RESOLUTION 15-121

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 AND DEFINITIONS; CREATING THE NUISANCE ABATEMENT ASSESSMENT AREA; AMENDING AND APPROVING THE NUISANCE ABATEMENT ASSESSMENT ROLL; PROVIDING FOR THE IMPOSITION OF THE NUISANCE ABATEMENT ASSESSMENTS; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR THE EFFECT OF THIS RESOLUTION; 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 August 13, 2015, the City Council adopted Resolution No. 15-120 (the "Initial Assessment Resolution") proposing the creation of 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 provisions of law, 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, as required by law, 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 10, 2015, 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 law, the Initial Assessment Resolution, as amended herein, Chapter 166, Florida Statutes, Article VIII, Section 2, Florida Constitution, 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, as amended herein.

SECTION 3. CREATION OF ASSESSMENT AREAS.

(A) The Nuisance Abatement Assessment Area is hereby created to include all property described in Section 3.01 and Appendix A to the Initial Assessment Resolution.
(B) The Nuisance Abatement Service Area is hereby created as an Assessment Area to include all property described in Section 3.01 of the Initial Assessment Resolution.

SECTION 4. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as amended herein, is hereby ratified and confirmed. 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 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 following Nuisance Abatement Service Costs are hereby allocated among the following Tax Parcels for Service Costs incurred by the City to date:

<table>
<thead>
<tr>
<th>PARCEL ID</th>
<th>PROPERTY OWNER</th>
<th>SERVICE COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>34895-000-000</td>
<td>Lakeshore Capital Investments, LLC</td>
<td>$59,556.65</td>
</tr>
<tr>
<td>34930-000-000</td>
<td>Lakeshore Capital Investments, LLC</td>
<td>$57,473.13</td>
</tr>
</tbody>
</table>

TOTAL NUISANCE ABATEMENT ASSESSMENTS $117,029.78

(C) The Nuisance Abatement Service Costs established in this Final Assessment Resolution shall be the actual Service Costs applied by the City to establish the Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2015.
SECTION 6. APPROVAL OF ASSESSMENT ROLL. The preliminary Nuisance Abatement Assessment Roll is hereby amended to reflect the Service Costs set forth in Section 5(B) of this Final Assessment Resolution. The Nuisance Abatement Assessment Roll, as amended in accordance with this Section to conform to the Service Costs set forth in Section 5(B), is hereby approved, confirmed and adopted as the City's Nuisance Abatement Assessment Roll for the Fiscal Year commencing October 1, 2015.

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, 2015, 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, 2015.

(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, 2015, 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 10th day of September, 2015.

CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA

By, Gayle F. Oberst, Mayor

(SEAL)

Attest:

By: Diane Fowler, 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
Halifax Media Group

PUBLISHERS OF THE NEWS HERALD
Panama City, Bay County, Florida
Published Daily

State of Florida
County of Bay

Before the undersigned authority appeared Lynda Speights, who on oath says that she is Legal Advertising Representative of The News Herald, a daily newspaper published at Panama City, in Bay County, Florida; that the attached copy of advertisement, being a Legal Advertisement # 1142209 in the matter of NOTICE OF HEARING- City of Panama City Beach in the Bay County Court, was published in said newspaper in the issue of August 17, 2015

Affiant further says that The News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as periodicals matter at the post office in Panama City, in said Bay County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she 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 the said newspaper.

[Signature]

State of Florida
County of Bay
Sworn and subscribed before me this 17th day of August , A.D., 2015, by Lynda Speights, Legal Advertising Representative of The News Herald, who is personally known to me or has produced N/A as identification.

[Signature]
Notary Public, State of Florida at Large
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 14, 2015 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

Lakeshore Capital Investments, LLC  
2000 1st Drive, Suite 400  
Marietta, GA  30062  
Tax Parcel No. 34895-000-000

Lakeshore Capital Investments, LLC  
2000 1st Drive, Suite 400  
Marietta, GA  30062  
Tax Parcel No. 34930-000-000

And on August 14, 2015 I mailed each of the attached notices by first class U.S. mail, to the interested parties, namely

David Pearson  
78 Paradise by the Sea Court  
Panama City Beach, FL  32408  
Tax Parcel No. 34895-000-000

David Pearson  
78 Paradise by the Sea Court  
Panama City Beach, FL  32408  
Tax Parcel No. 34930-000-000

And on August 14, 2015 I emailed each of the attached notices to the interested parties, namely

michele@davidpearsoncommunities.com  
Tax Parcel No. 34895-000-000

michele@davidpearsoncommunities.com  
Tax Parcel No. 34930-000-000

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 4th day of August 2015, by Cindy Kittler who is personally known to me and did take an oath.

Signature of Notary Public

[Signature]

ROBYN ANN BUCKNER
Commission # FF 220715
Expires June 21, 2019
Bonded thru. Dec 31, 2018
PANAMA CITY BEACH, FLORIDA

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

August 14, 2015

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Lakeshore Capital Investments, LLC
2000 1st Drive, Suite 400
Marietta, GA 30062

And the following interested parties:
VIA FIRST CLASS MAIL
David Pearson
78 Paradise by the Sea Court
Panama City Beach, FL 32408

VIA EMAIL
michele@davidpearsoncommunities.com

Dear Property Owner:

In accordance with Section 197.3632, Florida Statues, 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, 2015. 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’s Front Beach Road Community Redevelopment Area. The total property abatement assessment revenue to be collected is estimated to be $116,029.78 for the fiscal year beginning October 1, 2015. The assessment of each parcel of property is calculated and apportioned based upon the extent of work 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 $72,509.10 ("Nuisance Abatement Cost"). The Nuisance Abatement Assessment for the above parcel is $59,031.47 for the fiscal year beginning October 1, 2015.

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 2015. 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 10, 2015, 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 Holly J. White, 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 14, 2015

Apparent Owners of Record:
VIA FIRST CLASS MAIL
Lakeshore Capital Investments, LLC
2000 1st Drive, Suite 400
Marietta, GA 30062

And the following interested parties:
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Panama City Beach, FL 32408

VIA EMAIL
michele@davidpearsoncommunities.com

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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 $70,475.93 ("Nuisance Abatement Cost"). The Nuisance Abatement Assessment for the above parcel is $56,998.31 for the fiscal year beginning October 1, 2015.

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 2015. 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.

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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 ______ day of __________, 2015.

*FY2015-16 Panama City Beach
Certified Nuisance Abatement Non-Ad Valorem Assessment Roll
Prepared and furnished
to Bay County by
Ennead, LLC.

Mayor Gayle Oberst
Of City of Panama City Beach, Florida
Bay County, Florida

ATTEST:

Diane Fowler, City Clerk