

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	October 6, 2020	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
Department:	Planning Zoning & Building	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing
Submitted By:	Building Division		
Submitted For:	Planning Zoning & Building		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

A) A Resolution to approve the execution and recordation of five (5) claims of lien, each of which imposes a lien in the amount of the total costs incurred by the County to abate unsafe structure(s) on each of five (5) properties in the Boynton Waters West subdivision; and

B) A Resolution to delegate authority to the Building Official or designee to execute and record future claims of lien to facilitate the County's recoupment of costs incurred in the abatement of unsafe structures and equipment.

Summary: The adoption of the Resolution approving execution of five (5) claims of lien will facilitate the County's recoupment of costs incurred in demolishing unsafe structures on five (5) properties in the Boynton Waters West subdivision, in accordance with the methods prescribed by Palm Beach County Ordinance No. 2017-044, as codified in Chapter 7, Article IV, Section 7-52 of the Palm Beach County Code of Ordinances (the "PBC Local Amendments"). Each of the five (5) liens is in the amount of \$15,365.02, for a total of \$76,825.10, which represents the total costs incurred to demolish unsafe structures on the five (5) properties. The adoption of the Resolution to delegate authority to the Building Official or designee to approve future execution and recordation of claims of lien assessing future costs incurred in abating unsafe structures and equipment will help to eliminate delays in recording claims of lien, which maximizes the County's chances of recovering pursuant to these liens, and streamline the agenda processes. Countywide (CK)

Background and Justification: The owner(s) of five (5) properties in the Boynton Waters West subdivision failed to either rehabilitate or demolish the structures on those properties as required. Thus, the County abated the nuisance through demolition of those structures, in accordance with the PBC Local Amendments. In order to recoup the incurred costs associated with the abatement, the Building Official mailed Nuisance Abatement Notices of Assessment to the property owner(s) via certified mail, return receipt requested, demanding payment of costs incurred within 20 business days of receipt of the notices, as required by the PBC Local Amendments. The property owner(s) failed to pay the costs within that timeframe. Therefore, pursuant to the PBC Local Amendments, the County may record these assessments as a lien against each property. Recordation of these claims of lien against the properties will increase the chances that the County is able to recover the monies expended at a future date. The delegation of authority to the Building Official or designee to execute and record claims of lien will expedite the lien process and streamline the Board of County Commissioners' agenda processes.

Attachments:

1. Resolution to Approve Execution and Recordation of Claims of Lien, including Exhibit A
2. Resolution to Delegate Authority to Execute and Record Future Claims of Lien

Recommended by:  6/4/2020
 Department Director Date

Approved By:  6/19/20
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT					
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget? Yes No X
 Does this item include the use of federal funds? Yes No X

Budget Account No:
 Fund Agency Organization Object

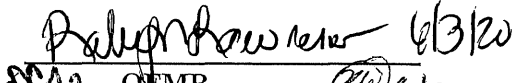
B. Recommended Sources of Funds/Summary of Fiscal Impact:

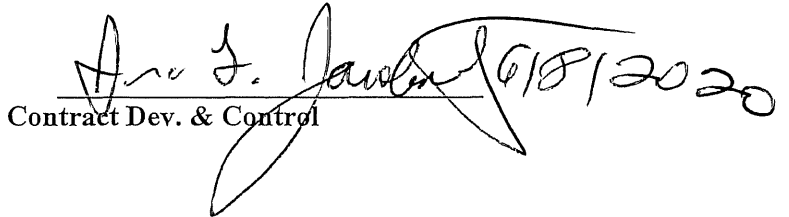
C. Departmental Fiscal Review:

 _____

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:


 Paul Brown 6/3/20
 OFMB (EW) 6/3


 Ann J. Javelle 6/18/2020
 Contract Dev. & Control

B. Legal Sufficiency


 Assistant County Attorney

C. Other Department Review

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

RESOLUTION NO. R2020-_____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA TO APPROVE THE EXECUTION
AND RECORDATION OF CLAIMS OF LIEN ASSESSING COSTS OF
ABATEMENT OF UNSAFE STRUCTURES PURSUANT TO PALM
BEACH COUNTY ORDINANCE NO. 2017-044.**

WHEREAS, pursuant to Palm Beach County Ordinance No. 2017-044, as codified in Chapter 7, Article IV, Section 7-52 of the Palm Beach County Code of Ordinances (the “PBC Local Amendments”), the Building Official of Palm Beach County deemed that the structure on each of the five (5) properties identified in the five (5) Claims of Lien, attached collectively as Exhibit “A”, was unsafe or otherwise dangerous to human life or the public welfare; and

WHEREAS, the Local Amendments authorize the Building Official of Palm Beach County to take down, remove or make safe unsafe structures or equipment in certain circumstances, including those present in these instances; and

WHEREAS, a Notice of Intent to Demolish was issued for each of the five (5) properties; and

WHEREAS, the property owner for each of the five (5) properties failed to demolish the subject structure and the time for contesting the determination to demolish passed without successful appeal; and

WHEREAS, the structure on each of these five (5) properties was demolished; and

WHEREAS, the Building Official issued a written Nuisance Abatement Notice of Assessment for each of the five (5) properties, which notified the property owner that a special assessment in the amount of the total costs incurred by the County in abating the nuisance was being imposed on the properties, and of the County’s intent to record the assessments as liens against the properties if not paid within twenty (20) business days, in accordance with the Local Amendments; and

WHEREAS, the Building Official delivered said Nuisance Abatement Notice of Assessments by certified mail, return receipt requested; and

WHEREAS, the property owner did not pay the special assessments within the specified timeframe.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that:

1. **Recitals.** The recitals contained above are true and correct and incorporated herein by reference.
2. **Execution and Recordation of Claims of Lien.** The costs incurred by the County on the aforementioned properties for the abatement of the unsafe structures are, hereby, imposed as a

lien against said parcels and the Claims of Lien, attached as Exhibit "A", shall be recorded in the public records of Palm Beach County.

- 3. **Severability.** If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of remaining portions of this Resolution.
- 4. **Effective Date.** The terms of this Resolution shall take effect upon its adoption.

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

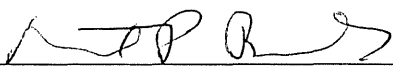
- District 3: Dave Kerner, Mayor _____
- District 4: Robert S. Weinroth, Vice Mayor _____
- District 1: Hal R. Valeche _____
- District 2: Gregg K. Weiss _____
- District 5: Mary Lou Berger _____
- District 6: Melissa McKinlay _____
- District 7: Mack Bernard _____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20_____.

APPROVED AS TO
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY AND THROUGH ITS BOARD OF
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

By: 
Chelsea J. Koester
Assistant County Attorney

By: _____
Deputy Clerk

Prepared by & Return to:
JACQUELYN ANDERSON
PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

ACCOUNT NO: 1400-600-6107-3411
Case No: U15000029 E

CLAIM OF LIEN

BEFORE ME, the undersigned authority, personally appeared, DOUGLAS WISE, who after being duly sworn, says that he is the Building Official of Palm Beach County, Florida, a political subdivision of the State of Florida ("Lienor"), whose address is 2300 North Jog Road, West Palm Beach, Florida 33411, and that pursuant to Palm Beach County Ordinance 2017-044, Section 116, Lienor does hereby claim a lien in the amount of fifteen thousand three hundred sixty-four dollars and two cents (\$15,364.02) for all costs incurred by Palm Beach County for the abatement of a nuisance (condemnation) on January 24, 2020 upon the following described real property in Palm Beach County, Florida:

<u>PROPERTY OWNER & ADDRESS</u>	<u>PROPERTY DESCRIPTION</u>
ESTATES OF BOYNTON WATERS WEST CORP 6849 COBIA CIR BOYNTON BEACH FL 33437 3644	6717 COBIA CIR BOYNTON BEACH FL 33437-3600 BOYNTON WATERS WEST 2 LT 95 PCN: 00-42-45-22-19-000-0950

The above property is also subject to a Notice of Intent to Demolish or Substantially Repair and Inspect, which was recorded on February 10, 2016, in the Official Records Book 28097, Page 0786 of the Public Records of Palm Beach County.

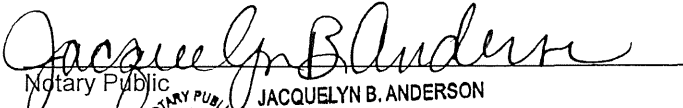
This lien shall also cover any subsequent accruing unpaid amounts as allowable by law, including interest, which will accrue interest at the rate of 12% per annum or at the maximum rate allowed by law, whichever is less.



DOUGLAS WISE, BUILDING OFFICIAL

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged by means of physical presence or online notarization before me this 1 day of June 2020, by DOUGLAS WISE, BUILDING OFFICIAL of Palm Beach County, who is personally known to me or has produced _____ as identification.



Notary Public JACQUELYN B. ANDERSON
Commission # GG 907195
Expires September 29, 2023
Bonded Thru Budget Notary Services
Type, Print or Stamp Commission Name of Notary

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


Assistant County Attorney

Prepared by & Return to:
JACQUELYN ANDERSON
PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

ACCOUNT NO: 1400-600-6107-3411
Case No: U15000029 B

CLAIM OF LIEN

BEFORE ME, the undersigned authority, personally appeared, DOUGLAS WISE, who after being duly sworn, says that he is the Building Official of Palm Beach County, Florida, a political subdivision of the State of Florida ("Lienor"), whose address is 2300 North Jog Road, West Palm Beach, Florida 33411, and that pursuant to Palm Beach County Ordinance 2017-044, Section 116, Lienor does hereby claim a lien in the amount of fifteen thousand three hundred sixty-four dollars and two cents (\$15,364.02) for all costs incurred by Palm Beach County for the abatement of a nuisance (condemnation) on January 24, 2020 upon the following described real property in Palm Beach County, Florida:

<u>PROPERTY OWNER & ADDRESS</u>	<u>PROPERTY DESCRIPTION</u>
ESTATES OF BOYNTON WATERS WEST CORP 6849 COBIA CIR BOYNTON BEACH FL 33437 3644	6778 COBIA CIR BOYNTON BEACH FL 33437-3629 BOYNTON WATERS WEST 2 LT 138 PCN: 00-42-45-22-19-000-1380

The above property is also subject to a Notice of Intent to Demolish or Substantially Repair and Inspect, which was recorded on February 17, 2016, in the Official Records Book 28108, Page 1019 of the Public Records of Palm Beach County.

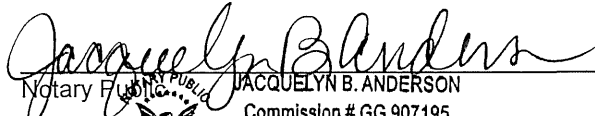
This lien shall also cover any subsequent accruing unpaid amounts as allowable by law, including interest, which will accrue interest at the rate of 12% per annum or at the maximum rate allowed by law, whichever is less.



DOUGLAS WISE, BUILDING OFFICIAL

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged by means of physical presence or online notarization before me this 1 day of June 2020, by DOUGLAS WISE, BUILDING OFFICIAL of Palm Beach County, who is personally known to me or has produced _____ as identification.


 Notary Public
 JACQUELYN B. ANDERSON
 Commission # GG 907195
 Expires September 29, 2023
 Bonded Thru Budget Notary Services

Type, Print or Stamp Commission Name of Notary

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


Assistant County Attorney

Prepared by & Return to:
JACQUELYN ANDERSON
PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

ACCOUNT NO: 1400-600-6107-3411
Case No: U15000029 J

CLAIM OF LIEN

BEFORE ME, the undersigned authority, personally appeared, DOUGLAS WISE, who after being duly sworn, says that he is the Building Official of Palm Beach County, Florida, a political subdivision of the State of Florida ("Lienor"), whose address is 2300 North Jog Road, West Palm Beach, Florida 33411, and that pursuant to Palm Beach County Ordinance 2017-044, Section 116, Lienor does hereby claim a lien in the amount of fifteen thousand three hundred sixty-four dollars and two cents (\$15,364.02) for all costs incurred by Palm Beach County for the abatement of a nuisance (condemnation) on January 24, 2020 upon the following described real property in Palm Beach County, Florida:

<u>PROPERTY OWNER & ADDRESS</u>	<u>PROPERTY DESCRIPTION</u>
ESTATES OF BOYNTON WATERS WEST CORP 6849 COBIA CIR BOYNTON BEACH FL 33437 3644	9298 PEARCH LN BOYNTON BEACH FL 33437-3633 BOYNTON WATERS WEST 2 LT 123 PCN: 00-42-45-22-19-000-1230

The above property is also subject to a Notice of Intent to Demolish or Substantially Repair and Inspect, which was recorded on February 09, 2016, in the Official Records Book 28094, Page 1741 of the Public Records of Palm Beach County.

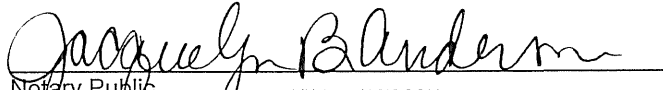
This lien shall also cover any subsequent accruing unpaid amounts as allowable by law, including interest, which will accrue interest at the rate of 12% per annum or at the maximum rate allowed by law, whichever is less.



DOUGLAS WISE, BUILDING OFFICIAL

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged by means of physical presence or online notarization before me this 7 day of June 2020, by DOUGLAS WISE, BUILDING OFFICIAL of Palm Beach County, who is personally known to me or has produced _____ as identification.


 Notary Public **JACQUELYN B. ANDERSON**
 Commission # GG 907195
 Expires September 29, 2023
 Bonded Thru Budget Notary Services
 Type, Print or Stamp Commission Name of Notary

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


Assistant County Attorney

Prepared by & Return to:
JACQUELYN ANDERSON
PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

ACCOUNT NO: 1400-600-6107-3411
Case No: U15000029 F

CLAIM OF LIEN

BEFORE ME, the undersigned authority, personally appeared, DOUGLAS WISE, who after being duly sworn, says that he is the Building Official of Palm Beach County, Florida, a political subdivision of the State of Florida ("Lienor"), whose address is 2300 North Jog Road, West Palm Beach, Florida 33411, and that pursuant to Palm Beach County Ordinance 2017-044, Section 116, Lienor does hereby claim a lien in the amount of fifteen thousand three hundred sixty-four dollars and two cents (\$15,364.02) for all costs incurred by Palm Beach County for the abatement of a nuisance (condemnation) on January 24, 2020 upon the following described real property in Palm Beach County, Florida:

<u>PROPERTY OWNER & ADDRESS</u>	<u>PROPERTY DESCRIPTION</u>
ESTATES OF BOYNTON WATERS WEST CORP 6849 COBIA CIR BOYNTON BEACH FL 33437 3644	6682 COBIA CIR BOYNTON BEACH FL 33437-3643 BOYNTON WATERS WEST 2 LT 115 PCN: 00-42-45-22-19-000-1150

The above property is also subject to a Notice of Intent to Demolish or Substantially Repair and Inspect, which was recorded on February 10, 2016, in the Official Records Book 28097, Page 0784 of the Public Records of Palm Beach County.

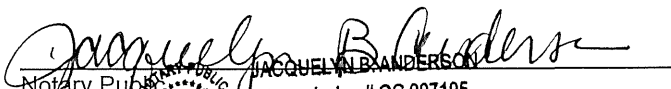

This lien shall also cover any subsequent accruing unpaid amounts as allowable by law, including interest, which will accrue interest at the rate of 12% per annum or at the maximum rate allowed by law, whichever is less.



DOUGLAS WISE, BUILDING OFFICIAL

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged by means of physical presence or online notarization before me this 1 day of June 2020, by DOUGLAS WISE, BUILDING OFFICIAL of Palm Beach County, who is personally known to me or has produced _____ as identification.


 Notary Public  JACQUELYN B. ANDERSON
 Commission # GG 907195
 Expires September 29, 2023
 Bonded Thru Budget Notary Services

Type, Print or Stamp Commission Name of Notary

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


Assistant County Attorney

Prepared by & Return to:
JACQUELYN ANDERSON
PALM BEACH COUNTY
PLANNING, ZONING, AND BUILDING
2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411

ACCOUNT NO: 1400-600-6107-3411
Case No: U15000029 C


CLAIM OF LIEN

BEFORE ME, the undersigned authority, personally appeared, DOUGLAS WISE, who after being duly sworn, says that he is the Building Official of Palm Beach County, Florida, a political subdivision of the State of Florida ("Lienor"), whose address is 2300 North Jog Road, West Palm Beach, Florida 33411, and that pursuant to Palm Beach County Ordinance 2017-044, Section 116, Lienor does hereby claim a lien in the amount of fifteen thousand three hundred sixty-four dollars and two cents (\$15,364.02) for all costs incurred by Palm Beach County for the abatement of a nuisance (condemnation) on January 24, 2020 upon the following described real property in Palm Beach County, Florida:

<u>PROPERTY OWNER & ADDRESS</u>	<u>PROPERTY DESCRIPTION</u>
ESTATES OF BOYNTON WATERS WEST CORP 6849 COBIA CIR BOYNTON BEACH FL 33437 3644	6784 COBIA CIR BOYNTON BEACH FL 33437-3629 BOYNTON WATERS WEST 2 LT 139 PCN: 00-42-45-22-19-000-1390

The above property is also subject to a Notice of Intent to Demolish or Substantially Repair and Inspect, which was recorded on February 17, 2016, in the Official Records Book 28108, Page 1017 of the Public Records of Palm Beach County.

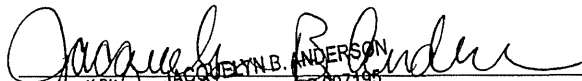
This lien shall also cover any subsequent accruing unpaid amounts as allowable by law, including interest, which will accrue interest at the rate of 12% per annum or at the maximum rate allowed by law, whichever is less.



DOUGLAS WISE, BUILDING OFFICIAL

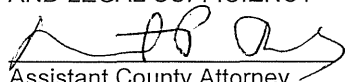
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged by means of physical presence or online notarization before me this 7 day of June 2020, by DOUGLAS WISE, BUILDING OFFICIAL of Palm Beach County, who is personally known to me or has produced _____ as identification.



JACQUELYN B. ANDERSON
Notary Public Commission # GG 907195
Expires September 29, 2023
Bonded Thru Budget Notary Services

Type, Print or Stamp Commission Name of Notary

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Assistant County Attorney

RESOLUTION NO. R2020-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA TO DELEGATE AUTHORITY TO THE BUILDING OFFICIAL OR DESIGNEE TO EXECUTE AND RECORD FUTURE CLAIMS OF LIEN ASSESSING COSTS OF ABATEMENT OF UNSAFE STRUCTURES OR EQUIPMENT.

WHEREAS, Palm Beach County Ordinance No. 2017-044, as codified in Chapter 7, Article IV, Section 7-52 of the Palm Beach County Code of Ordinances (the “PBC Local Amendments”), authorizes the Building Official of Palm Beach County to take down, remove or make safe unsafe structures or equipment; and

WHEREAS, when the County abates an unsafe structure or equipment, said County Code requires the Building Official to notify the property owner in writing by certified mail, return receipt requested, that a special assessment in the amount of the total costs incurred in performing the abatement has been imposed on the property, and of the County’s intent to record the assessments as a lien against the property if not paid within twenty (20) business days; and

WHEREAS, the Board of County Commissioners (“BCC”) desires to delegate authority to the Building Official of Palm Beach County or his or her designee to execute and record claims of lien for these unpaid special assessments; and

WHEREAS, the delegation of authority to the Building Official of Palm Beach County or his or her designee to execute and record claims of lien will eliminate delay caused by requiring the claims of lien to be brought before the BCC for approval, which will maximize the County’s chances of recovering pursuant to these liens and is consistent with the goal of the BCC to streamline the agenda process.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that:

1. **Recitals.** The recitals contained above are true and correct and incorporated herein by reference.
2. **Delegation of Authority.** The BCC hereby authorizes the Building Official of Palm Beach County or his or her designee to execute and record claims of lien for unpaid special assessments imposed on properties for the abatement of unsafe structures or equipment.
3. **Severability.** If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of remaining portions of this Resolution.
4. **Effective Date.** The terms of this Resolution shall take effect upon its adoption.

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

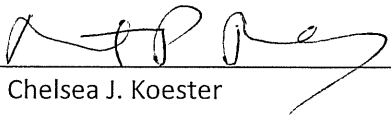
- District 3: Dave Kerner, Mayor _____
- District 4: Robert S. Weinroth, Vice Mayor _____
- District 1: Hal R. Valeche _____
- District 2: Gregg K. Weiss _____
- District 5: Mary Lou Berger _____
- District 6: Melissa McKinlay _____
- District 7: Mack Bernard _____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 20_____.

APPROVED AS TO
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY AND THROUGH ITS BOARD OF
COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller

By: 
Chelsea J. Koester
Assistant County Attorney

By: _____
Deputy Clerk