

RESOLUTION 17-117

CITY OF PANAMA CITY BEACH, FLORIDA

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**INITIAL ASSESSMENT RESOLUTION
FOR NUISANCE ABATEMENT ASSESSMENTS**

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ADOPTED AUGUST 10, 2017

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RESOLUTION NO. 17-117

A RESOLUTION OF THE CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, RELATING TO THE DELIVERY OF NUISANCE ABATEMENT RELATED SERVICES WITHIN THE CITY; PROVIDING FOR NUISANCE ABATEMENT ASSESSMENTS WITHIN THE CITY; ESTIMATING THE SERVICE COST TO PROVIDE NUISANCE ABATEMENT RELATED SERVICES AND PROGRAMS; ESTABLISHING THE METHOD OF ASSESSING THE NUISANCE ABATEMENT RELATED SERVICE COST AGAINST REAL PROPERTY SPECIALLY BENEFITED; DIRECTING THE CITY MANAGER TO PREPARE A PRELIMINARY NUISANCE ABATEMENT ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED NUISANCE ABATEMENT ASSESSMENTS; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

ARTICLE I
INTRODUCTION

SECTION 1.01. AUTHORITY. This Resolution of the City of Panama City Beach, Florida (the "City"), is adopted pursuant to City Ordinance Nos. 947 and 1313 as amended from time to time and codified in Chapter 28 of the Code of Ordinances of the City of Panama City Beach (the "Assessment Ordinance"), City Ordinance No. 1294 (the "Nuisance Ordinance") (collectively, the "Nuisance Abatement Ordinances"), Article VIII,

Section 2, Florida Constitution, Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 1.02. DEFINITIONS. This Resolution constitutes the Initial Assessment Resolution as defined in the Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires.

"Assessment Area" means all property within the corporate boundaries of Panama City Beach.

"Assessed Property" means all parcels of real property included in the Nuisance Abatement Assessment Roll that receive a special benefit from or relieve a burden attributable to Nuisance Abatement Services or Nuisance Abatement Improvements.

"Assessment" means a special assessment (sometimes also characterized as a non-ad valorem assessment) imposed by the City against property located within the boundaries of the City of Panama City Beach Assessment Area for the costs of services, facilities or programs which provide a special benefit to, or relieve a burden attributable to, one or more parcels of land within the Assessment Area, by eliminating or abating a public nuisance, computed in the manner described in Article III hereof.

"City" means the City of Panama City Beach, Florida.

"City Clerk" means the clerk of the City Council.

"City Code" means the Code of Ordinances for Panama City Beach.

"City Manager" means the chief executive officer of the City, or such person's designee responsible for coordinating Assessments as provided herein.

"Nuisance" shall mean a Nuisance or Public Nuisance, as defined in the Nuisance Ordinance, ultimately abated by the City after notice to and failure by the owner of the Tax Parcel on which the nuisance is located to timely or completely abate the nuisance.

"Nuisance Abatement Assessment" means Assessment, as defined in the Assessment Ordinance, lawfully imposed by the Council against Assessed Property to fund all or any portion of the cost of the provision of Nuisance Abatement Services, in accordance with the Nuisance Abatement Ordinance, necessary to abate a violation of the Panama City Beach Code of Ordinances present on the affected Tax Parcel.

"Nuisance Abatement Assessment Roll" means the roll created pursuant to Section 2.04 of the Assessment Ordinance and described in Section 2.02 hereof that includes a summary description of each Tax Parcel subject to the Nuisance Abatement Assessment, the name of the owner of each Tax Parcel as shown on the Tax Roll, and the Assessment to be imposed on each Tax Parcel shown.

"Nuisance Abatement Improvement" means land, capital assets, services or improvements acquired, constructed, replaced, demolished, relocated or provided to abate a Nuisance existing on a Tax Parcel.

“Nuisance Abatement Service” means any work authorized in accordance with the Nuisance Abatement Ordinance and necessary to remove or otherwise abate a Nuisance located on a Tax Parcel, in accordance with the Nuisance Abatement Ordinance, including but not limited to review, planning, investigation, analysis, permitting, notice, enforcement, remediation, improvement, demolition or removal services.

"Nuisance Abatement Service Cost" means the Service Cost, as defined in the Assessment Ordinance, that is properly attributable to the provision of the Nuisance Abatement Services under generally accepted accounting principles, including, without limiting the generality of the foregoing: (A) the costs incurred by the City, including all actual, administrative, and collection costs, in performing any work authorized in accordance with the Nuisance Abatement Ordinance and necessary to abate a Nuisance located on a Tax Parcel, in accordance with the Nuisance Abatement Ordinance; and (B) costs associated with review, planning, investigation, analysis, permitting, notice, enforcement, remediation, improvement, provision of services, demolition or removal, or any combination of those, to abate a public nuisance; and (C) interest and reimbursement to the City or any other Person for any moneys advanced for any costs incurred by the City or such Person in connection with any of the foregoing components of a Nuisance Abatement Service Cost.

"Tax Parcel" means a parcel of property to which the Bay County Property Appraiser has assigned a distinct ad valorem property tax identification number.

“Uniform Assessment Collection Act” means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem

assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.03. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.04. FINDINGS. It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Council has all powers of local self-government to perform municipal functions and to render municipal services except when prohibited by law and such power may be exercised by the enactment of legislation in the form of City ordinances.

(B) The City Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Council may legislate on any subject matter on which the Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c) and (d) of Section 166.021(3), Florida Statutes, are not

relevant to imposition of the Nuisance Abatement Assessments within the City.

(C) The City is authorized by Article VIII, Section 2 of the State Constitution, Section 166.021, Florida Statutes, the Nuisance Abatement Ordinances, the Uniform Assessment Collection Act, and other applicable provisions of law, to provide for the imposition and collection of charges in the form of special assessments, such impositions also being sometimes characterized as non-ad valorem assessments.

(D) The Council has enacted the Assessment Ordinance and the Nuisance Abatement Ordinance to authorize the imposition of Nuisance Abatement Assessments to fund the Nuisance Abatement Service Cost to benefit property in the Assessment Area.

(E) Prior to the adoption of the Assessment Roll, the City incurred costs related to the abatement of one or more public nuisances and the remediation or improvement of property, which costs remain outstanding, and are properly included within the Nuisance Abatement Service Cost.

(F) The provision of Nuisance Abatement Services have specially benefitted the Tax Parcels to be assessed and enhanced the utilization and enjoyment of the Tax Parcels by one or more of the following: (1) protecting or enhancing the value and use of the property through the elimination of an existing code violation that presents a serious threat to the public health, safety, and welfare; (2) providing increased safety and better access to the property; (3) improving the property's appearance; (4) rendering the property more adaptable to a current or reasonably foreseeable new and higher use; (5) fostering the

enhancement of environmentally responsible use and enjoyment of the property; and (6) eliminating the accrual of daily fines imposed on the property due to the original code violation.

(G) The Nuisance Abatement Service Costs consists of costs incurred by the City, including all actual, administrative, service and collection costs, in performing any work necessary to abate a nuisance located on an affected Tax Parcel. The Council hereby determines that the Nuisance Abatement Service Cost provides a special benefit to each Tax Parcel to be assessed, and that it is fair and equitable to allocate the Nuisance Abatement Service Cost to Tax Parcels predominately benefited by the removal or abatement of the public nuisance from that Tax Parcel and the reciprocal relief of the burden caused by the Nuisance, based upon the actual, administrative, services and collection costs incurred by the City in abating the nuisance located on the Tax Parcel and which costs are uniquely attributable to that Tax Parcel.

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. ESTIMATED NUISANCE ABATEMENT SERVICE COST.

(A) The estimated Nuisance Abatement Service Cost to be recovered through Nuisance Abatement Assessments for the Fiscal Year commencing October 1, 2017 is **\$11,535.65**. The Nuisance Abatement Service Cost incurred in Fiscal Year commencing

October 1, 2011, October 1, 2012 and October 1, 2016, will be recovered through the imposition of Nuisance Abatement Assessments, as provided herein.

(B) The estimated Nuisance Abatement Service Cost is hereby allocated among the following Tax Parcels for Service Costs incurred by the City:

(i) in the Fiscal Year commencing October 1, 2011

| PARCEL ID | PROPERTY OWNER | SERVICE COST |
|---------------|------------------------------------|--------------|
| 33175-000-000 | David W. Roper and Pamela B. Roper | \$1174.36 |

(ii) in the Fiscal Year commencing October 1, 2012

| PARCEL ID | PROPERTY OWNER | SERVICE COST |
|---------------|-------------------------------|--------------|
| 34176-010-000 | Georgia Realty Resources, LLC | \$748.52 |

(iii) in the Fiscal Year commencing October 1, 2016

| PARCEL ID | PROPERTY OWNER | SERVICE COST |
|---------------|---------------------------------------|--------------|
| 33306-000-000 | Linda Becker | \$1258.47 |
| 33194-000-000 | The Bank of New York Mellon | \$602.87 |
| 38200-017-000 | Betty Ann Rosa | \$5094.11 |
| 38209-000-000 | Lisa Pinto and Nelson J. Pinto | \$1793.86 |
| 33137-010-000 | Charles J. Dugan and Barbara A. Dugan | \$863.46 |

This Nuisance Abatement Service Cost will be collected through the imposition of Assessments against property located within the City in the manner set forth in Section 3.04 hereof.

(C) The estimated Nuisance Abatement Assessments established in this Initial Assessment Resolution shall be the estimated service costs applied by the City Manager in the preparation of the preliminary Nuisance Abatement Assessment Roll for the Fiscal Year

commencing October 1, 2017, as provided in Section 2.02 of this Initial Assessment Resolution.

SECTION 2.02. NUISANCE ABATEMENT ASSESSMENT ROLL. The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided in Section 2.04 of the Assessment Ordinance. The Nuisance Abatement Assessment Roll shall include all Tax Parcels identified in Section 2.01 hereof. The City Manager shall apportion the estimated Nuisance Abatement Service Cost to be recovered through Nuisance Abatement Assessments in the manner set forth in this Initial Assessment Resolution. A copy of this Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection.

SECTION 2.03. PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 PM on September 14, 2017, in City Council Chambers, City Hall, 110 South Arnold Road, Panama City Beach, Florida, at which time the City Council will receive and consider any comments on the Nuisance Abatement Assessments from the public and affected property owners and consider imposing Nuisance Abatement Assessments collecting such assessments on the same bill as ad valorem taxes.

SECTION 2.04. NOTICE BY PUBLICATION. The City Manager shall direct the publication of a notice of the public hearing authorized by Section 2.03 hereof in the

manner and time provided in Section 2.05 of the Ordinance. The notice shall be published no later than August 18, 2017, in substantially the form attached hereto as Appendix A.

SECTION 2.05. NOTICE BY MAIL. The City Manager shall direct the publication of a notice of the public hearing authorized by Section 2.03 hereof in the manner and time provided in Section 2.06 of the Ordinance. The notice shall be mailed no later than August 18, 2017, in substantially the form attached hereto as Appendix B.

ARTICLE III

ASSESSMENTS

SECTION 3.01. NUISANCE ABATEMENT ASSESSMENTS TO BE IMPOSED IN ASSESSMENT AREA.

(A) Pursuant to Section 2.02 of the Assessment Ordinance, Nuisance Abatement Assessments are to be imposed on those certain Tax parcels located within the City on which Nuisance Abatement Improvements or Nuisance Abatement Services have been undertaken or performed by the City.

SECTION 3.02. IMPOSITION OF ASSESSMENTS. Nuisance Abatement Assessments shall be imposed against those Tax Parcels identified in Section 2.01 located within the Assessment Area, and shall be computed for each Tax Parcel in accordance with this Article III. When imposed, the Assessment for each Fiscal Year shall constitute a lien

upon the Tax Parcels located within the Assessment Area pursuant to the Assessment Ordinance.

SECTION 3.03 COMPUTATION OF NUISANCE ABATEMENT ASSESSMENT.

(A) The Nuisance Abatement Assessment identified in Section 2.01 shall be calculated and apportioned based upon the actual Service Costs incurred by the City in performing any work necessary to abate or correct a violation of the Code of Ordinances of the City of Panama City Beach for each specific Tax Parcel identified in Section 2.01. In the event the City undertakes aggregated and contemporaneous nuisance abatement activities upon two or more Tax Parcels under common ownership for which Service Costs are comingled and cannot be uniquely attributed to one Tax Parcel over another, the Service Costs for such aggregated and contemporaneous nuisance abatement activities shall be equally divided among the Tax Parcels on which the aggregated and contemporaneous work was performed. If the City undertakes nuisance abatement on two or more occasions upon a single parcel, the Service Costs shall be added together.

(B) It is hereby ascertained, determined, and declared that the method of determining the Nuisance Abatement Assessments for nuisance abatement related services as set forth in this Initial Assessment Resolution is a fair and reasonable method of apportioning the Nuisance Abatement Service Cost among parcels of Assessed Property located within the Assessment Area.

SECTION 3.04. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Nuisance Abatement Assessments will be utilized to reimburse the City for the actual costs arising from its provision of Nuisance Abatement related services, facilities, and programs.

SECTION 3.05. COLLECTION OF ASSESSMENTS. The Nuisance Abatement Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

ARTICLE IV

GENERAL PROVISIONS

SECTION 4.01. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4.02. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

SECTION 4.03. EFFECTIVE DATE. This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED 10th day of August, 2017.



(SEAL)

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

By: 
Mike Thomas, Mayor

Attest:

By: 
Deputy
City Clerk

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To be published on or before August 18, 2017.

(Map of Front Beach Road Community Redevelopment Area)

**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 final assessment resolution related to the nuisance abatement imposition of special assessments 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 |
|----------------------|--|
| 33306-000-000 | Linda Becker |
| 33194-000-000 | The Bank of New York Mellon |
| 38200-017-000 | Betty Ann Rosa |
| 38209-000-000 | Lisa Pinto and Nelson J. Pinto |
| 33137-010-000 | Charles J. Dugan and Barbara A. Dugan |
| 33175-000-000 | David W. Roper and Pamela B. Roper |
| 34176-010-000 | Georgia Realty Resources, LLC |

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 14, 2017 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.

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 adopted by the City Council on August 10, 2017. Copies of the Initial Assessment Resolution and the preliminary Nuisance Abatement Assessment Roll together with Ordinances 947 and 1313 (the Assessment ordinance) 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.

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.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT 850-233-5100.

APPENDIX B

FORM OF NOTICE TO BE MAILED

PANAMA CITY BEACH, FLORIDA

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

August 18, 2017

[Property Owner Name]

[Street Address]

[City, State and Zip]

Re: Tax Parcel Number [Insert Number]

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, 2017. The purpose of this assessment is to recover costs arising from nuisance abatement services for the abatement of nuisances benefitting affected properties located within the City. The total property abatement assessment revenue to be collected is estimated to be [] for the fiscal year beginning October 1, 2017. The assessment of each parcel of property will be based upon the extent of work necessary to abate or correct a violation of the City's Code of Ordinances. 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 \$[] ("Nuisance Abatement Cost"). The Nuisance Abatement Assessment for the above parcel is \$[] for the fiscal year beginning October 1, 2017.

The nuisance abatement service 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 2017. 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, City, 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 14, 2017, in the City Council Chambers at City Hall, 110 South Arnold Road, Panama City Beach, 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

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT 850-233-5100.