

RESOLUTION NO. 37-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DIRECTING THE DEVELOPMENT OF A PRELIMINARY ASSESSMENT ROLL FOR THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COSTS OF PROVIDING LOT CLEARING, BOARDING AND SECURING, AND DEMOLITION SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY AND WHICH COSTS REMAIN DELINQUENT AND UNPAID AS OF JUNE 1, 2022; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING; PROVIDING FOR NOTICE OF THE PUBLIC HEARING AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, by sections 2-221, 2-75.2.7, 12-42, and 9-2.2(q) of the Code of Ordinances, the City Commission of the City of Lake Worth Beach (the "City Commission"), declared that any chronic nuisance services costs, defined to include any nuisance violation abatement costs, including, but not limited to, lot clearing, board and secure, and demolition costs, that remain delinquent and unpaid as of June 1st of each year shall be a special assessment levied against the benefitted real property as a non-ad valorem assessment superior to all other private rights, interest, liens, encumbrances, titles and claims upon the benefitted real property and equal in rank and dignity with a lien for ad valorem taxes; and

WHEREAS, the City Commission adopted Resolution No. 49-2011 and Resolution No. 04-2016 regarding the City's intent to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for chronic nuisance services costs and nuisance violation abatement costs, including, but not limited to, lot clearing, board and secure, and demolition costs that remain unpaid; and

WHEREAS, section 2-222 of the City's Code of Ordinances provides that in order to include the special assessment for unpaid chronic nuisance services costs, which are defined to include all nuisance violation abatement costs, including but not limited to lot clearing, board and secure and demolition costs, on the property tax bills to be issued in November, 2022, the Finance Director shall prepare a preliminary assessment roll; schedule the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the chronic nuisance assessment roll for 2022; and provide notice by publication and first-class mail to those property owners listed on the preliminary assessment roll.

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. This resolution is adopted pursuant to the provisions of ch. 2, article XIX, division II of the Code of Ordinances, secs. 2-75.2.7, 12-42, and 9-2.2(q) of the Code of Ordinances, article 8, sec. 2(b) of the Florida Constitution, Section 166.021, Florida Statutes, Section 166.041, Florida Statutes, and Section 197.3632, Florida Statutes.

Section 3. Assessment Roll. The Finance Director is hereby directed to prepare an initial Chronic Nuisance Services Assessment Roll based on the chronic nuisance service costs, which are defined to include nuisance violation abatement costs, including, but not limited to, demolition, board and secure, and lot clearing costs, that remain delinquent and unpaid as of June 1, 2022. Said Chronic Nuisance Services Assessment Roll shall contain at least the following information:

- (1) A summary description of each real property with such delinquent costs, conforming to the description contained on the ad valorem tax roll;
- (2) The name of the owner of the real property as listed on the ad valorem tax roll and maintained on the property appraiser's system;
- (3) The amount of the costs to be assessed against each parcel of benefited real property; and
- (4) The type of such costs.

The initial assessment roll shall be retained by the City Clerk and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the assessment for each parcel of benefited real property can be determined by use of a computer terminal available to the public.

A copy of the initial assessment roll shall be provided to the property appraiser and included as a part of the notice of proposed property taxes under F.S. § 200.069, the truth-in-millage notification.

Section 4. Public Hearing. The City Commission will hold a public hearing to receive and consider comments from affected property owners and consider the adoption of the Chronic Nuisance Services Assessment Roll on July 19, 2022, at 6:00 p.m., or as soon thereafter and can be heard, in Commission Chambers at City Hall, 7 N. Dixie Highway, Lake Worth Beach, Florida, 33460.

Section 5. Notice. The Finance Director shall cause notice of the public hearing on the Chronic Nuisance Services Assessment Roll to be given as follows:

(a) Notice by mail. Written notice by first-class mail shall be sent to each person owning property listed on the preliminary Chronic Nuisance Services Assessment Roll, at the address listed by the property appraiser and shall include the following information:

- (1) the purpose of the assessment;
- (2) the total amount to be levied against each parcel of assessed real property;
- (3) a statement that the failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title;
- (4) a statement that all affected property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty days of the date of the notice; and
- (5) the date, time, and place of the public hearing.

Notice shall be mailed at least twenty (20) calendar days prior to the public hearing.

(b) Notice by publication. At least twenty (20) calendar days prior to the public hearing, the public hearing shall be noticed by publication in a newspaper generally circulated within the county and shall contain at least the following information:

- (1) identifying the city commission;
- (2) a geographic depiction of the city boundaries subject to the assessment;
- (3) a brief and general description of the chronic nuisance services provided;
- (4) the fact that the assessment will be collected by the tax collector;
- (5) a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within twenty (20) days of the publication of the notice; and
- (6) a statement that the initial assessment roll is available for inspection at the office of the City Clerk and that all interested persons may ascertain the amount to be assessed against a parcel of assessed real property at the office of the City Clerk.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 7. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application and to this end the provisions of this resolution are declared severable.

Section 8. This resolution shall take effect upon adoption.

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

Mayor Betty Resch
Vice Mayor Christopher McVoy

Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on this
____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk