

RESOLUTION 19-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, RELATING TO NUISANCE ABATEMENT WITHIN THE CITY; CONFIRMING THE INITIAL ASSESSMENT RESOLUTION; PROVIDING AUTHORITY, DEFINITIONS AND FINDINGS; AMENDING AND APPROVING THE NUISANCE ABATEMENT ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF NUISANCE ABATEMENT ASSESSMENTS; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City Council of the City of Panama City Beach (the "City") has adopted Chapter 28 (the "Assessment Ordinance") and Chapter 15, (the "Nuisance Ordinance"), as codified in the City's Code of Ordinances and which collectively provide for the imposition of special assessments for nuisance abatement which benefit property within the Assessment Area; and

WHEREAS, on July 11, 2019, the City Council adopted Resolution No. 19-106 (the "Initial Assessment Resolution") confirming the Nuisance Abatement Assessment Area, describing the method of assessing the Nuisance Abatement Service Cost against the real property that will be specially benefitted thereby, and directing preparation of the Nuisance Abatement Roll and the provision of the notices required by law; and

WHEREAS, pursuant to the Assessment Ordinance, the City Council is required to confirm or repeal the Initial Assessment Resolution with such amendments as the City Council deems appropriate after hearing comments and receiving objections of all interested parties; and

WHEREAS, the Assessment Roll has been filed with the City Manager or his designee, as required by law; and

WHEREAS, notice of a public hearing has been published and mailed to each property owner proposed to be assessed notifying such property owner of the opportunity to be heard concerning the assessments; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing has been duly held on September 12, 2019, and comments and objections of all interested persons have been heard and considered as required by law.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Final Assessment Resolution is adopted pursuant to the Initial Assessment Resolution, as amended herein, Chapter 166, Florida Statutes, Article VIII, Section 2, Florida Constitution, the Assessment Ordinance and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the Final Assessment Resolution. All capitalized terms in this Final Assessment Resolution shall have the meanings defined in the Initial Assessment Resolution.

SECTION 3. FINDINGS.

(A) The findings provided in Section 1.04 of the Initial Assessment Resolution are hereby ratified, confirmed and incorporated as if set forth fully herein.

(B) To the extent necessary, the Council finds that the Nuisance Abatement Service and the Nuisance Abatement Service Cost identified in the

Initial Assessment Resolution are hereby determined to be an Essential Service and a Service Cost, respectively, as defined in the Assessment Ordinance.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION.

(A) All actions taken by the City Council with regard to the Initial Assessment Resolution, as amended herein, are hereby ratified and confirmed.

(B) After public hearing, comment from affected property owners, City staff, consultants and counsel, and deliberation by the City Council at its noticed public hearing, the City Council hereby ratifies and confirms the Initial Assessment Resolution.

SECTION 5. APPROVAL OF NUISANCE ABATEMENT SERVICE COSTS.

(A) The Nuisance Abatement Service Costs comprising the Nuisance Abatement Assessment for each Tax Parcel are found and determined to be fairly and equally apportioned among the Tax Parcels identified on the Nuisance Abatement Assessment Roll.

(B) The estimated cost to be recovered through Assessments for the fiscal year commencing October 1, 2019 is \$3,370.25.

(C) The following Nuisance Abatement Service Costs are hereby allocated among the following Tax Parcels for Service Costs incurred by the City commencing October 1, 2018:

PARCEL ID	PROPERTY OWNER	SERVICE COST
38222-000-000	Ewyell Jordan & Paul Hofer	\$2,463.25
33949-000-000	Peek Development LLC	\$907.00

(D) The Nuisance Abatement Service Costs established in this Final Assessment Resolution are the actual Service Costs applied by the City establish

the Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2019.

SECTION 6. APPROVAL OF ASSESSMENT ROLL. The preliminary Nuisance Abatement Assessment Roll is hereby amended to delete parcel 34999-000-000. With that amendment, the Nuisance Abatement Assessment Roll is hereby approved, confirmed and adopted as the City's Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2019.

SECTION 7. IMPOSITION OF ASSESSMENTS TO FUND NUISANCE ABATEMENT.

(A) The Tax Parcels described in the Nuisance Abatement Assessment Roll are hereby found to be specifically benefitted by the provision of the Nuisance Abatement services and programs in the amount of the Nuisance Abatement Assessment set forth in the Nuisance Abatement Assessment Roll.

(B) For the Fiscal Year commencing October 1, 2019, the Nuisance Abatement Service Cost for the Nuisance Abatement Assessment Area shall be calculated and apportioned based upon the actual cost of Nuisance Abatement. The costs as set forth in the Initial Assessment Resolution, as amended by this Resolution, are hereby approved and found to be a fair and reasonable method of assessing the costs for the benefited properties.

(C) The Nuisance Abatement Assessments as set forth in the Initial Assessment Resolution, as amended by this Resolution and as set forth in the Nuisance Abatement Assessment Roll, are hereby levied and imposed on all Tax Parcels described in the Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2019.

(D) Upon adoption of this Final Assessment Resolution, the Nuisance Abatement Assessments shall constitute a lien against the assessed properties

equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles, and claims until paid. The lien shall be deemed perfected upon adoption by the City Council of this Final Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 8. COLLECTION OF ASSESSMENTS.

(A) The Nuisance Abatement Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

(B) Upon adoption of this Final Assessment Resolution, the City Manager or his designee shall cause the certification and delivery of the Assessment Roll to the Tax Collector by September 12, 2019, in the manner prescribed by the Uniform Assessment Collection Act. The 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 C.

(C) The amount of the Assessment imposed, levied, and billed to each owner of Assessed Property may additionally include a charge, calculated by and based upon the Assessment for each Tax Parcel, to cover the 4% statutory discount that may be taken for early payment together with the 2% fee that may be charged by the Tax Collector or Property Appraiser, or both of them (the "Uniform Method Charge"). The Fiscal Year 2018-2019 Uniform Method Charge shall be equivalent to 6% of the Nuisance Abatement Assessment for each Tax Parcel.

SECTION 9. EFFECT OF FINAL RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the

method by which the Assessments are computed, the Nuisance Abatement Assessment Roll, the terms for prepayment of the Assessments, the levy and lien of the Assessments, and the special benefit to assessed property) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Council action on this Final Assessment Resolution.

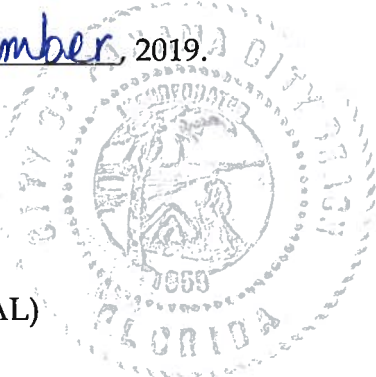
SECTION 10. SEVERABILITY. The provisions of this Final Assessment Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Final Assessment Resolution shall not be affected thereby.

SECTION 11. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

PASSED, ADOPTED AND APPROVED 12th day of

September 2019.

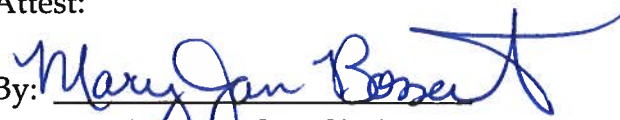
(SEAL)



CITY COUNCIL OF PANAMA
CITY BEACH, FLORIDA

By: 
Mike Thomas, Mayor

Attest:

By: 
Mary Jan Bossert, City Clerk

- Attachments: Appendix A – Proof of Publication
 Appendix B – Affidavit of Mailing
 Appendix C – Form of Certificate to Non-Ad Valorem
 Assessment Roll

Appendix A—Proof of Publication

The News Herald

501 W. 11th Street
P.O. Box 1940, Panama City, FL 32401
Published Daily
Panama City, Bay County, Florida

State of Florida County of Bay

Before the undersigned authority personally appeared Susan Collins, who on oath says that she is a Legal Advertising Representative of The News Herald, a newspaper published at Panama City in Bay County, Florida; that the attached copy of advertisement, being a Legal Advertisement #11058127 in the matter of **NOTICE OF HEARING - Collection of Special Assessments** in the Bay County Court, was published in said newspaper in the issue of **August 22, 2019**.

Affiant further says that the said The News Herald is a newspaper published at Panama City, in said Bay County, Florida, is a *direct successor of the Panama City News* and that the said newspaper, *together with its direct predecessor*, has heretofore been continuously published in said Bay County, Florida, each day (except that the predecessor, *Panama City News*, was not published on Sundays) and has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that (s)he 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.

Susan Collins

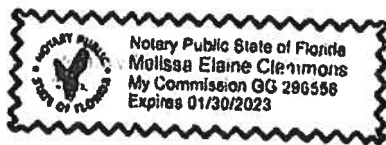
State of Florida

County of Bay

Sworn to and subscribed before me this **29th** day of **August**, A.D., **2019**.

By Susan Collins, Legal Advertising Representative of The News Herald, who is personally known to me or has produced N/A as identification.

Melissa Elaine Clemmons
Notary Public, State of Florida at Large



NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS

Notice is hereby given that the City Council of Panama City Beach, Florida, will conduct a public hearing to consider adoption of a Nuisance Abatement Final Assessment Resolution related to the imposition of special assessments nuisance abatement to reimburse the City for services undertaken by the City of Panama City Beach to abate a nuisance on the following properties:

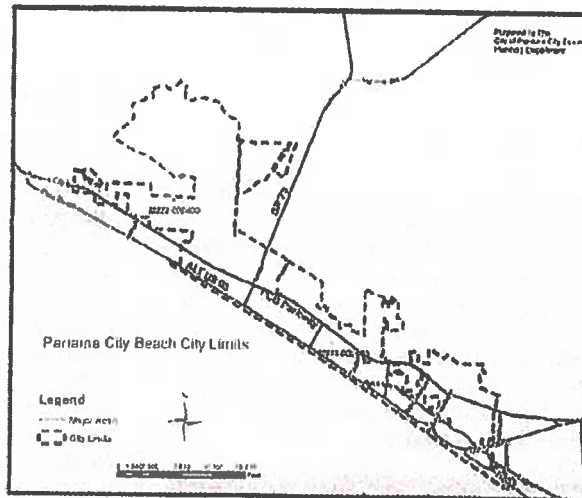
PARCEL ID	PROPERTY OWNER
38222-000-000	Ewyell Jordan & Paul Hofer
33949-000-000	Peek Development LLC

The total property abatement assessment revenue to be collected from all assessed properties is estimated to be \$3,370.25 for the fiscal year beginning October 1, 2019.

The Nuisance Abatement Final Assessment Resolution will provide for the imposition of special assessments, sometimes characterized as non-ad valorem assessments, against property located within the boundaries of the City and collection of the assessments by the uniform billing method described in Section 3.01 of City Ordinance No. 947. The hearing will be held at 6:00 PM on September 12, 2019 at City Council Chambers of City Hall, City Hall, 110 South Arnold Road, Panama City Beach, Florida. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within twenty (20) days of this notice. If adopted by the Council, the Nuisance Abatement Assessments will be collected by the Tax Collector on the tax bill to be mailed November 2019.

The assessments have been proposed to fund nuisance abatement related essential services and improvements throughout the City. The assessment for each tax parcel within the Assessment Area will be based upon the actual costs incurred by the City attributable to the abatement of a nuisance on each tax parcel as of the date the assessments are imposed. A more specific description of the nuisance abatement related services and improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution 19-106 adopted by the City Council on July 11, 2019. Copies of the Initial Assessment Resolution, the proposed Final Assessment Resolution 19-128 and the Nuisance Abatement Assessment Roll, together with Ordinances 947 and 1313 (the Assessment Ordinances) and Ordinance 1294 (the Nuisance Ordinance) are available for inspection at the office of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach, Florida.

The properties subject to this Assessment lie within the Assessment Area geographically depicted below:



If you have any questions, please contact the City Clerk's Office at (850) 233-5100.

ANY PERSON WISHING TO ENSURE THAT AN ADEQUATE RECORD OF THE PROCEEDINGS IS MAINTAINED FOR APPELLATE PURPOSES IS ADVISED TO MAKE THE NECESSARY ARRANGEMENTS FOR RECORDING AT HIS OR HER OWN EXPENSE.

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS MEETING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE PANAMA CITY BEACH CITY CLERK, AT CITY HALL, 110 SOUTH ARNOLD ROAD, PANAMA CITY BEACH, FLORIDA 32413 OR BY PHONE AT (850) 233-5100 AT LEAST FIVE (5) CALENDAR DAYS PRIOR TO THE MEETING. IF YOU ARE HEARING OR SPEECH IMPAIRED, AND YOU POSSESS TDD EQUIPMENT, YOU MAY CONTACT THE CITY CLERK USING THE FLORIDA DUAL PARTY RELAY SYSTEM WHICH CAN BE REACHED AT (800) 955-8770 (VOICE) OR (800) 955-8771.

Appendix B—Affidavit of Mailing

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned affiant, personally appeared Cindy Kittler, who after being duly sworn, deposes and says:

On August 13, 2019 I mailed each of the attached notices by first class U.S. mail, to the respective person whose name and address is listed therein as disclosed by the current tax roll, namely


Ewyell Jordan and Paul Hofer
131 W Crest Est
Hueytown, AL 35023-1442

Tax Parcel No. 38222-000-000

Peek Development, LLC
c/o Michael S. Burke Esq.
16215 Panama City Beach Parkway
Panama City Beach, FL 32413


Tax Parcel No. 33949-000-000

FURTHER AFFIANT SAYETH NOT.


Cindy Kittler, Affiant

STATE OF FLORIDA
COUNTY OF BAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 13th day of August, 2019, by Cindy Kittler who is personally known to me and did take an oath.


Signature of Notary Public



PANAMA CITY BEACH, FLORIDA

City of Panama City Beach, Florida
110 South Arnold Road
Panama City Beach, Florida 32413-2199

August 13, 2019

**NOTICE OF HEARING
TO IMPOSE AND TO PROVIDE FOR
COLLECTION OF
NUISANCE ABATEMENT RELATED
SPECIAL ASSESSMENTS IN
PANAMA CITY BEACH**

**Apparent Owners of Record:
VIA FIRST CLASS MAIL
Ewyell Jordan and Paul Hofer
131 W Crest Est
Hueytown, AL 35023-1442**

Tax Parcel No. **38222-000-000**
Location: **110 San Souci Street N.**

Dear Property Owner:

In accordance with Section 197.3632, Florida Statutes, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2019. The purpose of this assessment is to recover costs arising from nuisance abatement services benefitting affected properties located within the City. The total property abatement assessment revenue to be collected from all assessed properties is estimated to be \$3,370.25 for the fiscal year beginning October 1, 2019. The assessment of each parcel of property is calculated and apportioned based upon the extent of work that was necessary to abate or correct a violation of the City's Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City's Code of Ordinances on the above referenced parcel is \$2,463.25. The Nuisance Abatement Assessment for the above parcel is \$2,463.25 for the fiscal year beginning October 1, 2019.

The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2019. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 12, 2019, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council 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.

If you have any questions, please contact the City Clerk's office at 850-233-5100.

THIS IS NOT A BILL. DO NOT SEND PAYMENT.

PANAMA CITY BEACH, FLORIDA

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Panama City Beach City Clerk, at City Hall, 110 South Arnold Road, Panama City Beach, Florida 32413 or by phone at (850) 233-5100 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8770 (Voice) or (800) 955-8771.

PANAMA CITY BEACH, FLORIDA

City of Panama City Beach, Florida
110 South Arnold Road
Panama City Beach, Florida 32413-2199

August 13, 2019

**NOTICE OF HEARING
TO IMPOSE AND TO PROVIDE FOR
COLLECTION OF
NUISANCE ABATEMENT RELATED
SPECIAL ASSESSMENTS IN
PANAMA CITY BEACH**

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Peek Development, LLC
c/o Michael S. Burke Esq.
16215 Panama City Beach Parkway
Panama City Beach, FL 32413

Tax Parcel No. 33949-000-000
Location: 200 Oleander Ct.

Dear Property Owner:

In accordance with Section 197.3632, Florida Statutes, notice is hereby given by the City of Panama City Beach that a non-ad valorem assessment for nuisance abatement services using the tax bill collection method, may be levied on your property for the fiscal year beginning on October 1, 2019. The purpose of this assessment is to recover costs arising from nuisance abatement services benefitting affected properties located within the City. The total property abatement assessment revenue to be collected from all assessed properties is estimated to be \$3,370.25 for the fiscal year beginning October 1, 2019. The assessment of each parcel of property is calculated and apportioned based upon the extent of work that was necessary to abate or correct a violation of the City's Code of Ordinances existing on a Tax Parcel. The assessment will include the actual costs incurred by the City in performing any work necessary to abate or correct violations for unsafe structures or abatement of nuisances or both, including all labor, materials, disposal and administrative costs.

Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll describing the assessments are available for your review at the offices of the City Clerk, located at City Hall, 110 South Arnold Road, Panama City Beach. Information regarding the assessment for your specific property is included below.

The total amount of actual and administrative costs incurred by the City in performing the work necessary to abate or correct a violation of the City's Code of Ordinances on the above referenced parcel is \$907.00. The Nuisance Abatement Assessment for the above

parcel is \$907.00 for the fiscal year beginning October 1, 2019.

The nuisance abatement non-ad valorem assessment amount shown on this notice will be collected by the Bay County Tax Collector on the tax bill to be mailed in November 2019. Florida law requires that the City must inform you that failure to pay your assessment may result in foreclosure or the issuance of a tax sale certificate in the future. The City has the right to foreclose and collect delinquent assessments in any manner provided by law.

Until paid, the Nuisance Abatement assessment will constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Assessments shall become delinquent if not paid within thirty (30) days from the due date.

The City, in its sole discretion, shall determine whether to provide a program of hardship assistance, either through monetary contributions or extended payment terms, to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a Nuisance Abatement Assessment.

The City Council will hold a public hearing at 6:00 PM on September 12, 2019, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City, Florida, for the purpose of receiving comments on the proposed assessments. You are invited to attend and participate in the hearing. You may also file written objections with the City Council prior to or during the hearing. If you decide to appeal any decision made by the City Council 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.

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Appendix C—Certificate

**Certificate to
Non-Ad Valorem Assessment Roll
(Nuisance Abatement)**

I, the undersigned, hereby certify that I am the Mayor of The City of Panama City Beach, Florida, located in Bay County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll* for the aforesaid county is property 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, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll* as a part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.


In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the 12th day of September 2019.

*FY2019-20 Panama City Beach
Certified Nuisance Abatement Non-Ad
Valorem Assessment Roll



Mike Thomas, Mayor
of City of Panama City Beach, Florida
Bay County, Florida

ATTEST:


Mary Jan Bossert, City Clerk