RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA**,** RELATING TO THE LEVYING AND COLLECTING OF NON-AD VALOREM ASSESSMENTS FOR THE COSTS OF ABATING NUISANCES OCCURRING ON REAL PROPERTY IN THE CITY THAT ARE PROHIBITED UNDER THE CITY'S CODE OF ORDINANCES; IMPOSING NUISANCE ABATEMENT ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AGAINST THE AFFECTED PROPERTIES WHERE THE CITY HAD WORK PERFORMED TO REMEDY THE NUISANCES; APPROVING THE ASSESSMENT AMOUNTS; APPROVING THE ASSESSMENT ROLL.

WHEREAS, the City Commission adopted Ordinance No. O-2013-06 ("Ordinance"), which authorizes the imposition of nuisance abatement non-ad valorem special assessments to recover the cost of 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, the imposition of nuisance abatement non-ad valorem assessments to be collected on the annual property tax bill each fiscal year is a fair and equitable method for the City to recover its costs and collect the amounts due where these amounts remain unpaid after billing the respective property owners; and

WHEREAS, the City Commission desires to impose nuisance abatement non-ad valorem assessments on properties within the City using the procedures provided by the Ordinance, including the tax bill collection method, for the Fiscal Year beginning on October 1, 2020; and

WHEREAS, on July 1, 2020, the City Commission adopted Resolution No. R-2020-163 ("Initial Assessment Resolution"), referencing the City's authority to impose nuisance abatement assessments and to utilize the uniform method pursuant to Florida Statute Section 197.3632 for the levy, collection and enforcement of the City's nuisance abatement special assessments for the City's fiscal year beginning October 1, 202; describing the computation of the assessment amounts and the requirements for written prior notice to the effected property owners; directing the preparation of an Assessment Roll; and authorizing a public hearing and the provision of related notice, both published and mailed, as required by the Ordinance; and

WHEREAS, in order to impose nuisance abatement assessments for the Fiscal Year beginning October 1, 2020, the Ordinance requires the City Commission to adopt

an annual resolution (“Annual Assessment Resolution”) approving a non-ad valorem tax roll for nuisance abatement assessments for the upcoming Fiscal Year after hearing comments and objections of all interested parties at the required public hearing; and

WHEREAS, the updated Assessment Roll has been made available for inspection by the public, as required by Section 197.3632, Florida Statutes; and

WHEREAS, notice of a public hearing has been published and mailed as required by the terms of the Ordinance and Section 197.3632, Florida Statutes, which provides notice to all interested persons of an opportunity to be heard, an affidavit regarding the form of notice mailed being attached as Appendix “A”, and the proof of publication being attached as Appendix “B”; and

WHEREAS, a public hearing was held on September 14, 2020, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance and Section 197.3632, Florida Statutes.

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

Section 1: INCORPORATION OF “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 Annual Assessment Resolution is adopted pursuant to the provisions of Ordinance No. O-2013-06 ("Ordinance"), Resolution No. R-2013-044 (“Resolution of Intent”), Resolution No. R-2013-231 ("Initial Assessment Resolution"), the Final Assessment Resolution No. R-2013-257 ("Final Assessment Resolution"), the Final Assessment Resolution No. R-2014-257 ("Final Assessment Resolution"), the Final Assessment Resolution No. R-2015-278 ("Final Assessment Resolution"), the Final Assessment Resolution No. R-2016-272 ("Final Assessment Resolution"), the Final Assessment Resolution No. R-2017-269 (“Final Assessment Resolution”), the Final Assessment Resolution No. R-2018-281 (“Final Assessment Resolution”), the Final Assessment Resolution No. R-2019-262 (“Final Assessment Resolution”), Resolution No. R-2020-163 ("Preliminary Assessment Resolution"), Florida Constitution, Article VIII, Section 2(b), Sections 166.021, 166.041, and 197.3632, Florida Statutes, the City Charter of the City of Hollywood, and other applicable provisions of law.

Section 3: DEFINITIONS AND INTERPRETATION. This Annual Rate Resolution is necessary to approve the nuisance abatement non-ad valorem tax roll which is required in the Ordinance. All terms in this Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, and Section 197.3632, Florida Statutes.

Section 4: IMPOSITION OF NUISANCE ABATEMENT ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is approved, are found to be specially benefited by the remedial work provided by the City as set forth in the Initial Assessment Resolution. A copy of the Assessment Roll was present or available for inspection at the referenced public hearing, and is updated and attached as Appendix "C".

(B) The method for computing nuisance abatement assessments as described and referenced in the Initial Assessment Resolution, Section 3 and in Appendix "A", is approved.

(C) For the Fiscal Year beginning October 1, 2020, the nuisance abatement assessments imposed on the effected properties total $58,759.69 (which is less than the total set forth in the Initial Assessment Resolution due to property owners paying off their assessments in the interim period).

(D) The amounts set forth in the updated Assessment Roll, as approved, are levied and imposed on all parcels of Assessed Property described in such Assessment Roll for the Fiscal Year beginning October 1, 2020.

(E) Nuisance abatement assessments shall constitute a lien upon the Assessed Property so assessed which shall be 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 lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien for the nuisance abatement assessments shall be deemed perfected upon adoption of this Resolution and shall attach to the property included on the Assessment Roll and imposed on the property tax bill as a nuisance abatement non-ad valorem assessment.

(F) The Assessment Roll, as approved, shall be delivered to the Tax Collector for collection using the uniform method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached as Appendix "D".

Section 5: CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is confirmed.

Section 6: EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented (including but not limited to the determination of special benefit to the Assessed Property, the method and amount of assessment, the Assessment Roll and the levy and lien of the nuisance abatement assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Assessment Resolution.

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Section 7: SEVERABILITY. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 8: EFFECTIVE DATE. This Annual Assessment Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

_____
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.

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DOUGLAS R. GONZALES
CITY ATTORNEY