

RESOLUTION NO. 2019-_____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AGREEING TO WAIVE IN FULL THE LIEN AND ATTENDANT INTEREST ARISING FROM NUISANCE ABATEMENT CASE 47830 TOTALING \$40,198.98 AGAINST REAL PROPERTY IDENTIFIED BY FOLIO NO. 4942 04 00 0145 WHICH IS OWNED BY ALLTECH GROUP PARCEL I, LLC; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 96.26 Public Nuisances, "Health and Safety", of the Code of Ordinances of the City of Pompano Beach, the City Manager or his designated representative did declare the existence of public nuisances upon real property identified by Folio No. 4942 04 00 0145 (the "Property") more particularly described below.

LEGAL: 4-49-42 & THE WORLD OF PALM-AIRE PLAT NO 1 114-50 B PT GOV LOT 8 & TR A OF 114-50 B DESC AS:BEG NE COR TR A,E 366.17 S 123.62,W 140.05,S 196.01,W 78.78,S 14,NWLY 106.88,NWLY 75.48,W 37.47,NW 80.77,SW 21.40 NW 13.82,SW 165.68,NW 38.56,NW 16.19,NLY 37.50,NELY 225.55, E 128 TO POB, LESS POR DESC IN OR 44154/1995,LESS PAR A & B DESC IN OR 45095/200

ADDRESS: 2606 North Palm Aire Drive, Pompano Beach, Florida
a/k/a 2610 North Palm Aire Drive, Pompano Beach, Florida

WHEREAS, due to neglect and/or failure of the owner of the Property ("Property Owner") to timely abate the public nuisance conditions cited under Nuisance Abatement Case 47830, the City of Pompano Beach, through agents or contractors hired by the City Administration, did enter upon said Property and incur actual costs totaling \$33,480 to abate said nuisances.

WHEREAS, the City Commission passed Resolution 2014-323 that documented the City's costs to abate the public nuisances cited under Nuisance Abatement Case 47830 and directed the City Clerk of Pompano Beach to record a certified copy of said Resolution in the Public Records of Broward County

so that upon the date and time of recording of the certified copies, a lien with interest as set by Chapter 55.03, Florida Statutes, would then become effective.

WHEREAS, the Property Owner subsequently filed a lawsuit in the Circuit Court of Broward County, Florida, styled *Alltech Group Parcel I, LLC v. City of Pompano Beach* to contest the City's imposition of the lien arising pursuant to Nuisance Abatement Case 47830.

WHEREAS, Section 96.36 (A)(3) of the Pompano Beach Code of Ordinances provides the City Commission may waive nuisance abatement liens and/or all accrued interest associated with same upon a showing of good cause that demonstrates payment of the 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.

WHEREAS, the City Commission has reviewed the circumstances attendant to the City's actions taken pursuant to Nuisance Abatement Case 47830 and determined a showing of good cause has been made that demonstrates payment of the resulting lien and accrued interest would be inequitable or unjust to the Property Owner and that the circumstances which make the payment inequitable or unjust were not the result of the Property Owner's own action or non-action.

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

SECTION 1: The City Commission of Pompano Beach does hereby waive in full the \$33,486.00 the City spent to abate the public nuisances cited in Nuisance Abatement Case 47830 plus any accrued interest.

SECTION 2: The proper City officials are hereby authorized to waive in full the \$33,486.00 the City spent to abate the public nuisance conditions cited under Nuisance Abatement Case 47830 plus any accrued interest, to execute a Release of Lien on Case 47830, and to record a certified copy of said Release along with a certified copy of this Resolution in the Public Records of Broward County, Florida.

SECTION 3: This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2019.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

FP:jmz
1/10/19
l:reso/2019-11f