

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HOLLYWOOD, FLORIDA, RELATING TO THE LEVYING AND COLLECTING OF A NON-AD VALOREM ASSESSMENT FOR THE COSTS OF ABATING NUISANCES OCCURRING ON REAL PROPERTY THAT ARE PROHIBITED UNDER THE CITY'S CODE OF ORDINANCES; ESTABLISHING THE ESTIMATED ASSESSMENT AMOUNTS TO BE INCLUDED ON THE ANNUAL PROPERTY TAX BILLS OF THE AFFECTED PROPERTY OWNERS WHO HAVE HAD REMEDIAL WORK PERFORMED ON THEIR PROPERTIES BY THE CITY; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hollywood adopted Ordinance No. O-2013-06 on February 20, 2013, amending Chapter 38 of the Code of Ordinances to establish the authority and process for levying and collecting nuisance abatement non-ad valorem special assessments for remedial work performed by the City related to abandoned real or personal property, overgrown grass and debris removal, swimming pools posing public safety hazards, unsafe structures, and other related activities; and

WHEREAS, pursuant to Resolution No. R-2013-044, the City declared its intent to use the uniform method of collecting non-ad valorem special assessments for the cost of nuisance abatement services to properties within the incorporated area of the City as authorized by Section 197.3632, Florida Statutes, as amended, because the uniform method will allow such special assessments to be collected on the annual property tax bill; and

WHEREAS, pursuant to Ordinance No. O-2013-06, the levy and collection of nuisance abatement assessments for each successive fiscal year requires certain processes such as the preparation of an Assessment Roll; and

WHEREAS, annually, a Preliminary Assessment Resolution identifying delinquent costs incurred by the City that should be assessed to the benefiting property located within the City, directing the preparation of an assessment roll, authorizing a public hearing and directing the provision of notice thereof is required by Ordinance No. O-2013-06 for the levy and collection of the nuisance abatement assessments; and

WHEREAS, pursuant to Section 197.3632(2), Florida Statutes, the City has entered into agreements with the Broward County Property Appraiser and Broward

County to provide the administrative services necessary for the City's use of the uniform method of collecting the assessments; and

WHEREAS, Section 197.3632(4)(a), Florida Statutes, prescribes certain steps that governments must take in utilizing the uniform collection method to place a non-ad valorem assessment on the property tax bill, including the preparation of an assessment roll to be adopted at a public hearing no later than September 15th and the provision of notice of the public hearing, and this Resolution directs the preparation of such assessment roll and authorizes said public hearing and the related provision of notice that is required; and

WHEREAS, the City Commission of the City of Hollywood, Florida, deems it to be in the best interest of the citizens and residents of the City to adopt this Preliminary Assessment Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: "WHEREAS" CLAUSES. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: AUTHORITY. This Resolution is adopted pursuant to the provisions of Ordinance No. O-2013-06; the Initial Assessment Resolution (Resolution No. R-2013-231); the Final Assessment Resolution (Resolution No. R-2013-257); the Annual Resolution for Fiscal Year commencing October 1, 2014 (Resolution No. R-2014-257); the Annual Resolution for Fiscal Year commencing October 1, 2015 (Resolution No. R-2015-278); the Annual Resolution for Fiscal Year commencing October 1, 2016 (Resolution No. R-2016-272); the Annual Resolution for Fiscal Year commencing October 1, 2017 (Resolution No. R-2017-269); Florida Statute Sections 166.021, 166.041 and 197.3632, and other applicable provisions of law.

Section 3: PURPOSE. The purpose of this Resolution is to comply with the requirements of Florida Statute Section 197.3632 generally regarding the uniform method for the levy, collection and enforcement of non-ad valorem assessments to enable the imposition and collection of the City's nuisance abatement special assessments for the City's fiscal year beginning October 1, 2018.

Section 4: IMPOSITION AND COMPUTATION OF ASSESSMENTS. The nuisance abatement special assessments shall be imposed against the Tax Parcels specified in the attached Appendix "A", which are determined to be specially benefited by the work performed by the City. The nuisance abatement special assessments are computed in the manner set forth in Appendix "A", and total \$79,043.96. Consistent with the provisions of Ordinance No. O-2013-06, the total amounts assessed against the properties include the City's direct cost of performing the remedial work, as well as accrued interest on the balance and all other costs incurred by the City (such as administrative, legal, postal and publication expenses) in collecting the amounts due.

In accordance with Ordinance No. O-2013-06, written notice of the pending non-ad valorem special assessments has been sent by certified mail to the affected property owners shown in Appendix "A". Said written notice included the aggregate amount of costs incurred by the City and an itemized list of such costs for each parcel. The aggregate amounts set forth in Appendix "A" for each Tax Parcel shall be the assessment amounts applied by the City Manager in the preparation of the Assessment Roll for the Fiscal Year commencing October 1, 2018. It is determined and declared that the method of computing the Nuisance Abatement Special Assessments as set forth in this Preliminary Assessment Resolution is a fair and reasonable method and is reflective of the actual incurred costs of the City.

Section 5: ANNUAL ASSESSMENT ROLL.

The City Manager is directed to prepare, or cause to be prepared, an Assessment Roll for the Fiscal Year commencing October 1, 2018. The Assessment Roll shall include the specially benefited Tax Parcels identified in Appendix "A". A copy of this Preliminary Assessment Resolution, as well as Ordinance No. O-2013-06 and Resolution No. R-2013-044, and the Assessment Roll (once prepared) shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2018 be in printed form if the amount of the Nuisance Abatement Special Assessment for each parcel of property can be viewed by the use of a computer terminal available to the public.

Section 6: AUTHORIZATION OF PUBLIC HEARING. There is established a public hearing to be held at 5:30 p.m. on September 12, 2018, in City Commission Chambers, Room 219, 2600 Hollywood Boulevard, Hollywood, Florida, at which time the City Commission will receive and consider any comments on the nuisance abatement special assessments from the public and affected property owners, and act to impose said Assessments for the Fiscal Year beginning October 1, 2018 and to collect such assessments on the same bill as ad valorem taxes.

Section 7: NOTICE BY PUBLICATION. The City Manager shall publish a notice of the public hearing authorized by Section 6 of this Preliminary Assessment Resolution in accordance with Florida Statute Section 197.3632. The notice shall be published no later than August 24, 2018, in substantially the form attached hereto as Appendix "B".

Section 8: NOTICE BY MAIL.

(A) The City Manager shall also provide, or cause to be provided, notice by first class mail to the Owner of each parcel of Assessed Property in accordance with Florida Statute Section 197.3632. Such notice shall be in substantially the form attached hereto as Appendix "C". Such notices shall be mailed no later than August 24, 2018.

(B) If the City determines that the truth-in-millage ("TRIM") notice that is mailed by the Property Appraiser under Florida Statute Section 200.069 also fulfills the requirements of paragraph (A) of Section 8, then the separate mailing requirement described in paragraph (A) will be deemed to be fulfilled by the TRIM notice.

Section 9: APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the nuisance abatement special assessments will be utilized for the repayment of the costs of the City for performing remedial work to abate the nuisances.

Section 10: CONFLICTS. All resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 11: SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 12: EFFECTIVE DATE. This Preliminary Assessment Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY