

RESOLUTION 2014-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MEXICO BEACH, FLORIDA, PERTAINING TO NON-AD VALOREM ASSESSMENTS FOR LOT CLEAN-UP AND DEMOLITION OF UNSAFE STRUCTURES.

WHEREAS, the City Council for the City of Mexico Beach, Florida, is considering imposing non-ad valorem assessments which, if imposed, will continue from year to year until otherwise determined by the City Council.

WHEREAS, the non-ad valorem assessment will reimburse the City of Mexico Beach for costs and expenses incurred when Mexico Beach remedies nuisances and imminent threats to public health and safety on lots, parcels and tracts within the City of Mexico Beach caused by the accumulation of trash, junk, or debris, living and nonliving plant material, stagnant water, and fill on property and when the costs and expenses are not paid timely by the property owner, property agent, custodian, lessee, or occupant.

WHEREAS, the non-ad valorem assessment will also reimburse the City of Mexico Beach for the costs and expenses of demolishing unsafe structures when the costs and expenses are not paid in a timely manner by the property owner.

WHEREAS, the lots, parcels and tracts that will be cleaned-up and improved by the City pursuant to the proposed ordinance will receive special benefits and will benefit from the clean-up and improvements in a manner equal to or greater than the cost of the assessment by improving the use of the property.

WHEREAS, the use of the assessments to cleanup and abate nuisances will add financial value to the assessed properties equal to or greater than the amount of the assessment.

WHEREAS, the removal of nuisance conditions will render the assessed properties more attractive for use and habitation providing a measure of public safety and economic value to not only the assessed property but the general neighborhood.

WHEREAS, when properties are cleaned up pursuant to the proposed ordinance, the property owners will be required to reimburse the City for the costs incurred in the clean-up, and there is the possibility that owners may fail or refuse to reimburse the City.

WHEREAS, in order to collect the costs and expenses not paid in a timely manner by property owners, the City Council finds that it is fair, equitable and necessary to levy a non-ad valorem assessment against the benefitted property to reimburse the City for costs and expenses incurred when the City cleans-up and improves a lot, parcel, or tract in accordance with the proposed ordinance.

WHEREAS, the City Council has an ordinance which declares structures which are structurally unsound, dilapidated, unsafe, unsanitary, deteriorated, likely to fully or partially

collapse, be deemed unfit for human habitation, be dangerous to the life or property of the occupant or surrounding properties, or is habitually used as a place from which criminal activity is conducted as public nuisances.

WHEREAS, the City Council is in the process of adopting an ordinance which will authorize the levying and collecting of non-ad valorem assessments, and if adopted, the ordinance will provide that if property owners do not pay the costs and expenses associated with the demolition of unsafe structures, the City may use the uniform method of collecting non-ad valorem assessments to reimburse the City for costs and expenses incurred when the City demolishes unsafe structures.

WHEREAS, in order to collect the costs and expenses not paid timely by property owners, the City Council finds that it is fair, equitable and necessary to levy a non-ad valorem assessment against the benefitted property to reimburse the City for costs and expenses incurred when the City demolishes unsafe structures.

WHEREAS, the City Council finds that unsafe structures that are demolished receive special benefits and will benefit from the demolition in a manner equal to or greater than the cost of the assessments.

WHEREAS, the uniform method of collecting non-ad valorem assessments, as authorized by Section 197.3632 of the Florida Statutes, provides for the collection of non-ad valorem assessments by including such assessments on the tax bills issued for the collection of ad valorem taxes.

WHEREAS, the City has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments set forth in Chapter 197 of the Florida Statutes.

WHEREAS, the City Council finds that the use of the uniform method of collecting non-ad valorem assessments as authorized by section 197.3632 of the Florida Statutes will result in the efficient and effective collection of costs and expenses that have been paid by the City for the clean-up of a lot, but not timely reimbursed by the property owner.

WHEREAS, the City Council finds that the use of the uniform method of collecting non-ad valorem assessments as authorized by section 197.3632 of the Florida Statutes will result in the efficient and effective collection of costs and expenses that have been paid by the City for the demolition of unsafe structures, but not timely reimbursed by the property owner.

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

Section 1. The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. Lot Clean-Up

1. If the City Council adopts ordinances authorizing the uniform method of collecting non-ad valorem assessments to collect unpaid costs and expenses incurred by the City in cleaning up lots that are a nuisance or pose an imminent threat to public health and safety on property within the City, the City Council intends to use, and hereby authorizes the City Administrator and City Attorney to take all needed actions to use the uniform method of collecting non-ad valorem assessments as provided in section 197.3632 of the Florida Statutes for collecting all unpaid lot clean-up costs.
2. The City Council intends to use and will continue, year-to-year, to use the uniform method of collecting non-ad valorem assessments for lot clean-up, until otherwise determined or discontinued by the City Council.
3. The City Council has determined that a non-ad valorem special assessment for lot clean-up costs and expenses is necessary in order to financially permit and enable the City to continue clean-up of nuisances and imminent threats to public health and safety on property within the City.
4. The City of Mexico Beach, in its entirety, as its boundaries exist on the effective date of this Resolution and as they may be expanded or contracted from time to time, has been declared a special-assessment district for the purpose of collecting unpaid costs and expenses incurred by the City for lot clean-up. Properties assessed for the cost of clean-up under the proposed ordinance shall have their respective assessments collected by the uniform method (unless the assessments are paid timely before the pertinent non-ad valorem assessment roll is certified to the Tax Collector for collection), and for that purpose the City shall place the legal description of such properties on its non-ad valorem assessment roll each year that the assessments are outstanding and unpaid.

Section 3. Demolition of Unsafe Structures

1. If the City Council adopts ordinances authorizing the uniform method of collecting non-ad valorem assessments to collect unpaid costs and expenses incurred by the City in the demolition of unsafe structures, the City Council intends to use, and hereby authorizes ins City Council and City Attorney to take all needed actions to use, the uniform method of collecting non-ad valorem assessments as provided in section 197.3632 of the Florida Statutes for collecting such costs and expenses.
2. If the City Council adopts such ordinances, the City Council intends to use and will continue, year-to-year, to use the uniform method of collecting non-ad valorem assessments for demolition of unsafe structures, until otherwise determined or discontinued by the City Council.
3. The City Council is considering adopting such ordinances because it has determined that a non-ad valorem special assessment against benefitted property for costs and expenses incurred in the demolition of unsafe structures is necessary in order to financially permit and enable the City to continue the clean-up of unsafe structures on property within the City.

4. If the City Council adopts such ordinances, the City of Mexico Beach, in its entirety, as its boundaries exist on the effective date of this Resolution and as they may be expanded or contracted from time to time, will be declared a special assessment district for the purpose of collecting unpaid costs and expenses incurred by the City for the demolition of unsafe structures. Properties that may be assessed for the cost of demolition of unsafe structures under the ordinance shall have their respective assessments collected by the uniform method (unless the assessments are paid timely before the pertinent non-ad valorem assessment roll is certified to the Tax Collector for collection), and for that purpose the City shall place the legal description of such properties on its non-ad valorem assessment roll each year that the assessments are outstanding and unpaid.

Section 4. Notice Requirements. In accordance with the requirements of subsection 197.3632(3)(a) of the Florida Statutes, prior to the adoption of this resolution, the City held a public hearing that was advertised weekly in the Panama City News Herald for four consecutive weeks prior to the public hearing. A copy of the newspaper advertisement is attached hereto as "Attachment A".

Section 5. Assessment Roll. Each non-ad valorem assessment imposed by the City pursuant to this resolution shall be included in the assessment roll that will be adopted by the City and certified by the City Attorney or his designee prior to January 1, 2014, and each year thereafter.

Section 6. Directions to the City Clerk. The City Clerk is hereby directed to send a certified copy of this resolution, by U.S. mail, to the Bay County Property Appraiser, the Bay County Tax Collector, and the Florida Department of Revenue by January 1, 2014.


INTRODUCED at a Regular Council Meeting on the 12th of November, 2013, and **ADOPTED** by the City Council on the 25th day of February, 2014.

CITY OF MEXICO BEACH, FLORIDA



William A. Cathey, Mayor

ATTEST:



Adrian Welle, City Clerk