

ORDINANCE NO. 144

AN ORDINANCE PROVIDING PROCEDURES FOR THE PROVISION OF ROAD IMPROVEMENTS PAID FOR BY ASSESSMENTS OF ABUTTING PROPERTY OWNERS; REQUIRING PETITION OF 60% OF ABUTTING PROPERTY OWNERS TO IMPLEMENT PROCEDURES; REQUIRING PUBLIC HEARING TO GRANT OR DENY PETITION; REQUIRING MOTION OF TOWN COUNCIL TO AUTHORIZE COMMENCEMENT OF IMPROVEMENTS, COST OF IMPROVEMENTS AND METHOD OF ASSESSMENT; REQUIRING ASSESSMENT ROLL; PROVIDING FOR HEARING ON ASSESSMENT ROLL AND EQUALIZATION OF SAME; PROVIDING FOR CREATION AND FORECLOSURE OF ASSESSMENTS LIEN; AND PROVIDING AN EFFECTIVE DATE.

W H E R E A S, the Town of Mexico Beach, Florida, has determined that it is in the best interests of the people of the Town of Mexico Beach that a systematic procedure be instituted to determine which roads shall be paved and a means to pay for such roads,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF MEXICO BEACH, FLORIDA:

1. SHORT TITLE. This ordinance shall be known as and may be referred to as the "Mexico Beach Road Improvement Assessment Ordinance".

2. PROCEDURE. Upon receipt of a petition signed by Sixty percent (60%) of the property owners abutting any road in the incorporated limits of the Town of Mexico Beach stating that said property owners desire the Town Council of Mexico Beach to implement procedures to provide the requested road improvement with the cost, or a portion of the cost, to be paid by assessments of all abutting property owners, the Town Council shall implement the following procedures:

(a) The Town Council shall fix the date of a public hearing on the petition. Notice of the hearing shall be given in writing to each property owner abutting the street or road to be improved, said notices to be mailed to the address shown on the then current tax assessment rolls of Bay County. Additionally, notice of the hearing shall be published once in a newspaper of general circulation in Bay County at least seven (7) days prior to the date of the hearing.

(b) Notice referred to above shall specify the beginning and ending points of the road improvement project, the type of road improvement to be made, the estimated cost of the road improvement and the proposed method or alternative methods for the payment of the cost of the improvement.

(c) The Town Council shall consider all comments and information provided at the public hearing and all other information deemed relevant by the Council and shall grant or deny the petition. If the petition is not granted, a similar petition may not be re-presented to the Town Council for a period of six (6) months. If the petition is granted, the Town Council shall by motion duly made, passed and recorded in the minutes of the meeting, authorize commencement of the project specifying the beginning and ending points of the project, the cost of the project and the method of payment of such costs and any other special instructions or conditions imposed by the Council.

(d) Upon passage of the motion authorizing commencement of the project, an assessment roll showing the properties to be assessed in accordance with the method of assessment provided for by the Council shall be prepared by the Administrative Department of Mexico Beach and filed in the minutes of the Town Council of Mexico Beach. The assessment roll shall show at least the following information: The lots and lands assessed, the amount of assessment against each lot or parcel of land and if the assessment is to be paid in stallments, the number of annual installments in which the assessment is divided shall be entered and shown upon the assessment roll.

(e) Upon completion of the assessment roll, a copy of the assessment roll shall be mailed to the address of each property owner as shown by the then current tax assessment rolls of Bay County. Along with the assessment roll, there shall be mailed a notice specifying a date and time at which property owners may appear before the Town Council to present any complaints relative to the assessments.

(f) After hearing any complaints of any property owners, the Town Council may equalize, adjust or otherwise alter any assessments so as to insure the fairness of the assessment and so as to insure that no undue hardships are created. At the conclusion of the hearing, the assessments shall be recorded by the Clerk of the Town Council in a special book to be known as the "Road Improvement Lien Book", and in the official records of Bay County maintained by the Clerk of the Circuit Court, and such record of the lien shall constitute prima facie evidence of its validity.

(g) The assessments shall be payable at the time and in the manner stated in the Council's motion authorizing commencement of the project and said special assessments shall remain liens, co-equal with the lien of all state, county, district and municipal taxes, superior in dignity to all of the liens, title and claims, until paid. Any assessment not paid when due and payable shall have added thereto a penalty at the rate of one percent (1%) per month until paid.

(h) Upon the failure of any assessment to be paid within one year of the date due and payable, the Town Council of Mexico Beach shall cause the necessary legal proceedings to be brought to foreclose the assessment lien including penalties, court costs and reasonable attorney's fees assessed as a part of the foreclosure proceeding. The foreclosure proceeding shall be prosecuted to a sale and conveyance of the property involved in said proceeding, as now provided by law in suits to foreclose mortgages.

3. EFFECTIVE DATE. This ordinance shall take force and effect as provided by law.

INTRODUCED at a regular meeting of the Town Council on the 9th day of November, 1983, and ADOPTED by the Town Council on the 13th day of December, 1983.

TOWN OF MEXICO BEACH, FLORIDA

M. L. (Bob) Hale
MAYOR-COUNCILMAN

ATTEST:

Patricia L. Hutchinson
Town Clerk