedy available at law or in equity.

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

90
91 **Section 10.** If any provision of this resolution or the application thereof to any person or
92 circumstances is held invalid, the invalidity shall not affect other provisions or applications

93 of this resolution which can be given effect without the invalid provision or application and
94 to this end the provisions of this resolution are declared severable.

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

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

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

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

110
111 LAKE WORTH BEACH CITY COMMISSION

112
113
114 By: _____
115 Pam Triolo, Mayor

116 ATTEST:

117
118
119 _____
120 Deborah M. Andrea, CMC, City Clerk
121