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3 RESOLUTION NO. 42-2021 OF THE CITY OF LAKE WORTH BEACH,
4 FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS
5 WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT
6 CLEARING, BOARDING AND SECURING, AND DEMOLITION
7 SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE
8 REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY;
9 APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2021 AND
10 FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS,
11 SEVERABILITY AND AN EFFECTIVE DATE
12

13 WHEREAS, by sections 2-221, 2-75.2.7, 12-42, and 9-2.2(q) of the Code of
14 Ordinances, the City Commission of the City of Lake Worth Beach (the "City
15 Commission"), declared that any chronic nuisance services costs, defined to include any
16 nuisance violation abatement costs, including, but not limited to, lot clearing, board and
17 secure, and demolition costs, that remain delinquent and unpaid as of June 1st of each
18 year shall be a special assessment levied against the benefitted real property as a non-
19 ad valorem assessment superior to all other private rights, interest, liens, encumbrances,
20 titles and claims upon the benefitted real property and equal in rank and dignity with a lien
21 for ad valorem taxes; and
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23 WHEREAS, the City Commission adopted Resolution No. 49-2011 and Resolution
24 No. 04-2016 regarding the City's intent to use the uniform method of collecting non-ad
25 valorem assessments authorized in Section 197.3632, Florida Statutes, as amended, for
26 collecting non-ad valorem assessments for chronic nuisance services costs, including,
27 but not limited to, lot clearing, board and secure, and demolition costs that remain unpaid;
28 and
29

30 WHEREAS, section 2-222 of the City's Code of Ordinances provides that in order
31 to include the special assessment for unpaid chronic nuisance services costs on the
32 property tax bills to be issued in November, the Finance Director shall prepare a
33 preliminary assessment roll; schedule the date, time, and place of a public hearing to
34 receive and consider comments from the public and consider the adoption of the Chronic
35 Nuisance Services Assessment Roll for 2021; and provide notice by publication and first-
36 class mail to those property owners listed on the preliminary assessment roll; and
37

38 WHEREAS, the City Commission adopted Resolution No. 32-2021 (the "Initial
39 Assessment Resolution") which directed the creation of the proposed Assessment Roll
40 and notice to assessed property owners; and
41

42 WHEREAS, the proposed Assessment Roll has been made available for
43 inspection by the public; and
44

45 WHEREAS, notice of the public hearing has been published as required by the
46 terms of the ordinance; and

WHEREAS, notice of the public hearing was also mailed to each effected property owner as required by the ordinance, providing notice of an opportunity to be heard; and an affidavit of the mailing of such notice is attached hereto as “**Exhibit A**”; and

WHEREAS, a public hearing was held on July 20, 2021, and comments and objections of all interested persons wishing to comment were heard and have been considered.

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. Legislative Determinations. It is hereby ascertained and declared that the chronic nuisance services costs, which are defined to include all nuisance violation abatement costs, including but not limited to lot clearing, boarding and securing, and demolition (collectively and individually, the “Chronic Nuisance Services Costs”), provided a special benefit to each parcel assessed, based upon the following legislative determinations:

(A) It is hereby ascertained, determined, and declared that each assessed parcel has benefitted by the City’s provision of nuisance abatement services, including, but not limited to lot clearing, boarding and securing, and demolition, in an amount not less than the amount of the Chronic Nuisance Services Costs imposed against each parcel.

(B) It is fair and reasonable to assess the Chronic Nuisance Services Costs in the amounts actually expended by the City to benefit each assessed parcel.

Section 4. The proceeds of the Chronic Nuisance Services Costs are reimbursement to the City for funds previously expended to provide such services. A portion of the costs to continue to provide Chronic Nuisance Services may be funded from proceeds of the Chronic Nuisance Services Assessment. The remaining costs of providing Chronic Nuisance Services and related operating costs shall be funded by legally available City revenues other than Chronic Nuisance Services Assessment proceeds.

Section 5. The Chronic Nuisance Services Assessment Roll for collection on the November 2021 tax bill, attached as “**Exhibit B**,” is hereby approved and incorporated herein by this reference. The Chronic Nuisance Services Assessments in the amount set forth in the Assessment Roll, as may be corrected and adjusted pursuant to the ordinance,

are hereby levied and imposed on all parcels described in the Chronic Nuisance Services Assessment Roll.

Section 6. The Chronic Nuisance Services Assessment Roll shall constitute a lien upon the assessed parcels equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such liens shall be superior in dignity to all other liens, titles and claims, until paid.

Section 7. The Chronic Nuisance Services Assessments for November 2021 shall be collected and enforced pursuant to the Uniform Assessment Collection Act.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 9. 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 10. 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 Herman Robinson
Commissioner Sarah Malega
Commissioner Christopher McVoy
Commissioner Kimberly Stokes

The Mayor thereupon declared this resolution duly passed and adopted on this ____ day of _____, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Coyne, Deputy City Clerk