### **RESOLUTION NO. 22-83**

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AMOUNT OF \$1,862.73 TO BE LIENED ON PROPERTY LOCATED AT 122 CIRCLE DRIVE, FOR COSTS INCURRED BY THE CITY TO ABATE NUISANCES LOCATED UPON SUCH PROPERTY; AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO RECORD THE LIEN AND NOTIFY INTERESTED PARTIES OF SUCH LIEN; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, pursuant to Section 15-25 of the City's Code of Ordinances, the City has undertaken the abatement of public nuisances defined by Section 15-17 of the City Code, following notice and failure by the Owners to comply with the City's nuisance abatement ordinance; and

WHEREAS, pursuant to 15-26 of the City's Code, the City Council shall assess the entire cost of the abatement of the nuisance against the property, inclusive of all administrative, legal, postal and publication expenses, and any other direct or indirect costs associated therewith.

**NOW THEREFORE, BE IT RESOLVED** by the City Council that a lien be assessed against the following property in the amount set forth below:

PROPERTY ID NO.	APPARENT OWNER OF PARCELS	ADDRESS	AMOUNT OF LIEN
33175-000-000	Lauren Curry & Thomas Curry	122 Circle Drive	\$1,862.73

AND BE IT FURTHER RESOLVED that the appropriate officers of the City are hereby authorized and directed to record such lien and notify the Tax Collector and all interested parties of such lien.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 27th day of January, 2022.

CITY OF PANAMA CITY BEACH

By:

Mark Sheldon, Mayor

ATTEST:

Lypne Fasone, City Clerk



# Panama City Beach

PCB City Hall 17007 PCB Parkway PCB, FL. 32413 P: (850) 233-5100 F: (850) 233-5108 www.pcbfl.gov

## CODE ENFORCEMENT NOTICE OF LIEN FOR NUISANCE ABATEMENT

January 28, 2022

### VIA CERTIFIED AND REGULAR MAIL

Lauren & Thomas Curry 5167 County Road 547 #116 Nevada, TX 75173-6095

Lauren & Thomas Curry 122 Circle Drive Panama City Beach, FL 32413

And the following interested parties:

Current Resident 122 Circle Drive Panama City Beach, FL 32413

Roundpoint Mortgage Servicing Corporation 5016 Parkway Plaza Boulevard, Buildings 6 & 8 Charlotte, NC 28217

Corey Smith, Esq. Attorney for United States of America 111 North Adams Street, 4<sup>th</sup> Floor Tallahassee, FL 32301

RE: Property located at 122 Circle Drive Panama City Beach, FL 32413

Parcel ID No. 33175-000-000

Mayor Mark Sheldon Vice Mayor Geoff McConnell Ward 1 Paul Casto Ward 2 Phil Chester

Ward 4
Michael Jarman

City Manager Drew Whitman PREPARED BY: Melissa Deese for James Tindle

**DEPARTMENT: Building and Planning** 

1. Pursuant to Section 15-25 of the City of Panama City Code of Ordinances, the City has undertaken certain actions to abate the nuisance located at 122 Circle Drive Panama City Beach, FL 32413

2. The amount of the City's abatement lien is as follows:

Labor & Clean-up: \$1,417.38 Title Search Report: \$150.00

Postage: \$117.85

Attorney Fees: \$ 125.00 Recording Fees: \$52.50

TOTAL: \$ 1,862.73

3. Pursuant to Section 25-34, Code of Panama City Beach, Florida, notice is hereby given that there has been assessed, pursuant to the provisions of said law, against the above named person/business at the above stated address, owner of the property described as:

LOT 12, BLOCK 7, GULF HIGHLANDS UNIT TWO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 93, PUBLIC RECORDS OF BAY COUNTY. FLORIDA.

Civil Penalties and costs of an administrative hearing, if applicable, including a reasonable attorney's fee, if applicable, and repair costs, if applicable, which, after demand for the payment thereof remains unpaid, and by the virtue of the above mentioned law, the amount constitutes a lien in favor of Panama City Beach, Florida upon the title to and interest in, whether legal or equitable, the property herein above described; said lien shall be prior to all other liens, excepting County taxes and taxes and liens of equal dignity therewith. Panama City Beach, Florida may foreclose or otherwise execute on the lien as provided for by the law.

WITNESS: The official seal of the City of Panama City Beach and the hand of the City Clerk thereof, City of Panama City Beach, Bay County, Florida.



## City of Panama City Beach

PCB City Hall 17007 PCB Parkway PCB, FL. 32413 P: (850) 233-5100 F: (850) 233-5108 www.pcbfl.gov

## CODE ENFORCEMENT INVOICE FOR NUISANCE ABATEMENT

November 8, 2021

### **DUE UPON RECEIPT**

### VIA CERTIFIED AND REGULAR MAIL

Lauren & Thomas Curry 5167 County Road 547 #116 Nevada, TX 75173-6095

Lauren & Thomas Curry 122 Circle Drive Panama City Beach, FL 32413

And the following interested parties:

Current Resident 122 Circle Drive Panama City Beach, FL 32413

Roundpoint Mortgage Servicing Corporation 5016 Parkway Plaza Boulevard, Buildings 6 & 8 Charlotte, NC 28217

Corey Smith, Esq.
Attorney for United States of America
111 North Adams Street, 4<sup>th</sup> Floor
Tallahassee, FL 32301

RE: Property located at 122 Circle Drive Panama City Beach, FL 32413

Parcel ID No. 33175-000-000

PREPARED BY: Melissa Deese for James Tindle

**DEPARTMENT: Building and Planning** 

Mayor Mark Sheldon Vice Mayor Geoff McConnell

Ward 1 Paul Casto Ward 2 Phil Chester Ward 4 Michael Jarman City Manager Drew Whitman

- 1. Pursuant to Section 15-25 of the City of Panama City Code of Ordinances, the City has undertaken certain actions to abate the nuisance located at 122 Circle Drive, Panama City Beach, FL 32413
- 2. The amount of the City's abatement lien is as follows:

Dumpster Service: \$1,417.38 Title search report: \$150.00

Postage: \$76.55

Attorney Fees: \$125.00 **TOTAL: \$1,768.93** 

3. Pursuant to Section 25-34, Code of Panama City Beach, Florida, notice is hereby given that there has been assessed, pursuant to the provisions of said law, against the above named person/business at the above stated address, owner of the property described as:

LOT 12, BLOCK 7, GULF HIGHLANDS UNIT TWO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

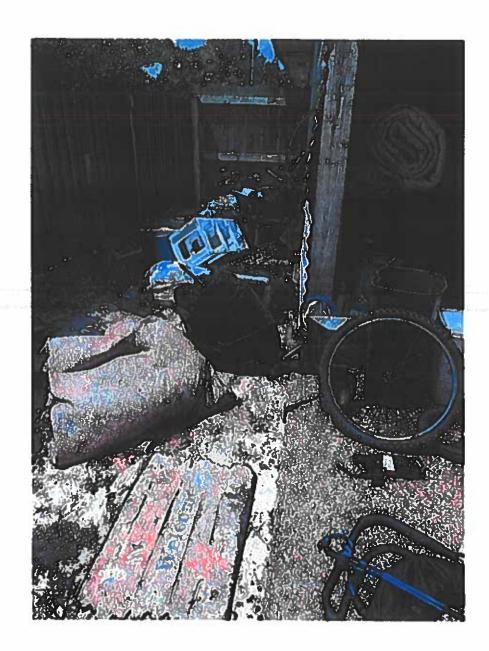
Civil Penalties and costs of an administrative hearing, if applicable, including a reasonable attorney's fee, if applicable, and repair costs, if applicable, which, after demand for the payment thereof remains unpaid, and by the virtue of the above mentioned law, the amount constitutes a lien in favor of Panama City Beach, Florida upon the title to and interest in, whether legal or equitable, the property herein above described. Panama City Beach, Florida may foreclose or otherwise execute on the lien as provided for by the law.

FAILURE TO PAY ALL AMOUNTS DUE UNDER THIS INVOICE WITHIN THIRTY (30) DAYS SHALL RESULT IN THE CITY PLACING A LIEN ON THE ABOVE-MENTIONED PARCEL(S). IN ADDITION, THE CITY MAY ASSESS THE AMOUNTS DUE HEREIN PURSUANT TO CHAPTER 197, FLORIDA STATUTES.

WITNESS: The official seal of the City of Panama City Beach and the hand of the City Clerk thereof, City of Panama City Beach, Bay County, Florida.

> By: Lynn Fasone, City Clerk Dated this









0118 - Weste Pro - Panema City 12310 Paruma City Beach Plory Panema City Beach, FL 32407-2704 (800) 872-1800

CITY OF POSICIONE EMPORCEMENT 116 S ANNOLO RD PANAMA CITY FL 3241-2112



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### **NUISANCE ABATEMENT AGREEMENT**

In consideration of the agreement by the City of Panama City Beach, Florida, whose address is 17007 Panama City Beach Parkway, Panama City Beach, FL 32413 ("CITY") to allow certain limited abatement activities, Lauren and Thomas Curry, two persons who do not reside on the subject property, ("Owner") acknowledges, agrees, and consents as follows:

- I. Stipulated findings.

  The parties stipulate to the following:
- 1. Lauren & Thomas Curry are the record owners of the property located at 122 Circle Drive, Panama City Beach, Florida, 32413, identified by the Bay County Property Appraiser with parcel identification number 33175-000-000, more particularly described as Lot 12, Block 7, Gulf Highlands Unit Two, according to the map or plat thereof as recorded in Plat Book 8, Page 93, Public Records of Bay County, Florida (the "PROPERTY").
- 2. The PROPERTY contains a single-family home which is currently occupied by a tenant(s).
- 3. On or about July 23, 2021, Owner contacted the CITY's Code Enforcement Manager to discuss code compliance and nuisance issues pertaining to the problematic conditions observed on the PROPERTY. The Owner generally requested the CITY abate the nuisances on the PROPERTY, and specifically requested the CITY provide garbage receptacles and debris removal service for the property for a maximum of 30 days.
- 4. Nuisance and Nuisance Abatement is governed by Chapter 15 of the Panama City Beach Code of Ordinances (hereinafter referred to as "Chapter 15").
- 5. The PROPERTY has various accumulated junk including wood, construction materials, furniture, trash, and other miscellaneous debris scattered around the PROPERTY.
- 6. The property and structures located on the PROPERTY constitute a nuisance, as defined by Section 15-17 of the Code of Ordinances of the City of Panama City Beach because: 1) The accumulated junk is unsanitary and/or unsuitable for use and therefore constitutes a hazard to health and safety because of inadequate maintenance or other causes. 2) The accumulated junk is detrimental to the property of others or causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located, and do not meet the standards of Single-Family Residential Districts set out in the City Zoning Ordinance.

7. Owner understands and agrees with the findings and conclusions of the City set forth in Paragraphs 5 and 6 above, and, as part of this Agreement waives any right it may have under the Code of Ordinances of Panama City Beach or otherwise to contest the existence of nuisance on the PROPERTY or the appropriateness of demolition of any structure, disposal of any materials, or any other abatement of nuisance on the PROPERTY, including any administrative or judicial hearings or appeals.

### II. Nuisance Abatement.

Owner and CITY stipulate that the conditions set forth in Paragraphs 5 and 6 located on the PROPERTY are appropriate for abatement or removal as provided by Chapter 15, and Owner and CITY agree to the following:

- 1. Owner shall correct the violations addressed in this agreement within 30 days of trash receptacle delivery. CITY will enter property on day 31 to remedy any violations that remain uncorrected.
- 2. CITY will cover cost of receptacle(s) with a company of its choosing. A lien will be filed by the CITY against the PROPERTY for the sum of all fees associated with the rental of the receptacle(s).
- 3. CITY is entitled under this Agreement and CITY's Code of Ordinances to enter the Property; remove any junk and debris; undertake any pest control necessary; and perform any other nuisance abatement activity. Owner waives any right it may have to object to, challenge or appeal any such notice or action, previous or subsequent, taken under this Agreement by CITY, its agents, or contractors.
- 4. Owner shall hold harmless CITY, its agents, and its contractors for any damage to the PROPERTY resulting from the exercise of this Agreement. Owner shall indemnify CITY and its agents for any damage resulting from Owner's failure to inform CITY of any dangerous condition or hazardous material on the PROPERTY.

### III. License to Enter Property.

Owner grants CITY, its agents, and its contractors license to enter the PROPERTY for evaluation of the property, for ensuring compliance with this Agreement, for nuisance abatement planning, and for all nuisance abatement activities under this Agreement or Chapter 15 of the Code of Oxdinances of Panama City Beach.

### IV. Assessment and Lien.

The CITY is entitled under this Agreement and the CITY's Code of Ordinances to assess the entire cost, present and future, of the CITY's nuisance abatement action allocable to the PROPERTY against the PROPERTY and such assessment shall constitute a lien against the PROPERTY as provided by State Law in accordance with section 15-30 of the City's Code of Ordinances. The assessment of the city shall

encompass, in addition to the abatement cost for the vacation or removal or abatement of the nuisance, all administrative, legal, postal and publication expenses, as well as rodent extermination if employed, as well as all other direct or indirect costs associated therewith. The assessment upon the property shall be superior to all others except taxes. Section 15-26 of CITY's Code of Ordinances shall govern the lien except as provided herein. This assessment shall become due and payable at the same time and with the same priority as ad valorem taxes.

### V. Miscellaneous.

- 1. Entire Agreement. This Agreement contains the entire understanding between the parties hereto with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, or conditions, express or implied, oral or written, except as herein contained. This Agreement may be changed, modified, or amended only by the written agreement of all parties.
- 2. Governing Law. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by and construed in accordance with the laws of the State of Florida. Venue shall be in a court of appropriate jurisdiction in Bay County, Florida. The provisions of this paragraph shall survive the termination or expiration of this Agreement, regardless of the cause of such termination.
- 3. Severability. If any provision or part of this Agreement is found to be totally or partially invalid, illegal or unenforceable by a court of law then the provision will be deemed to be modified or restricted to the extent and in the manner necessary to make it valid, legal or enforceable, or it will be excised from this Agreement without affecting any other provision of this Agreement, which will be enforced to the maximum extent provided by law as if the modified or restricted provision was originally included or as if the excised provision was originally excluded.

[Remainder of page intentionally blank.]

Signed, sealed and delivered in our presence:

Witness Signature
Print Name: Sonothoun Canon

Witness Signature
Print Name: MANISH AHLUWALA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on May 2021, by Lauren Curry, who is personally known to me or who has produced a valid driver's license as identification, and who did take an oath.

NOTARY PUBLIC

Shura Answers My Commission No: 13 2 8 2048 3

My Commission No: 13 2 8 2048 3

My Commission Expires: 12/10/2024

In Witness Whereof, the said Owner has caused this instrument to be

executed in its name, this 30 day of 30 Uy

In Witness Whereof, the said Own executed in its name, this 30 day of	er has caused this instrument to be 34 Ly , 2021.
Signed, sealed and delivered in our presence:  Witness Signature  Print Name: Jonethan, Canen	Thomas Curry
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Witness Signature Print Name: MANISH AHCUW	tri4
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	NOTARY PUBLIC
SHIVANI AHLUWALIA	
Sinvani Althonelle Alty Contolleaton Expires 12/10/2024	Printed Name of Notary  My Commission No: 12 1328 20483  My Commission Expires: 12 10 2024

In Witness Whereof, the said CITY has caused this instrument to be executed in its name, this and day of August 2021.

ATTEST:

Lynne Fasone, City Clerk

City of Panama City Beach

Drew Whitman, City Manager

State of Florida County of BAY

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on August 200, 2021, by Drew Whitman and Lynne Fasone, as City Manager and City Clerk respectively, on behalf of the City of Panama City Beach, a municipal corporation under the laws of Florida, who are personally known to me.

NOTARY PUBLIC

CARRIE L. JAGERS
Notary Public State of Florida
My Commission Expires Oct. 5, 2023
Commission No. GG 911212

Printed Name of Notary
My Commission No: 6691010
My Commission Expires: 101510003