

RESOLUTION NO. 23-204

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; 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 FOR 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 14, 2023, the City Council adopted Resolution No. 23-196 (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

**CERTIFIED, TRUE COPY
of original on file in the Office
of the City Clerk, City of
Panama City Beach, Florida.**

By: *Lynne Fasso*
CITY CLERK

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 August 8, 2023, 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, 2023 is \$11,786.38.

(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, 2023:

PARCEL ID	PROPERTY OWNER	SERVICE COST
34190-000-000	H&A Inc.	\$867.46
34024-375-000	John B. Taylor	\$2,849.50
33210-000-000	Victoria Patterson	\$1,287.27

33863-010-000	Angela R. Detrick f/n/a Angela R. Buckley	\$4,667.84
33830-304-000	Gayle P. Bradbury	\$2,114.31

(D) The Nuisance Abatement Service Costs established in this Final Assessment Resolution are the actual Service Costs applied by the City to establish the Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2023.

SECTION 6. APPROVAL OF ASSESSMENT ROLL. 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, 2023.

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, 2023, 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, 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, 2023.

(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 15, 2023, 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.

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 8th day of August, 2023.



**CITY COUNCIL OF PANAMA
CITY BEACH, FLORIDA**

By: Mark Sheldon
Mark Sheldon, Mayor

(SEAL)

Attest:

By: Lyrne Fasone
Lyrne Fasone, 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

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune | News Herald
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

City of Panama City Beach
17007 Panama City Beach PKWY
Panama City Beach FL 32413-5225

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Panama City News Herald, published in Bay County, Florida; that the attached copy of advertisement, being a Main Legal CLEGL, was published on the publicly accessible website of Bay County, Florida, or in a newspaper by print in the issues of, on:

07/19/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/19/2023



Legal Clerk



Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost:	\$292.52	
Order No:	9059285	# of Copies:
Customer No:	542518	-1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

**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:

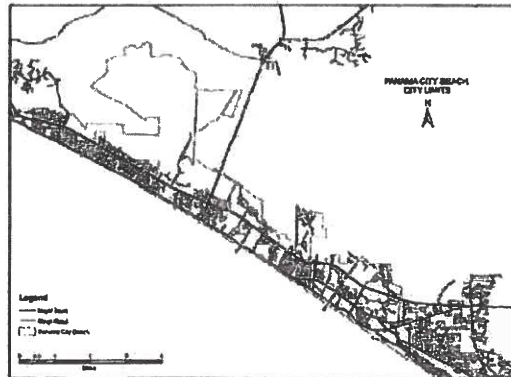
PARCEL ID	PROPERTY OWNER
34190-000-000	H&A Inc.
34024-375-000	John B. Taylor
33210-000-000	Victoria Patterson
33863-010-000	Angela R. Detrick f/n/a Angela R. Buckley
33830-304-000	Gayle P. Bradbury

The total property abatement assessment revenue to be collected from all assessed properties is estimated to be \$11,786.38 for the fiscal year beginning October 1, 2023.

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 9:00 AM on August 8, 2023 at City Council Chambers of City Hall, 17007 Panama City Beach Parkway, 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 2023.

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 23-196 adopted by the City Council on July 13, 2023. Copies of the Initial Assessment Resolution, the proposed Final Assessment Resolution 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, 17007 Panama City Beach Parkway, 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, 17007 PANAMA CITY BEACH PARKWAY, PANAMA CITY BEACH, FLORIDA 32413 OR BY PHONE AT (850) 233-5100 AT LEAST 48 HOURS 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 July 14, 2023 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:

H&A Inc.
506 Evergreen Street
Panama City Beach, FL 32407

Tax Parcel No. 34190-000-000

John B. Taylor
256 Eagle Drive
Panama City, FL 32407

Tax Parcel No. 34024-375-000

Victoria Patterson
131 Coral Drive
Panama City Beach, FL 32413

Tax Parcel No. 33210-000-000

Angela R. Detrick f/n/a
Angela R. Buckley
104 Oleander Circle
Panama City Beach, FL 32413

Tax Parcel No. 33863-010-000

Gail P. Bradbury
109 Seclusion Drive
Panama City Beach, FL 32413

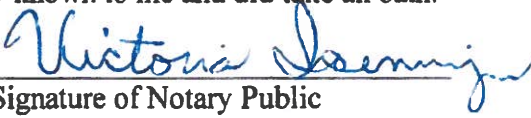
Tax Parcel No. 33830-304-000

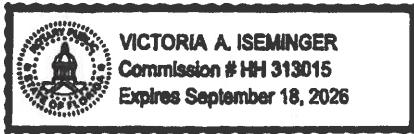
FURTHER AFFIANT SAYETH NOT.


Cindy Kittler, Affiant

STATE OF FLORIDA
COUNTY OF BAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 14 day of July, 2023, by Cindy Kittler who is personally known to me and did take an oath.


Signature of Notary Public



Appendix C—Certificate

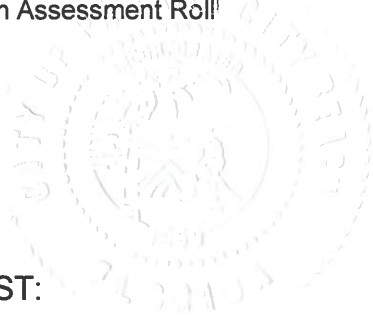
**Certificate to
Non-Ad Valorem Assessment Roll
(Nuisance Abatement)**


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 8th day of August, 2023.

*FY2023-24 Panama City Beach
Certified Nuisance Abatement Non-Ad
Valorem Assessment Roll





Mark Sheldon, Mayor
City of Panama City Beach, Florida
Bay County, Florida

ATTEST:



Lynne Fasone, City Clerk