

Meeting Date: 03-22-16

Agenda Item 15

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration/Discussion Presentation

SHORT TITLE A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AGREEING TO WAIVE IN FULL TWENTY-SIX NUISANCE ABATEMENT LIENS IN THE APPROXIMATE AMOUNT OF \$9,667.66 WHICH REFLECTS THE CITY'S ORIGINAL EXPENDITURE OF \$5,620.56 AND ACCRUING INTEREST OF APPROXIMATELY \$4,047.10 UPON HABITAT FOR HUMANITY OF BROWARD, INC. TAKING TITLE TO THREE (3) VACANT LOTS LOCATED AT 2808 NW 2 STREET, 2812 NW 2 STREET, AND 2900 NW 2 STREET, POMPANO BEACH, FLORIDA, AND PAYMENT IN FULL OF THREE UNSAFE STRUCTURE LIENS TOTALING \$5,469.09; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

Habitat for Humanity of Broward, Inc. has built in excess of 90 new affordable single family homes in the Collier City neighborhood. Habitat has discovered three (3) contiguous single family lots on NW 2nd Street in the Collier City area. These lots are vacant and Habitat will develop and construct new affordable homes within 3 years. However, these vacant lots have twenty-six (26) Nuisance Abatement liens in the amount of \$5,620.56 plus accrued interest of \$4,047.10 totaling \$9,667.66. There are also three (3) Unsafe Structure liens in the amount of \$5,469.09.

Upon Habitat taking title to the properties and paying the City of Pompano Beach in full for the three (3) Unsafe Structure liens totaling \$5,469.09, this resolution would waive in full the twenty-six (26) Nuisance Abatement liens including all accrued interest.

- (1) Origin of request for this action: Habitat for Humanity of Broward, Inc.
- (2) Primary staff contact: Greg Harrison, Assistant City Manager *Greg Harrison* 954 786-4606
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
OHUI	<u>3/15/16</u>	<u>Approval</u>	<i>[Signature]</i>
DEV. SRVS.	<u>3/15/16</u>	<u>Approval</u>	<i>[Signature]</i>
FINANCE	<u>3/15/16</u>	<u>Approval</u>	<i>[Signature]</i>
BUDGET	<u>3/16/16</u>	<u>✓</u>	<i>[Signature]</i>
CITY ATTORNEY			

City Manager *[Signature]* James W. Scott

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading _____	1 st Reading _____	Results: _____	Results: _____
2 nd Reading _____	_____	_____	_____



City Attorney's Communication #2016-569

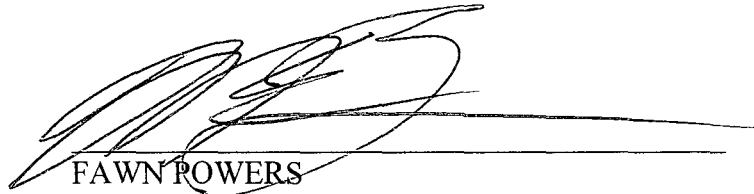
March 10, 2016

TO: Greg Harrison, Assistant City Manager
FROM: Fawn Powers, Assistant City Attorney
RE: Resolution – Habitat for Humanity of Broward, Inc.

As requested in your e-mail, I have prepared and attached the following captioned resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AGREEING TO WAIVE IN FULL TWENTY-SIX NUISANCE ABATEMENT LIENS IN THE APPROXIMATE AMOUNT OF \$9,667.66, WHICH REFLECTS THE CITY'S ORIGINAL EXPENDITURE OF \$5,620.56 AND ACCRUING INTEREST OF APPROXIMATELY \$4,047.10 UPON HABITAT FOR HUMANITY OF BROWARD, INC. TAKING TITLE TO THREE VACANT LOTS LOCATED AT 2808 NW 2ND STREET, 2812 NW 2ND STREET, AND 2900 NW 2ND STREET, POMPANO BEACH, FLORIDA, AND PAYMENT IN FULL OF THREE UNSAFE STRUCTURE LIENS TOTALING \$5,469.09; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



FAWN POWERS

Fp/ds
l:cor/mgr/acm/2016-569

Attachment

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 TWENTY-SIX NUISANCE ABATEMENT LIENS IN THE APPROXIMATE AMOUNT OF \$9,667.66, WHICH REFLECTS THE CITY'S ORIGINAL EXPENDITURE OF \$5,620.56 AND ACCRUING INTEREST OF APPROXIMATELY \$4,047.10 UPON HABITAT FOR HUMANITY OF BROWARD, INC. TAKING TITLE TO THREE VACANT LOTS LOCATED AT 2808 NW 2ND STREET, 2812 NW 2ND STREET, AND 2900 NW 2ND STREET, POMPANO BEACH, FLORIDA, AND PAYMENT IN FULL OF THREE UNSAFE STRUCTURE LIENS TOTALING \$5,469.09; 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 previously declared the existence of public nuisances upon the following described three vacant lots properties (collectively the "Properties") currently owned by Restore Construction Services, Inc.:

LEGAL: 33-48-42 E 50 OF W 200 OF E1/2 of S1/5 OF NW 1/4 OF SE 1/4 OF SW 1/4 LESS N 25 FOR ST AKA 1136CC
FOLIO: 4842 33 04 7500
ADDRESS: 2808 NW 2nd Street
PRIOR OWNER: Gretchen Louise Hutcheson

LEGAL: 33-48-42 E 50 OF W 150 OF E1/2 of S1/5 OF NW 1/4 OF SE 1/4 OF SW 1/4 AKA 1137CC
FOLIO: 4842 33 04 7510
ADDRESS: 2812 NW 2nd Street
PRIOR OWNER: Sautternes V LLC 1

LEGAL: 33-48-42 E 50 OF W 100 OF E1/2 of S1/5 OF NW 1/4 OF SE 1/4 OF SW 1/4 LESS N 25 FOR ST AKA 1138CC
FOLIO: 4842 33 04 7520
ADDRESS: 2900 NW 2nd Street
PRIOR OWNER: Pluto I LLC

WHEREAS, due to prior owners of the Properties failure to timely abate the aforementioned nuisances, the City of Pompano Beach, through agents or contractors, was therefore required to and did enter upon said Properties and incur actual costs totaling \$5,620.56 to abate said nuisances; and

WHEREAS, the City Commission subsequently passed Resolutions that documented the aforementioned abatement expenditures and directed the City Clerk to record a certified copy of said Resolutions in the Public Records of Broward County so that upon the date and time of recording, liens with interest as set by § 55.03, Florida Statutes, would then become effective; and

WHEREAS, Restore Construction Services, Inc. purchased the Properties at a Tax Deed Sale on September 19, 2012, when the former owners who caused the aforementioned public nuisances lost title for non-payment of real property taxes; and

WHEREAS, subject to the City waiving the aforementioned twenty-six Nuisance Abatement liens listed in Exhibit 1 totaling approximately \$9,667.66, Habitat for Humanity of Broward, Inc. (“Habitat”) desires to purchase the Properties and construct a single family residence on each lot to be sold to a person or family with a total household income of 140% or less of the area median income as evidenced by Habitat’s abatement request and the Vacant Land Contract attached respectively as Exhibits 2 and 3; and

WHEREAS, inter alia, § 96.36(A)(1) of the City’s Code of Ordinances provides the City Commission may waive nuisance abatement liens and all accrued interest if the property that is 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 and

WHEREAS, § 96.36(A)(2) of the City’s Code of Ordinances also provides the City Commission may waive nuisance abatement liens and all accrued interest if the proposed

development on the real property that is subject to the lien shall provide housing for persons or families with a total family income of 140% or less of the area median income; and now, therefore,

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

SECTION 1. Upon Habitat for Humanity of Broward, Inc. taking title to the Properties and paying in full the three Unsafe Structure liens referenced as Case Nos. 03-11, 04-24 and 04-26 and totaling \$5,469.09, the City Commission of Pompano Beach does hereby waive in full the twenty-six Nuisance Abatement liens listed in Exhibit 1, including all accrued interest.

SECTION 2. Upon the signing of this Resolution and subject to the conditions in Section 1 above being satisfied, the proper CITY officials are hereby authorized to waive in full the twenty-six Nuisance Abatement liens listed in Exhibit 1, including all accrued interest, to execute a Release on said liens, and to record a certified copy of said Release(s) 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 _____, 2016.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

3/11/16
l:reso/2016-111f

2900 NW 2 ST
8233-04-7520

<u>Type</u>	<u>Case #</u>	<u>Interest Accrued as of 3/8/16</u>	<u>Recording Reference</u>	<u>Resolution #</u>	<u>Original Amount Expended</u>
Nuisance Abatement	11-231	\$28.16	BK49150 PG1546 10/11/12	2012-376	\$178.40
Nuisance Abatement	10-1999	\$34.50	BK47788 PG0811 03/17/11	2011-153	\$141.00
Nuisance Abatement	10-737	\$41.84	BK47788 PG0811 03/17/11	2011-153	\$171.00
Nuisance Abatement	09-2838	\$40.02	BK47060 PG1328 05/04/10	2010-161	\$135.00
Nuisance Abatement	09-1446	\$44.91	BK46752 PG1318 12/22/09	2010-62	\$140.00
Nuisance Abatement	08-2229	\$118.51	BK46598 PG1667 10/16/09	2009-306	\$351.00
Unsafe Structure	03-11	\$0.00	BK34668 PG1859 03/03/03	n/a	\$668.92
Unsafe Structure	04-24	\$0.00	BK38406 PG0562 10/21/04	n/a	\$4,286.78
Unsafe Structure	04-26	\$0.00	BK38406 PG0560 10/21/04	n/a	\$513.39

2812 NW 2 ST
8233-04-7510

<u>Type</u>	<u>Case #</u>	<u>Interest Accrued as of 3/8/16</u>	<u>Recording Reference</u>	<u>Resolution #</u>	<u>Original Amount Expended</u>
Nuisance Abatement	11-230	\$28.16	BK49150 PG1546 10/11/12	2012-376	\$178.42
Nuisance Abatement	10-2000	\$34.50	BK47788 PG811 03/17/11	2011-153	\$141.00
Nuisance Abatement	10-824	\$41.84	BK47788 PG811 03/17/11	2011-153	\$171.00
Nuisance Abatement	09-2837	\$40.02	BK47060 PG1328 05/04/10	2010-161	\$135.00
Nuisance Abatement	09-1445	\$46.83	BK46752 PG1318 12/22/09	2010-62	\$146.00
Nuisance Abatement	08-2227	\$76.30	BK46598 PG1667 10/16/09	2009-306	\$226.00
Nuisance Abatement	05-3199	\$304.50	BK42931 PG327 10/12/06	2009-306	\$476.00
Nuisance Abatement	03-2612	\$140.23	BK38305 PG248 10/05/04	2004-340	\$176.00
Nuisance Abatement	00-4265	\$301.69	BK32546 PG1655 12/27/01	2002-87	\$301.00
Nuisance Abatement	97-3238	\$1,749.66	BK29079 PG1245 12/16/98	90-178	\$708.32

2808 NW 2 ST
8233-04-7500

<u>Type</u>	<u>Case #</u>	<u>Interest Accrued as of 3/8/16</u>	<u>Recording Reference</u>	<u>Resolution #</u>	<u>Original Amount Expended</u>
Nuisance Abatement	11-229	\$28.16	BK49150 PG1546 10/11/12	2012-376	\$178.42
Nuisance Abatement	10-2001	\$34.50	BK47788 PG0811 03/17/11	2011-153	\$141.00
Nuisance Abatement	10-727	\$41.84	BK47788 PG0811 03/17/11	2011-153	\$171.00
Nuisance Abatement	09-2843	\$40.02	BK47060 PG1328 05/04/10	2010-161	\$135.00
Nuisance Abatement	09-1444	\$44.91	BK46752 PG1318 12/22/09	2010-62	\$140.00
Nuisance Abatement	08-2228	\$76.30	BK46598 PG1667 10/16/09	2009-306	\$226.00
Nuisance Abatement	05-3200	\$144.58	BK42931 PG0327 10/16/09	2006-306	\$226.00
Nuisance Abatement	03-2613	\$140.23	BK38305 PG0248 10/05/04	2004-340	\$176.00
Nuisance Abatement	01-5411	\$223.43	BK35028 PG0929 04/25/03	2003-161	\$251.00
Nuisance Abatement	00-4266	\$201.46	BK32546 PG1655 12/27/01	2002-87	\$201.00

Total Accrued interest \$4,047.10 as of 3/8/16
Accruing at \$0.000130137 – daily interest