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18-2021

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RESOLUTION NO. 18-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DOCUMENTING THE ASSESSMENT OF THE COSTS INCURRED BY THE CITY PURSUANT TO SECTION 12-42 OF THE CITY CODE OF ORDINANCES FOR THE ABATEMENT OF CERTAIN NUISANCES (LOT CLEARING) 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 12-38 through 12-42 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 12-38 of said Code by reason of the existence of debris, vegetation, tree, or other matter thereon and thereby 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 lots have been cleared of debris, vegetation, tree or other public nuisance thereon 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 12-42 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 properties 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:

42 **Section 1.** The foregoing recitals are hereby ratified and confirmed as being true and  
43 correct and are hereby made a specific part of this resolution.  
44

45 **Section 2.** Legislative Determinations. It is hereby ascertained and declared that the  
46 lot clearing on the properties listed in **Exhibit "A"** (attached hereto and incorporated  
47 herein) provided a special benefit to each parcel assessed, based upon the following  
48 legislative determinations:  
49

50 (A) It is hereby ascertained, determined, and declared that each  
51 assessed parcel has benefitted by the City's provision of lot clearing services in an  
52 amount not less than the amount of the lot clearing services costs imposed against each  
53 parcel.  
54

55 (B) It is fair and reasonable to assess the lot clearing services costs in  
56 the amounts actually expended by the City to benefit each assessed parcel.  
57

58 **Section 3.** In accordance with sec. 12-42 of the Code of Ordinances, at the time  
59 services were provided, all costs incurred by the City in the abatement of nuisances on  
60 the following parcels of land, along with an administrative fee, were levied and assessed  
61 against said properties as municipal special assessment liens on the properties identified  
62 and in the amounts indicated on the attached "**Exhibit A**". To each of the aforesaid lien  
63 amounts shall be added the cost to reimburse the City to record each lien in the Public  
64 Records of Palm Beach County, Florida. The City Commission is hereby documenting  
65 such special assessment liens through this resolution.  
66

67 **Section 4.** Said liens shall be prior in dignity to all other liens, encumbrances, titles and  
68 claims against the property and equal in rank and dignity with ad valorem taxes and shall  
69 remain on such property until paid. A failure to pay any such lien, even a lien upon  
70 homesteaded property, may result in a loss of title to property.  
71

72 **Section 5.** Said special assessment liens shall bear interest from the date of adoption  
73 of this resolution at the legal rate until fully paid.  
74

75 **Section 6.** The City Clerk is hereby directed to record a certified copy of this resolution  
76 in the Public Records of Palm Beach County, Florida. The failure to record a certified  
77 copy of this resolution shall not affect the validity of any special assessment.  
78

79 **Section 7.** The Finance Department is hereby directed to mail a copy of this resolution  
80 to the owners of the parcels of land levied hereby at the last known address of such  
81 owner.  
82

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

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

91

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

96

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

98

99 The passage of this resolution was moved by Commissioner \_\_\_\_\_,  
100 seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote  
101 was as follows:

102

103 Mayor Betty Resch  
104 Vice Mayor Herman Robinson  
105 Commissioner Sarah Malega  
106 Commissioner Christopher McVoy  
107 Commissioner Kimberly Stokes

108

109 The Mayor thereupon declared this resolution duly passed and adopted on the 4<sup>th</sup>  
110 day of May, 2021.

111

112

LAKE WORTH BEACH CITY COMMISSION

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115

By: \_\_\_\_\_  
Betty Resch, Mayor

116

117 ATTEST:

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\_\_\_\_\_  
Deborah M. Andrea, CMC, City Clerk

122

**LOT CLEARINGS  
EXHIBIT "A"**

| CASE #  | OWNER  | OWNER ADDRESS                    | OWNER CITY/STATE          | PCN                     | LEGAL DESCRIPTION  | PROPERTY ADDRESS   | INVOICE AMOUNT |
|---------|--|----------------------------------|---------------------------|-------------------------|--|--------------------|----------------|
| 20-1846 | BUYERS INVESTMENT GROUP LTD IN                           | 6717 STONECREEK ST               | GREENACRES, FL 334133408  | 38-43-44-15-07-000-8740 | COLLEGE PARK ADD 1 LTS 874 & 875 E OF FED HWY                                  | 1902 N FEDERAL HWY | \$ 887.76      |
| 20-1511 | GANCARZ ANDREW F & GANCARZ WILMA S                       | 9125 MARKLEYS GROVE BLVD         | SUMMERVILLE SC 29485 8679 | 38-43-44-27-01-089-0120 | ADD 1 TO TOWN OF LAKE WORTH LT 12 BLK 89                                       | 1621 S FEDERAL HWY | \$ 2,138.62    |
| 20-2071 | HAAS ROY H TRUST<br>ROY H HASS TR                        | 517 N L ST                       | LAKE WORTH BEACH FL 33460 | 38-43-44-21-15-154-0230 | TOWN OF LAKE WORTH LTS 23 & 24 BLK 154   | 517 N L ST         | \$ 1,220.03    |
| 20-1808 | MTAG CUST FOR HAYDEN MANAGEMENT LLC                      | PO BOX 409584                    | ATLANTA GA 30384 9584     | 38-43-44-21-15-082-0010 | TOWN OF LAKE WORTH LT 1 BLK 82   | 302 N G ST         | \$ 259.90      |
| 20-2135 | PIMIENTA JUAN C  | 1015 S G ST                      | LAKE WORTH EBACH FL 33460 | 38-43-44-21-15-281-0120 | TOWN OF LAKE WORTH LT 12 BLK 281   | 1015 S G ST        | \$ 405.00      |
| 20-2076 | S PINE ST LAND TRUST<br>FLORIDA TRUST SERVICES<br>LLC TR | 3014 N US HIGHWAY 301<br>STE 700 | TAMPA FL 33619-2279       | 38-43-44-28-03-000-0280 | ADD 1 TO LAKEVIEW HGTS LT 28   | 616 S PINE ST      | \$ 750.99      |
| 20-2108 | WHITE SAND PROPERTY DEV<br>LLC                           | 3170 N FEDERAL HWY STE<br>100M   | POMPANO BEACH FL 33064    | 38-43-44-27-01-024-0020 | ADD 1 TO TOWN OF LAKE WORTH LT 2 BLK 24  | 826 S LAKESIDE DR  | \$ 699.86      |
| 20-2139 | DLJ PROPERTIES LLC                                       | 211 EDELWEISS DR                 | WEXFORD PA 15090 9470     | 38-43-44-21-15-021-0013 | TOWN OF LAKE WORTH LTS 1 THRU 4 (LESS E 1/2 )<br>BLK 21                        | 30 S K ST          | \$ 1,207.76    |
| 20-2140 | DLJ PROPERTIES LLC                                       | 211 EDELWEISS DR                 | WEXFORD PA 15090 9470     | 38-43-44-21-15-021-0014 | TOWN OF LAKE WORTH E 1/2 OF LOTS 1 THRU 4 BLK 21                               | 614 1ST AVE S      | \$ 746.46      |
| 20-2175 | TARPON IV LLC  | 18305 BISCAYNE BLVD STE<br>400   | AVENTURA FL 33160 2172    | 38-43-44-34-02-000-0010 | AMENDED PL OF LATONA COURTS LTS 1&2 ( LESS E 25 FT & RTN CRV RAILROAD AVE R/W) | 604 LATONA AVE     | \$ 520.96      |

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**LOT CLEARINGS  
EXHIBIT "A"**

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|---------|--|-----------------------------|-------------------------------|-------------------------|--|-------------------|----------------|
| 20-2133 | ABELLON PA   | 2119 S DIXE HWY             | WEST PALM BEACH FL 33401      | 38-43-44-16-06-012-0011 | LAKE WORTH HGTS E 110 FT OF LT 1 (LESS E 2FT & NELY TRGLR PAR DIXIE HWY R/W ) BLK 12 | 1831 N DIXE HWY   | \$ 559.79      |
| 20-2128 | HUNTER EMMETT & HUNTER MARY L                                      | 817 TRUMAN AVE              | LAKE WORTH BEACH FL 33460     | 38-43-44-34-03-000-0210 | PARKVIEW HEIGHTS LT 21   | 817 TRUMAN AVE    | \$ 2,062.88    |
| 20-2462 | PROUT JAMES E & TAYLOR JONATHAN M                                  | 1703 S PALMWAY              | LAKE WORTH BEACH FL 33460     | 38-43-44-34-04-000-0252 | REVISED PLAT OF BLACKWELL PARKS 1/2 OF LT 25 & LT 27                                 | 1703 S PALMWAY    | \$ 1,575.36    |
| 20-2535 | KIERN MICHAEL & SCARCELLA KEIRN ANNETTE                            | 1420 HILLCREST DR           | LAKE WORTH BEACH FL 33461     | 38-43-44-33-07-000-0150 | LAKE OSBORNE MANOR LT 5  | 1420 HILLCREST DR | \$ 558.49      |
| 20-2563 | MAESEL SHAWN R   | 105 E PALMETTO PARK RD      | BOCA RATON, FL 33432          | 38-43-44-21-15-118-0091 | TON OF LAKE WORTH N 1/2 OF LT 9 & 10 BLK 118   | 420 N H ST        | \$ 476.24      |
| 20-2616 | 1018 N C ST LAND TRUST AGUSTI HECTOR & NEXOAVANT PROPERTIES LLC TR | 801 NORTHPOINT PKWY STE 141 | WEST PALM BEACH FL 33407 1815 | 38-43-44-21-15-322-0050 | TOWN OF LAKE WORTH LT 5 BLK 322  | 1018 N C ST       | \$ 482.66      |
| 20-2613 | JOHNSON BRUCE  | 412 S B ST                  | LAKE WORTH BEACH FL 33460     | 38-43-44-21-15-137-0061 | TOWN OF LAKE WORTH N 25 FT OF LT 6 BLK 137   | 412 S B ST        | \$ 380.32      |
| 20-2623 | MALDONADO CELESTINA & RIVASDARDAN AMANDA S                         | 417 S D ST                  | LAKE WORTH BEACH FL 33460     | 38-43-44-21-15-139-0240 | TOWN OF LAKE WORTH LTS 24 & 25 BLK 139   | 417 S D ST        | \$ 520.16      |
| 20-2745 | S PINE ST LAND TRUST FLORIDA TRUST SERVICES LLC TR                 | 3014 US HIGHWAY 301 STE 700 | TAMPA FL 33619 2279           | 38-43-44-28-03-000-0280 | ADD 1 TO LAKEVIEW HGTS LT 28   | 616 S PINE ST     | \$ 514.46      |
| 20-2684 | BARRIOS CARLOS   | 2520 IDA WAY                | WEST PALM BEACH FL 33415 7402 | 38-43-44-27-01-026-0040 | ADD 1 TO TOWN OF LAKE WORTH LT 4 BLK 26  | 920 S J ST        | \$ 911.46      |

**LOT CLEARINGS  
EXHIBIT "A"**

| CASE #  | OWNER  | OWNER ADDRESS              | OWNER CITY/STATE                 | PCN                         | LEGAL DESCRIPTION  | PROPERTY ADDRESS | INVOICE AMOUNT |
|---------|--|----------------------------|----------------------------------|-----------------------------|--|------------------|----------------|
| 20-2684 | BARRIOS CARLOS   | 2520 IDA WAY               | WEST PALM BEACH FL 33415<br>7402 | 38-43-44-27-01-026-<br>0051 | LAKE WORTH TOWN OF<br>ADD 1, LT 5 (LESS E 42.7<br>FT) BLK 26   | 912 S J ST       | \$ 674.46      |
| 20-2788 | ROSA RAMOS JANET   | 980 SW 21ST LN             | BOCA RATON FL 33486 6837         | 38-43-44-27-01-064-<br>0010 | ADD 1 TO TOWN OF LAKE<br>WORTH LT 1 & S 5 FT OF<br>LT 2 BLK 64   | 1332 S L ST      | \$ 362.50      |
| 20-2561 | DEALE WILLIAM R &<br>WILLIAMS ICON HOMES &<br>PROPERTIES | 1616 CAMERON LANDING<br>DR | STOCKBRIDGE GA 30281 6863        | 38-43-44-21-15-082-<br>0312 | TOWN OF LAKE WORTH W<br>45 FT OF LTS 31 & 32 BLK<br>82   | 1006 3RD AVE N   | \$ 288.50      |
| 20-2562 | MTAG CUST FOR HAYDEN<br>MANAGEMENT LLC                   | PO BOX 409584              | ATLANTA GA 30384 9584            | 38-43-44-21-15-082-<br>0010 | TOWN OF LAKE WORTH LT<br>1 BLK 82  | 302 N G ST       | \$ 326.50      |
| 21-48   | BARRIOS CARLOS   | 2520 IDA WAY               | WEST PAM BEACH FL 33415          | 38-43-44-27-01-026-<br>0052 | LAKE WORTH TOWN OF<br>ADD 1 E 42.7 FT OF LTS<br>5&6 BLK 26   | 914 S J ST       | \$ 1,046.82    |
| 20-1722 | JENNE KENNETH C II                                       | 2601 W BROWARD BLVD        | FORT LAUDERDALE FL 3312<br>1308  | 38-43-44-21-15-242-<br>0040 | TOWN OF LAKE WORTH LT<br>4 BLK 242   | 814 N J ST       | \$ 4,399.53    |
| 21-538  | SIMON SUSAN J  | 116 MONTEREY WAY           | WEST PALM BEACH FL 33411         | 38-43-44-21-15-213-<br>0072 | TOWN OF LAKE WORTH W<br>45 FT OF E 90 FT OF N 20<br>FT OF LT 7 & W 45 FT OF E<br>90 FT OF LT 8 BLK 213 | 513 6TH AVE S    | \$ 335.00      |
|         |  |                            |                                  |                             |  | TOTAL            | \$ 24,312.47   |