

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, RELATING TO THE PROVISION OF NUISANCE ABATEMENT ON CERTAIN REAL PROPERTIES BY THE CITY IN ACCORDANCE WITH CHAPTER 101 OF THE CITY'S CODE OF ORDINANCES; APPROVING THE COLLECTION OF A NUISANCE ABATEMENT SPECIAL ASSESSMENT ON REAL PROPERTY THAT HAS BEEN SPECIALLY BENEFITED BY THE CITY'S ABATEMENT OF NUISANCES THEREON; APPROVING A NUISANCE ABATEMENT ASSESSMENT ROLL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on June 20, 2018, the City Commission of the City of Pembroke Pines, Florida adopted Resolution No. 3607, setting forth determinations of special benefit for properties on which the City abated nuisances, directing the preparation of a Preliminary Nuisance Abatement Assessment Roll, establishing a public hearing to adopt the Nuisance Abatement Assessment Roll and providing for notice thereof; and,

**WHEREAS**, notice of a public hearing has been published and mailed, which provided notice to all interested persons of an opportunity to be heard. An affidavit regarding the notice of mailing is attached hereto as Appendix "B" and the proof of publication is attached hereto as Appendix "C"; and,

**WHEREAS**, a public hearing was conducted on September 12, 2018, and comments and objections of all interested persons have been heard and considered as required by the terms of the Chapter 101 of the City's Code of Ordinances (the "Ordinance"); and,

**WHEREAS**, the City Commission deems it in the best interests of the citizens and residents of the City of Pembroke Pines to collect the Nuisance Abatement Special Assessments from Assessed Properties, on the annual tax bill pursuant to authority set forth in the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA:**

**SECTION 1: RATIFICATION AND CONFIRMATION.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

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**SECTION 2: AUTHORITY.** This resolution is adopted pursuant to the provisions of the Ordinance, Resolution No. No. 3607 (the “Initial Nuisance Abatement Assessment Resolution”), Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**SECTION 3: DEFINITIONS AND INTERPRETATION.** This resolution constitutes the Annual Nuisance Abatement Assessment Resolution that adopts the Nuisance Abatement Assessment Roll and authorizes collection of the Nuisance Abatement Special Assessment on the annual property tax bills for Assessed Properties. All capitalized terms in this resolution shall have the meanings defined in the Ordinance and the Initial Nuisance Abatement Assessment Resolution.

**SECTION 4: LEGISLATIVE FINDINGS.** The general and legislative findings and declarations set forth in the Ordinance and Initial Nuisance Abatement Assessment Resolution are incorporated and relied upon herein.

**SECTION 5: APPROVAL OF NUISANCE ABATEMENT SPECIAL ASSESSMENTS.**

(A) The parcels of Assessed Property described in the Assessment Roll, as updated, which is hereby approved, are hereby found to be specially benefited by the provision of the Nuisance Abatement on the Assessed Properties as described or referenced in the Initial Nuisance Abatement Assessment Resolution, in the amounts of the Nuisance Abatement Special Assessment set forth in the Nuisance Abatement Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference.

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(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the City will be specially benefited by the City's provision of Nuisance Abatement upon such Assessed Properties in an amount not less than the Nuisance Abatement Special Assessment for such parcel, computed in the manner set forth in the Initial Nuisance Abatement Assessment Resolution. Adoption of this Annual Nuisance Abatement Assessment Resolution constitutes a legislative determination that all Assessed Properties derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Ordinance and the Initial Nuisance Abatement Assessment Resolution from the Nuisance Abatement services provided by the City on such parcels, and a legislative determination that the Nuisance Abatement Special Assessments are fairly and reasonably apportioned for the Assessed Properties that receive the special benefit as set forth in the Initial Nuisance Abatement Resolution.

(C) The Actual Cost shall be assessed against each Assessed Property within the City, which represents the special benefit accruing to such Assessed Property from the City's Abatement of Nuisances on the Assessed Property. The Special Assessment on each Assessed Property is set forth in Appendix "A" hereto. The Nuisance Abatement Special Assessment amounts set forth on Appendix "A" are hereby approved.

(D) Nuisance Abatement Special Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

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Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(E) The Nuisance Abatement Assessment Roll, as may be amended herein, is hereby approved, and shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Nuisance Abatement Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix "D".

**SECTION 6. CONFIRMATION OF INITIAL NUISANCE ABATEMENT ASSESSMENT RESOLUTION.** The Initial Nuisance Abatement Assessment Resolution, as may be amended herein, is hereby confirmed.

**SECTION 7: EFFECT OF ADOPTION OF RESOLUTION.** The adoption of this Annual Nuisance Abatement Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Assessment Roll and the levy and lien of the Nuisance Abatement Special Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Nuisance Abatement Assessment Resolution.

**SECTION 8: CONFLICTS.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 9: SEVERABILITY.** If any clause, section, or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or

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invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

**SECTION 10: EFFECTIVE DATE.** This Annual Nuisance Abatement Assessment Resolution shall take effect immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS 12<sup>th</sup> DAY OF SEPTEMBER, 2018.**

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

BY: \_\_\_\_\_  
MAYOR FRANK C. ORTIS

\_\_\_\_\_  
MARLENE GRAHAM, CITY CLERK

ORTIS \_\_\_\_\_

CASTILLO \_\_\_\_\_

GOOD \_\_\_\_\_

SCHWARTZ \_\_\_\_\_

APPROVED AS TO FORM:

SIPLE \_\_\_\_\_

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY

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APPENDIX A

NUISANCE ABATEMENT SPECIAL ASSESSMENT  
ASSESSED PROPERTIES

<b><u>Property ID Number</u></b>	<b><u>Assessment Roll</u></b>
<b>513913062030</b>	<b>\$319.75</b>
<b>513914020960</b>	<b>\$319.75</b>
<b>Total</b>	<b>\$639.50</b>

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**APPENDIX B**  
**AFFIDAVIT OF MAILING**

**AFFIDAVIT OF MAILING**

BEFORE ME, personally appeared, BRIAN J. SHERMAN, who, being duly sworn by me, certifies that the following information is true:

1. The Affiant is an adult resident of the State of Florida and is an Assistant City Attorney for the City of Pembroke Pines. I have personal knowledge of the facts stated below.

2. On Monday, August 20, 2018, I mailed the original *Notice of Hearing to Impose and Provide Nuisance Abatement Services – Non-Ad Valorem Assessments* dated August 20, 2018.

3. I mailed the document(s) to the person(s) named below by enclosing and sending same via regular U.S. postal mail. The person(s) and their respective addresses are as follows:

a. Re: **Tax Parcel # 513913062030**  
**Herbert & Minnie Pasch Family Trust**  
1053 NW 184 Way  
Pembroke Florida 33029; and

16616 Worthington Road  
Suite 100  
West Palm Beach, Florida 33409

b. Re: **Tax Parcel # 513914020960**  
**Dennis Castiglione**  
**Marian Cue**  
410 NW 203<sup>rd</sup> Avenue  
Pembroke Pines, Florida 33029

4. A true copy of the Notice mailed to the above named person(s) is attached hereto as **Exhibit "A."**

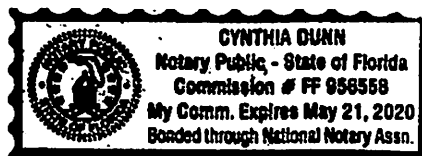
5. I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

FURTHER AFFIANT SAYETH NAUGHT.

  
BRIAN J. SHERMAN  
Fla. Bar No. 42262

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing Affidavit was SWORN TO or affirmed before me on this 21<sup>st</sup> day of August, 2018, by BRIAN J. SHERMAN who is personally known to me.



  
NOTARY PUBLIC





**PEMBROKE PINES  
CITY COMMISSION**

Frank C. Ortis  
MAYOR  
954-450-1020  
fortis@ppines.com

Thomas Good  
DISTRICT 1  
954-450-1030  
tgood@ppines.com

Jay Schwartz  
DISTRICT 2  
954-450-1030  
jschwartz@ppines.com

Iris A. Siple  
DISTRICT 3  
954-450-1030  
isiple@ppines.com

Angelo Castillo  
DISTRICT 4  
954-450-1030  
acastillo@ppines.com

Charles F. Dodge  
CITY MANAGER  
954-450-1040  
cdodge@ppines.com

August 20, 2018

Herbert & Minnie Pasch Family Trust  
1053 NW 184 Way  
Pembroke Florida 33029

16616 Worthington Road  
Suite 100  
West Palm Beach, Florida 33409

RE: Tax Parcel # 513913062030

**CITY OF PEMBROKE PINES, FLORIDA  
NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR NUISANCE  
ABATEMENT SERVICES - NON-AD VALOREM ASSESSMENTS**

Dear Property Owner:

As required by Section 197.3632, Florida Statutes, and City of Pembroke Pines Ordinance No. 1716 (Nuisance Abatement Assessment Ordinance), notice is given by the City of Pembroke Pines that a special assessment for nuisance abatement services using the tax bill collection method may be levied by the City of Pembroke Pines on your property for the fiscal year October 1, 2018 - September 30, 2019.

The purpose of this assessment is to collect the Nuisance Abatement Assessment benefiting property located within the City of Pembroke Pines. The total nuisance abatement assessment revenue to be collected within the City of Pembroke Pines is \$639.50. The nuisance abatement assessment is based on the actual cost of the nuisance abatement efforts and costs incurred by the City in remedying the nuisance which existed on the subject property. The actual cost of the abatement for the nuisance which existed on the subject property is \$319.75.

A public hearing will be held at 5:45 p.m. on September 12, 2018, in the City of Pembroke Pines City Hall, 601 City Center Way, Pembroke Pines, Florida 33025, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (954) 450-1050, at least three days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Nuisance Abatement Assessment Ordinance, the Preliminary Assessment Resolution, and the preliminary assessment roll are available for inspection at the City Hall - City Clerk's Office, 601 City Center Way, Pembroke Pines, Florida 33025, and at the Code Compliance Office located at 18400 Johnson Street, Pembroke Pines, Florida 33029.

The nuisance abatement non-ad valorem assessment amount shown on this notice for the above parcel will be collected on the ad valorem tax bill mailed in November 2018. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your nuisance abatement assessment, please contact the Code Compliance Unit at (954) 431-4466, Monday through Thursday between 7:30 a.m. and 4:00 p.m.

PLEASE GOVERN YOURSELF ACCORDINGLY  
\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\*

City of Pembroke Pines | 601 City Center Way | Pembroke Pines, FL 33025  
954.450.7061 | www.ppines.com

**EXHIBIT**

tabbles

A



PEMBROKE PINES  
CITY COMMISSION

Frank C. Ortis  
MAYOR  
954-450-1020  
fortis@ppines.com

Thomas Good  
DISTRICT 1  
954-450-1030  
tgood@ppines.com

Jay Schwartz  
DISTRICT 2  
954-450-1030  
jschwartz@ppines.com

Iris A. Siple  
DISTRICT 3  
954-450-1030  
isiple@ppines.com

Angelo Castillo  
DISTRICT 4  
954-450-1030  
acastillo@ppines.com

Charles F. Dodge  
CITY MANAGER  
954-450-1040  
cdodge@ppines.com

August 20, 2018

Dennis Castiglione  
Marian Cue  
410 NW 203 Avenue  
Pembroke Pines, Florida 33029

RE: Tax Parcel # 513914020960

**CITY OF PEMBROKE PINES, FLORIDA  
NOTICE OF HEARING TO IMPOSE AND PROVIDE  
FOR NUISANCE ABATEMENT SERVICES - NON-AD VALOREM  
ASSESSMENTS**

Dear Property Owner:

As required by Section 197.3632, Florida Statutes, and City of Pembroke Pines Ordinance No. 1716 (Nuisance Abatement Assessment Ordinance), notice is given by the City of Pembroke Pines that a special assessment for nuisance abatement services using the tax bill collection method may be levied by the City of Pembroke Pines on your property for the fiscal year October 1, 2018 - September 30, 2019.

The purpose of this assessment is to collect the Nuisance Abatement Assessment benefiting property located within the City of Pembroke Pines. The total nuisance abatement assessment revenue to be collected within the City of Pembroke Pines is \$639.50. The nuisance abatement assessment is based on the actual cost of the nuisance abatement efforts and costs incurred by the City in remedying the nuisance which existed on the subject property. The actual cost of the abatement for the nuisance which existed on the subject property is \$319.75.

A public hearing will be held at 5:45 p.m. on September 12, 2018, in the City of Pembroke Pines City Hall, 601 City Center Way, Pembroke Pines, Florida 33025, for the purpose of receiving public comment on the proposed assessment. You and all other affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If you decide to appeal any decision made by the City Commission with respect to any matter considered at the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (954) 450-1050, at least three days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Copies of the Nuisance Abatement Assessment Ordinance, the Preliminary Assessment Resolution, and the preliminary assessment roll are available for inspection at the City Hall - City Clerk's Office, 601 City Center Way, Pembroke Pines, Florida 33025, and at the Code Compliance Office located at 18400 Johnson Street, Pembroke Pines, Florida 33029.

The nuisance abatement non-ad valorem assessment amount shown on this notice for the above parcel will be collected on the ad valorem tax bill mailed in November 2018. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your nuisance abatement assessment, please contact the Code Compliance Unit at (954) 431-4466, Monday through Thursday between 7:30 a.m. and 4:00 p.m.

PLEASE GOVERN YOURSELF ACCORDINGLY  
\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\*

{00244646;2 1956-7601851}

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**APPENDIX C  
PROOF OF PUBLICATION**



SUN SENTINEL

Published Daily

Fort Lauderdale, Broward County, Florida

Boca Raton, Palm Beach County, Florida

Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared

**MARK KUZNITZ** who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being,

a **NOTICE OF PUBLIC HEARING** in the Matter of **THE CITY OF PEMBROKE PINES - 2018-R-17 NUISANCES ABATEMENT NOTICE** appeared in the

paper on **AUGUST 19, 2018 AD# 5700427** Affiant

further says that the said Sun-Sentinel Said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of she has neither paid, nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*Mark Kuznitz*

Mark Kuznitz, Affiant

Sworn to and subscribe before me on

**AUGUST 20, 2018, A.D**

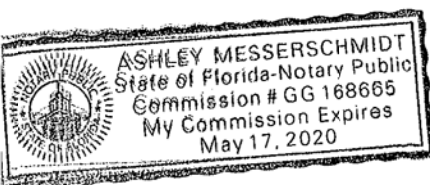
*[Signature]*

(Signature of Notary Public)

(Name of Notary typed, printed or stamped)

Personally Known ☒ or Produced

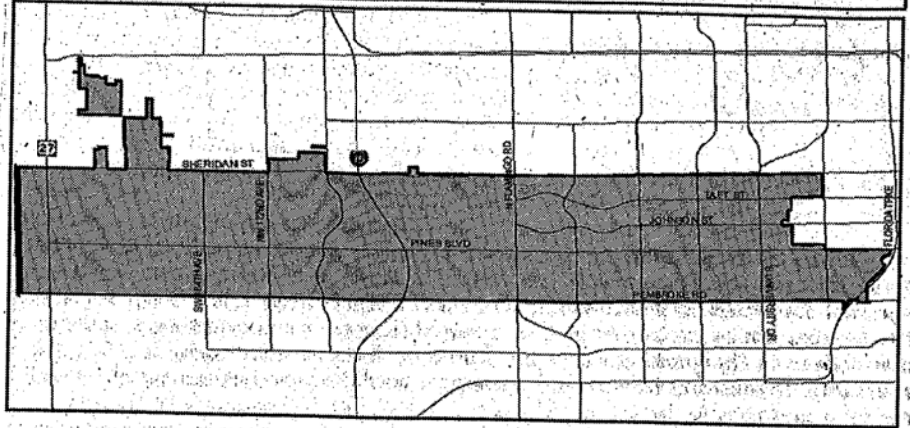
Identification \_\_\_\_\_



# CITY OF PEMBROKE PINES NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS FOR NUISANCE ABATEMENT



CITY OF PEMBROKE PINES  
VICINITY MAP



Notice is hereby given that the City Commission of City of Pembroke Pines, Florida ("City"), will conduct a public hearing to consider collecting Nuisance Abatement Special Assessments within the City of Pembroke Pines, on two (2) Assessed Properties in the City as listed in the Initial Assessment Resolution adopted June 20, 2018, within the area of the City shown above.

The hearing will be held at 5:45 p.m. on September 12, 2018, in the City Commission Chambers of City Hall, 601 City Center Way, Pembroke Pines, Florida, 33025 for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (954) 450-1050 at least 72 hours (3 days) prior to the date of the hearing.

The Nuisance Abatement Special Assessments have been imposed on two (2) properties within the City whereon the City expended funds to abate nuisances. Those Property Owners have received notice of the Nuisance Abatement Special Assessment and have not paid pursuant to the requirements of the City Ordinance 1716. As a result, the City is collecting the Nuisance Abatement Special Assessment using the Tax Bill solely on the two (2) properties within the City on which the City has abated nuisances and the Property Owners have not paid the special assessment for the City's work as required by the Ordinance. Those two (2) properties are assessed the City's Actual Costs as defined in the Ordinance for abating the nuisance.

A list of the Assessed Properties, as well as copies of the Ordinance, the Initial Assessment Resolution and the Assessment Roll are available for inspection at the Office of the City Clerk, City Hall, 601 City Center Way, Pembroke Pines, FL 33025.

The Nuisance Abatement Special Assessment on those two (2) Assessed Properties will be collected on the ad valorem tax bill to be mailed in November 2018, as authorized by section 197.3632, Florida Statutes. Failure to pay the Nuisance Abatement Special Assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City Code Compliance Unit at (954) 431-4466, Monday through Thursday between 8:00 a.m. and 5:00 p.m.

**MARLENE D. GRAHAM, CMC, CITY CLERK**  
OF PEMBROKE PINES, FLORIDA

August 19, 2018

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RESOLUTION NO. \_\_\_\_\_

**APPENDIX D**

**FORM OF CERTIFICATE TO  
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE  
TO  
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City of Pembroke Pines, or authorized agent of the City of Pembroke Pines, Florida (the "City") as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for nuisance abatement (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above-described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described non-Ad Valorem Assessment Roll will be delivered to the Broward County Department of Finance and Administrative Services by September 15, 2018.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Broward County Department of Finance and Administrative Services and made part of the above-described Non-Ad Valorem Assessment Roll this \_\_\_\_ day of September, 2018.

CITY OF PEMBROKE PINES, FLORIDA

BY: \_\_\_\_\_  
Title: \_\_\_\_\_

**[to be delivered to Broward County Department of  
Finance and Administrative Services by September 15]**

STATE OF FLORIDA  
COUNTY OF BROWARD

I HEREBY CERTIFY that the above  
Foregoing is a true and correct copy of  
Resolution No. \_\_\_\_\_

\_\_\_\_\_  
As recorded in the Office of the City Clerk  
Witness my hand and official seal this  
\_\_\_\_\_ day of September A.D., 2018

CITY OF PEMBROKE PINES

BY: \_\_\_\_\_  
Marlene Graham, City Clerk