

RESOLUTION NO. 22-116

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING AN AMOUNT OF \$9,180.22 TO BE LIENED ON PROPERTY LOCATED AT 507 NAUTILUS STREET, 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 Section 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 |
|------------------------|----------------------------------|---------------------|-----------------------|
| 34691-000-000 | Faye Joyce Higgins | 507 Nautilus Street | \$9,180.22 |

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 24th day of March, 2022.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk



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
NOTICE OF LIEN FOR NUISANCE ABATEMENT**

March 25, 2022

VIA CERTIFIED AND REGULAR MAIL

Faye Joyce Higgins
401 21st Street
Phenix City, AL 36867-4772

And the following interested parties:

P.Ed Davis and wife, Opal Davis
401 21st Street
Phenix City, AL 36867-4772

Jennifer R. Higgins Watson
401 21st Street
Phenix City, AL 36867-4772

Robert R. Lomax
PO Box 2339
Columbus, GA 31902

RE: Property located at 507 Nautilus Street
Panama City Beach, FL 32413
Parcel ID No. 34691-000-000

PREPARED BY: Natasha Collier 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 507 Nautilus Street, Panama City Beach, FL 32413

Mayor
Mark Sheldon

Vice Mayor
Geoff McConnell

Ward 1
Paul Casto

Ward 2
Phil Chester

Ward 4
Michael Jarman

City Manager
Drew Whitman

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

Labor & Disposal: \$3,500.00

Asbestos Abatement: \$3,950.00

Title search report: \$150.00

Postage: \$126.72

Attorney Fees: \$1,350.00

Recording Fees: \$103.50

TOTAL: \$ 9,180.22

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 SIX (6), BLOCK "H" OF BID-A-WEE SUBDIVISION, LOCATED IN SECTION 28, TOWNSHIP 3 SOUTH, RANGE 16 WEST, AS PER PLAT ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT 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.

Dated this _____ day of _____, 20_____.

By: _____
Lynne Fasone, City Clerk



City of
Panama City Beach

PCB City Hall

17007 PCB Parkway
PCB, FL. 32413
P: (850) 233-5100
F: (850) 233-5108
www.pcbgov.com

December 3, 2020

VIA CERTIFIED AND REGULAR MAIL

Faye Joyce Higgins
401 21st Street
Phenix City, AL 36867-4772

And the following interested parties:

P. Ed Davis and wife, Opal Davis
401 21st Street
Phenix City, AL 36867-4772

Bay County Clerk of Court
300 E. 4th Street
Panama City, FL 32401

RE: Property located 507 Nautilus Street
Panama City Beach, FL 32413
Parcel ID No. 34691-000-000

Dear Sir and/or Madam,

The City of Panama City Beach ("City") hereby notifies you that the City has determined that the conditions existing on the above-referenced property constitute one or more public nuisances as that term is defined in Section 15-17 of the City Code of Ordinances. Maintenance of a public nuisance is prohibited under Section 15-18 of the City Code. You are hereby ordered to demolish and remove all structures located on the above referenced property. In support, the City would state as follows:

C

1. Faye Joyce Higgins is the apparent owner of the property located at 507 Nautilus Street, Panama City Beach, Florida, identified by the Bay County Property Appraiser with parcel identification numbers 34691-000-000, are more particularly described in Exhibit 1 to this Notice and Order attached hereto.

Mayor
Mark Sheldon

Vice Mayor
Geoff McConnell

Ward 1
Paul Casto

Ward 2
Phil Chester

Ward 4
Michael Jarman

City Manager
Tony O'Rourke

Home of the world's most beautiful beaches.

2. The Property contains a cinderblock residential building. Based upon the City's investigation of the Property, it appears the Property has been abandoned or left to fall into substantial disrepair.

3. On the Property, a majority of the roofing, trusses, and mansard have rotted or decayed so that the structure is exposed to the elements. In addition, multiple windows are visibly broken. This exposure has caused significant rot and decay to the contents, electrical wiring, interior walls, and subfloor. This deteriorating building poses a threat to surrounding properties and persons, as building debris has and is likely to become windborne during moderate to high winds—a threat that is likely to increase during hurricane season if the conditions on the property worsen or remain unchanged. Based on this evidence of damage, deterioration and dilapidation, the City deems these buildings to be unsafe pursuant to Section 15-17(4) of the City's Code of Ordinances.

4. The Property is not secured or surrounded by any fence or barrier so that the Property is free to access by trespassers. Based on the conditions of the Property, the City deems the Property to be an attractive nuisance as that term is described in Section 15-17(8) of the City's Code of Ordinances. The City Property are dangerous to humans and detrimental to the health of persons who enter the Property.

5. Between June 4, 2020, and present, City, has inspected the Property and also has monitored the conditions of the Property as such are visible from the public right of way. Apart from the major structural deficiencies, incompatibility with surrounding properties, and hazards to persons and property, which are independently sufficient to support this order, several of the other conditions referenced herein are known by interior inspection at times past and are now asserted upon the appearance and reasoned belief that no abatement has occurred.

6. The nuisances are located on the property in Bay County, Florida, more fully described in the attached Exhibit 1.

7. Pursuant to Section 15-20(b) of the City Code of Ordinances, the City may only order demolition and removal of the dwelling or structure upon finding that the cost to repair, restore or replace the structures would exceed fifty (50) percent of the value of the dwelling or structure (as determined by the Bay County Property Appraiser). The Bay County Property Appraiser has assessed the 2020 Certified Value of the building located on the Property at \$16,518.00, as shown in the attached Exhibit 2. Pursuant to the estimate of the City Building Department, attached hereto as Exhibit 3, the cost to repair the buildings on the Property, in whole or in part, is estimated at \$35,726.92 which exceeds the Property Appraiser's stated value of the structures.

8. Therefore, in accordance with Section 15-20(b) of the City Code of Ordinances, the City hereby orders the demolition and removal of all structures located on the Property. You or your agents must obtain a permit for this work from the City's Building Official which the City will issue to you at no charge upon submittal of the required documents, and commence efforts to demolish or remove the structures from the Properties, within thirty (30) days of the date of this

notice and order. After issuance of the permit, you will have thirty (30) days to complete the demolition and remove all trash and debris from both the Property. Because City inspectors have determined the existence of rodents on the Property, effective rodent extermination methods shall be employed by a licensed structural pest control operator prior to demolition or removal. Extensions of the timeframe in which to complete the demolition work may be granted by the City Council upon written application and good cause shown.

9. You are further notified that if you do not commence or complete the demolition of the building and the removal of trash and debris from the property within the time limits set forth above, or as such timeframes may be extended by the City Council, the City will be authorized to undertake any action necessary to abate the nuisance(s) on the Property, or both, and thereafter assess the entire or respective abatement cost thereof, including but not limited to administrative, legal, postal, and publishing expenses, against the above described property, as provided by State law. This assessment shall become due and payable at the same time and with the same priority as ad valorem taxes.

10. You may appeal this Order within thirty (30) days of the date of service of this Notice and Order upon you, by written application to the City Clerk. Copies of the applicable codes are available online and at City Hall located at 17007 Panama City Beach Parkway, Panama City Beach, FL 32413.

11. Please be advised that this Order to demolish and remove the unfit or unsafe structures on the Property shall not and does not preclude your option or ability to immediately repair, restore or replace the buildings and structures located on the Property. In order to make this election and avoid the demolition and removal, however, within thirty (30) days after service of this Notice and Order, you must submit a competent application for all or a material portion of the work needed to abate the nuisance(s) and in good faith commence and diligently and continuously pursue all the work through completion. The work must meet the standards specified by all applicable building and life safety codes. In the event that the initial permit application does not cover all the work needed to abate the nuisance(s), the application must be accompanied by a description of the remainder of the work to be done and include a schedule of all the work with milestones reasonable and customary in the construction industry. The City manager shall either accept or reject the application as covering a material portion of the work, the overall work described as sufficient to abate the nuisance(s) and the schedule of work/milestones as reasonable. Should the city manager find that the initial application does not cover a material portion of the work, that the overall work described is insufficient to abate the nuisance(s), or that the schedule of work/milestones is not reasonable, he shall advise you of such fact, and you will thereafter have ten (10) days to correct the deficiency in writing or appeal in writing to the City Council which shall hear the matter at its next regular or special meeting. The only issues before the City Council shall be whether to accept or reject the matter(s) rejected by the city manager. The City Council may not amend the application, description of work or schedule without your written consent. The appeal shall be conducted as a quasi-judicial, de novo hearing pursuant to the city's Land Development Code,

except that only you and the city manager, or their respective designees, shall be entitled to present evidence. No other persons shall be considered adversely affected persons. Public comment, but only as commentary, shall be permitted. You shall bear the burden of proof. If your position is accepted then you shall be required to immediately commence and diligently and continuously pursue the work to abate the nuisance(s) strictly in accord with the schedule upon penalty of demolition as provided in Section 15-25(b) of the City Code of Ordinances. If your position is not affirmed, you shall have thirty (30) days after entry of the City Council's order to comply with this notice and order of demolition and removal, and no permit to repair, restore or replace shall be issued.

Thank you in advance for your immediate attention to this matter.

City of Panama City Beach



James Tindle
Code Enforcement Manager

City of Panama City Beach



Tony O'Rourke
City Manager

cc:

Mark Sheldon, Mayor

City Council

Mel Leonard, Building and Planning Director

EXHIBIT 1:

**LEGAL DESCRIPTION OF PROPERTY
ON WHICH NUISANCE IS LOCATED**

LOT SIX (6), BLOCK "H" OF BID-A-WEE SUBDIVISION, LOCATED IN SECTION 28, TOWNSHIP 3 SOUTH, RANGE 16 WEST, AS PER PLAT ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF 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.pcbgov.com

December 3, 2020

RE: Property located at 507 Nautilus ST
Panama City Beach, FL 32413
Parcel ID: 34691-000-000

Property Owner,

I serve as the Building Official for the City of Panama City Beach. At the request of the Code Enforcement Department, I was asked to perform an assessment of the above-referenced property to determine if the property presented an unsafe condition. The assessment was performed on September 9, 2020. Based on my experience and expert opinion, I determined that numerous safety and building code violations exist rendering the property unsafe. These include replacement of roofing system, damaged roof decking and supporting framing members, painting, unsafe wiring to include broken windows, damaged or missing siding. A detailed list of the repair cost estimate is provided on attachment 1. Bay County Property Appraiser's building valuation is \$16,518.00. The estimated cost of repairs is \$35,726.92. Total repair cost of the building valuation exceeds 51% maximum allowable repair cost and shall be demolished per code.

Thank you in advance for your immediate attention to this matter.

Respectfully,

A handwritten signature in black ink that reads "Mark T. McWaters".

Mark T. McWaters
Building Official
City of Panama City Beach
mmcwaters@pcbgov.com
O: 850 233 5100 ext. 2319
C: 850 630 9077

Mayor
Mark Sheldon

Vice Mayor
Geoff McConnell

Ward 1
Paul Casto

Ward 2
Phil Chester

Ward 4
Michael Jarman

City Manager
Tony O'Rourke

Home of the world's most beautiful beaches.

Smiley's Lawn & Tractor Service, LLC

909 Cypress Avenue
Panama City, FL 32401

Invoice

| Date | Invoice # |
|----------|-----------|
| 1/6/2022 | 12234 |

| Bill To |
|------------------------------------|
| Panama City Beach Code Enforcement |

| P.O. No. | Terms | Project |
|----------|-------|---------|
| | | |

| Quantity | Description | Rate | Amount |
|-----------------------------|--|--------------|-------------------|
| | Demolish structure @ 507 Nautilus Street Haul away all trash/debris from property Pick up & install silt fencing Cap water & sewer Demo permit | 3,500.00 | 3,500.00 |
| Thank you for your business | | Total | \$3,500.00 |

Phone # 850-866-1716 Fax # 850-215-7981



Customer: PANAMA

CITY OF PANAMA CITY
PO BOX 1880
PANAMA CITY, FL 32402

Invoice Number: 00010684
Purchase Order: 72015
Sales Rep.: BRANDON BISHOP
Invoice Date: 12/13/21
Due Date: 01/12/22
Page Number: 1 of 1

Location:

CODE ENFORCEMENT
501 HARRISON AVE
PANAMA CITY, FL 32401

| Quantity | Unit | Description / Part Number | Unit Price | Tx | Price Extension |
|----------|------|---|------------|----|-----------------|
| 1.00 | EA | ASBESTOS ABATEMENT 507 NAUTILUS ST., PANAMA CITY BEACH, FL 32413 | 3,950.0000 | | 3,950.00 |

Invoice Net **3,950.00**

