



City Attorney's Communication #2023-730
May 25, 2023

TO: Mayor and City Commission
FROM: Jill Ziluck, Assistant City Attorney
RE: *Resolution for the Release of Nuisance Abatement Liens*
3012 NW 2nd Street, Pompano Beach, FL

Background

The property located at 3012 NW 2nd Street, Pompano Beach, is the subject of this Resolution for the Release of the Nuisance Abatement Liens on said property.

Broward County Board of Commissioners acquired this property by Tax Deed on August 7, 2003, and conveyed it to the City on December 4, 2019. The City took the property as is at the time. OHUI constructed a single-family home at 3012 NW 2nd Street and has contracted with a qualified buyer for the purchase of the home which is set to close this month. A title search revealed the existence of seventeen (17) outstanding City Nuisance Abatement Liens dating back to 1994 in the name of the previous owner in the amount of \$3,992.94.

All seventeen (17) of the City's Nuisance Abatement Liens have expired per the five (5) year Statute of Limitations period and are void and unenforceable as of this date, the relevant section of the City's Code to release such liens is § 96.36 Waiver of Nuisance Abatement Liens.

§ 96.36 WAIVER OF NUISANCE ABATEMENT LIENS

(A) The City Commission may waive nuisance abatement liens created pursuant to Chapter 96 and/or any accrued interest associated with the liens provided that the City Commission makes any one or more of the following findings:

(1) The real property subject to the lien is owned by or will be donated to a governmental agency or a not-for-profit organization which is exempt under Section 501(c)(3) of the Internal Revenue Code or corresponding provisions of any subsequent tax law.

(2) The proposed development on the real property subject to the lien shall provide housing for persons or families with a total household income of 140% or less of the area median income.

(3) A showing of a good cause has been made that demonstrates payment of the nuisance abatement lien and/or any accrued interest would be inequitable or unjust to the property owner and the circumstances which make the payment inequitable or unjust were not the result of the property owner's own action or non-action.

Conclusion

As such, this resolution is to waive the \$3,992.94 the City spent in nuisance abatement on said property plus any accrued interest and for the proper City Official to execute the Release of Lien on said property for all seventeen (17) outstanding nuisance abatement liens so clear title can be conveyed by the City to the qualified buyer of the property.

Thank you for your consideration with regard to this matter.



JILL ZILUCK

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