

RESOLUTION NO. 2011-03

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, PERTAINING TO NON-AD VALOREM ASSESSMENTS FOR LOT CLEAN-UP AND DEMOLITION OR REPAIR OF UNSAFE STRUCTURES.

WHEREAS, the Town Commission for the Town of Ocean Ridge, Florida, is considering imposing two non-ad valorem assessments, each of which, if imposed, will continue from year to year until otherwise determined by the Town Commission.

WHEREAS, one non-ad valorem assessment will reimburse Ocean Ridge for costs and expenses incurred when Ocean Ridge remedies nuisances and imminent threats to public health and safety on lots, parcels and tracts within Ocean Ridge caused by the accumulation of trash, junk, or debris, living and nonliving plant material, stagnant water, and fill on property and when the costs and expenses are not paid timely by the property owner, property agent, custodian, lessee, or occupant.

WHEREAS, the second non-ad valorem assessment will reimburse Ocean Ridge for the costs and expenses of demolishing unsafe structures when the costs and expenses are not paid timely by the property owner.

WHEREAS, the lots, parcels and tracts that will be cleaned-up and improved by the Town pursuant to the proposed ordinance will receive special benefits and will benefit from the clean-up and improvements in a manner equal to or greater than the cost of the assessment by improving the use of the property.

WHEREAS, the use of the assessments to cleanup and render nuisances will add financial value to the assessed properties equal to or greater than the amount of the assessment.

WHEREAS, the removal of nuisance conditions will render the assessed properties more attractive for use and habitation providing a measure of public safety and economic value to not only the assessed property but the general neighborhood.

WHEREAS, when properties are cleaned up pursuant to the proposed ordinance, the property owners will be required to reimburse the Town for the costs incurred in the clean-up, and there is the possibility that owners may fail or refuse to reimburse the Town.

WHEREAS, in order to collect the costs and expenses not paid timely by property owners, the Town Commission finds that it is fair, equitable and necessary to levy a non-ad valorem assessment against the benefitted property to reimburse the Town for costs and expenses incurred when the Town cleans-up and improves a lot, parcel, or tract in accordance with the proposed ordinance.

WHEREAS, the Town Commission has an ordinance which provides that the Town of Ocean Ridge may demolish unsafe structures.

WHEREAS, the Town Commission is in the process of amending the ordinance, and if adopted, the ordinance will provide that if property owners do not pay the costs and expenses associated with the demolition of unsafe structures, the Town may use the uniform method of collecting non-ad valorem assessments to reimburse the Town for costs and expenses incurred when the Town demolishes unsafe structures.

WHEREAS, in order to collect the costs and expenses not paid timely by property owners, the Town Commission finds that it is fair, equitable and necessary to levy a non-ad valorem assessment against the benefitted property to reimburse the Town for costs and expenses incurred when the Town demolishes unsafe structures.

WHEREAS, the Town Commission finds that unsafe structures that are demolished receive special benefits and will benefit from the demolition in a manner equal to or greater than the cost of the assessments.

WHEREAS, the uniform method of collecting non-ad valorem assessments, as authorized by Section 197.3632 of the Florida Statutes, provides for the collection of non-ad valorem assessments by including such assessments on the tax bills issued for the collection of ad valorem taxes.

WHEREAS, the Town has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments set forth in Chapter 197 of the Florida Statutes.

WHEREAS, the Town Commission finds that the use of the uniform method of collecting non-ad valorem assessments as authorized by section 197.3632 of the Florida Statutes will result in the efficient and effective collection of costs and expenses that have been paid by the Town for the clean-up of a lot, but not timely reimbursed by the property owner.

WHEREAS, the Town Commission finds that the use of the uniform method of collecting non-ad valorem assessments as authorized by section 197.3632 of the Florida Statutes will result in the efficient and effective collection of costs and expenses that have been paid by the Town for the demolition of unsafe structures, but not timely reimbursed by the property owner.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, THAT:

Section 1. The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. Lot Clean-Up

1. If the Town Commission adopts ordinances authorizing the uniform method of collecting non-ad valorem assessments to collect unpaid costs and expenses incurred by the Town in cleaning up lots that are a nuisance or pose an imminent threat to public health and safety on property within the Town, the Town Commission intends to use, and hereby authorizes its Town Manager and Town Attorney to take all needed actions to use, the uniform method of collecting non-ad valorem assessments as provided in section 197.3632 of the Florida Statutes, for collecting all unpaid lot clean-up costs.

2. The Town Commission intends to use and will continue, year-to-year, to use the uniform method of collecting non-ad valorem assessments for lot clean-up, until otherwise determined or discontinued by the Town Commission.

3. The Town Commission has determined that a non-ad valorem special assessment for lot clean-up costs and expenses is necessary in order to financially permit and enable the Town to continue clean-up of nuisances and imminent threats to public health and safety on property within the Town.

4. The Town of Ocean Ridge, in its entirety, as its boundaries exist on the effective date of this Resolution and as they may be expanded or contracted from time to time, has been declared a special-assessment district for the purpose of collecting unpaid costs and expenses incurred by the Town for lot clean-up. Properties assessed for the cost of clean-up under the proposed ordinance shall have their respective assessments collected by the uniform method (unless the assessments are paid timely before the pertinent non-ad valorem assessment roll is certified to the Tax Collector for collection), and for that purpose the Town shall place the legal description of such properties on its non-ad valorem assessment roll each year that the assessments are outstanding and unpaid.

Section 3. Demolition of Unsafe Structures

1. If the Town Commission adopts ordinances authorizing the uniform method of collecting non-ad valorem assessments to collect unpaid costs and expenses incurred by the Town in the demolition of unsafe structures, the Town Commission intends to use, and hereby authorizes its Town Manager and Town Attorney to take all needed actions to use, the uniform method of collecting non-ad valorem assessments as provided in section 197.3632 of the Florida Statutes, for collecting such costs and expenses.

2. If the Town Commission adopts such ordinances, the Town Commission intends to use and will continue, year-to-year, to use the uniform method of collecting non-ad valorem assessments for demolition of unsafe structures, until otherwise determined or discontinued by the Town Commission.

3. The Town Commission is considering adopting such ordinances because it has determined that a non-ad valorem special assessment against benefitted property for costs and expenses incurred in the demolition of unsafe structures is necessary in order to financially permit and enable the Town to continue the clean-up of unsafe structures on property within the Town.

4. If the Town Commission adopts such ordinances, the Town of Ocean Ridge, in its entirety, as its boundaries exist on the effective date of this Resolution and as they may be expanded or contracted from time to time, will be declared a special-assessment district for the purpose of collecting unpaid costs and expenses incurred by the Town for the demolition of unsafe structures. Properties that may be assessed for the cost of demolition of unsafe structures under the ordinance shall have their respective assessments collected by the uniform method (unless the assessments are paid timely before the pertinent non-ad valorem assessment roll is certified to the Tax Collector for collection), and for that purpose the Town shall place the legal description of such properties on its non-ad valorem assessment roll each year that the assessments are outstanding and unpaid.

Section 4. Notice Requirements In accordance with the requirements of subsection 197.3632(3)(a) of the Florida Statutes, prior to the adoption of this resolution, the Town held a public hearing that was advertised weekly in the Palm Beach Post or Sun Sentinel for four consecutive weeks prior to the public hearing. A copy of the newspaper advertisement is attached hereto as **Attachment A**.

Section 6. Assessment Roll Each non-ad valorem assessment imposed by the Town pursuant to this resolution shall be included in the assessment roll that will be adopted by the Town and certified by the Town Attorney or his designee prior to September 15, 2011, and each year thereafter.

Section 7. Directions to the Town Clerk. The Town Clerk is hereby directed to send a certified copy of this resolution, by U.S. mail, to the Palm Beach County Property Appraiser, the Palm Beach County Tax Collector, and the Florida Department of Revenue by March 1, 2011.

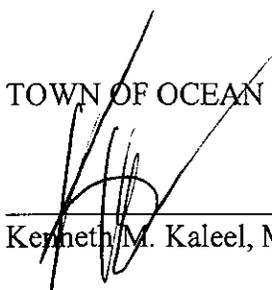
The foregoing Resolution was offered by Commissioner Pugh who moved it to adoption. The motion was seconded by Commissioner Allison and upon being put to a vote, the vote was as follows:

KENNETH M. KALEEL, Mayor	<u>Yea</u>
DR. LYNN L. ALLISON, Vice-Mayor	<u>Yea</u>
ELISABETH P.B. BINGHAM, Commissioner	<u>Yea</u>
TERRY BROWN, Commissioner	<u>Yea</u>
GEOFFREY A. PUGH, Commissioner	<u>Yea</u>

APPROVED AND ADOPTED by the Town Commission of the Town of Ocean Ridge,
February
Florida, on this 7th day of ~~January~~ February, 2011.

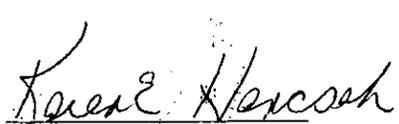
TOWN OF OCEAN RIDGE, FLORIDA

By:



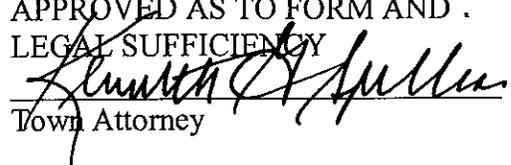
Kenneth M. Kaleel, Mayor

Attest:



Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



Town Attorney