

**RESOLUTION NO. 17-29**

**A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NUISANCE ABATEMENT NON-AD VALOREM SPECIAL ASSESSMENTS THROUGHOUT THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1. AUTHORITY.** This Resolution of the City of Panama City Beach, Florida (the "City") is adopted pursuant to Chapter 197, Florida Statutes, and other applicable provisions of law.

**SECTION 2. FINDINGS.** It is hereby ascertained, determined, and deemed as follows:

(A)The City Council of the City of Panama City Beach, Florida, (the "City") is contemplating the expansion of that special assessment program imposition of a special assessment for the cost 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 defined herein, by eliminating or abating a public nuisance (the "Improvements").

(B) The City has previously determined to use and is presently using the uniform method of collecting non-ad valorem special assessments for the cost of providing Improvements to public nuisances located in the Front Beach Road Community Redevelopment Area only.

(C) The City intends to use the uniform method to collect non-ad valorem special assessment(s) for the cost of providing Improvements to property or properties, as required, within the incorporated area of Panama City Beach (the "Expanded Assessment Area"), as authorized by Section 197.3632, Florida Statutes, as amended, because this method will allow such special assessment to be collected commencing in November 2017, in the same manner as provided for ad valorem taxes, and in November of each year thereafter for the cost of providing Improvements, if any, in a preceding fiscal year.

(D) The City Council held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit "A".

**SECTION 3. ELECTION TO USE UNIFORM METHOD.**

(A) Commencing with the Fiscal Year beginning on October 1, 2016 and with the tax statement mailed in November, 2017, and for each successive year thereafter, the City intends to use the uniform method of collecting non-ad valorem special

assessment(s) authorized in Section 197.3632, Florida Statutes, as amended, as an alternative method to collect non-ad valorem assessments for the cost of providing any Improvements during and prior to Fiscal Year 2016-17 and for each successive, fiscal year thereafter during or prior to which Improvements are provided. Such non-ad valorem assessments shall by subsequent resolution be levied upon one or more parcels within the Assessment Area or Expanded Assessment Area, as required. A legal description of the Expanded Assessment Area is attached hereto as Exhibit "B" and incorporated by reference.

(B) The City hereby determines that the levy of the assessments is needed to fund or repay the cost of the Improvements within the City.


(C) Upon adoption, the City Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Bay County Tax Collector, and the Bay County Property Appraiser by December 31, 2016.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall be effective upon adoption.

**DULY ADOPTED** this 8<sup>th</sup> day of December, 2016.



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

  
\_\_\_\_\_  
Mike Thomas, Mayor

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Attest:

  
\_\_\_\_\_  
Diane Fowler, City Clerk

**EXHIBIT A**

**PROOF OF PUBLICATION**

# The News Herald

501 W. 11<sup>th</sup> Street  
P.O. Box 1940, Panama City, FL 32401  
Published Daily  
Panama City, Bay County, Florida

## State of Florida County of Bay

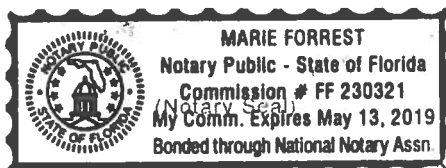
Before the undersigned authority personally appeared Angella Clagg, who on oath says that she is a Legal Advertising Representative of The News Herald, a newspaper published at Panama City in Bay County, Florida; that the attached copy of advertisement, being a Legal Advertisement #12726 in the matter of NOTICE OF INTENT - City of Panama City Beach in the Bay County Court, was published in said newspaper in the issue of November 9, 16, 23, 30, 2016.

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

State of Florida  
County of Bay

Sworn to and subscribed before me this 30th day of November, A.D., 2016. By Angella Clagg, Legal Advertising Representative of The News Herald, who is personally known to me or has produced N/A as identification.

Notary Public, State of Florida at Large



### 12726 NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The City Council of the City of Panama City Beach, Florida (the "Council") hereby provides notice, pursuant to Section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting special assessments, sometimes called non-ad valorem special assessments, to be levied upon one or more properties within the city limits of the City of Panama City Beach upon which a public nuisance is located, to recover the cost of capital improvements and essential services incurred by the City to abate the nuisance in the event the owners or persons interested in the property fail to do so, commencing for the Fiscal Year beginning on October 1, 2016, and each year thereafter. The Council will consider the adoption of a resolution electing to use the uniform method of collecting such assessment(s) throughout the City on the same bill as for property taxes as authorized by Section 197.3632, Florida Statutes, at a public hearing to be held at 6:00 o'clock p.m., Thursday, December 8, 2016, in the Council Chambers, George C. Cowgill Annex to City Hall, 104 South Arnold Road, Panama City Beach, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. The real property proposed to be subject to the levy is all the property located within the boundaries of the city limits of the City of Panama City Beach (the "Assessment Area"). The levy will be made for the cost 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, arising from the City's abatement or elimination of a public nuisance which is not abated by the owner after notice and opportu-

nity for hearing. If abatement costs are unpaid by the owner, the levy against the property upon which the nuisance is or was located will not exceed the cost of abatement and benefit, as determined by law, necessary to relieve and address the burdens created by such nuisance. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at the Office of the City Clerk of Panama City Beach, 110 South Arnold Road, Panama City Beach, Florida. All interested persons are invited to attend.

The public hearing is being held to determine and preserve the method of collection for use throughout the City. The City has previously determined to use and is presently using the uniform method of collecting non-ad valorem special assessments for the cost of providing capital improvements and essential services related to abatement of public nuisances located in the Front Beach Road Community Redevelopment Area only.

In the event any person decides to appeal any decision by the City Council with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's Office at (850) 233-5100 at least seven days prior to the date of the hearing.

DATED this 4th day of November, 2016.

By Order of:  
CLERK OF THE CITY  
OF PANAMA CITY  
BEACH  
Pub: November 9, 16  
23, 30, 2016

## EXHIBIT B

### INCORPORATED AREA OF THE CITY OF PANAMA CITY BEACH, FLORIDA MORE PARTICULARLY DESCRIBED AS

#### LEGAL DESCRIPTION CITY OF PANAMA CITY BEACH

All of the incorporated area within the municipal boundaries of the City of Panama City Beach, Florida; including and more particularly encompassing that territory in Bay County, Florida, described as follows: Beginning at the intersection of the water's edge of the Gulf of Mexico and the West line of the Southeast Quarter of the southwest quarter of Fractional Section 6, township 4 South, Range 15 West; thence North along said West line to a point 1023.35 feet South of the Northwest corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 6; thence S55°00'E, 190 feet; thence N35°00'E, 131.67 feet, to the South Right of Way line of Surf Drive; thence N52°47'W, and along the said South R/W of Surf Drive, 240 feet, more or less to the West R/W of Surf Drive; thence N32°27'E, and along the said West R/W of Surf Drive 402.2 feet, more or less, to the South R/W of State Road S-392 (Thomas Drive); thence Westerly, along the South R/W of SR S-392 to a point on said South R/W, which is S37°15'37"W of the following described point on the North R/W of said SR S-392 (Thomas Drive). Commencing at the NW Corner of Section 6, Township 4 South, Range 15 West, proceed South along the West line of Section 6, to the North R/W of SR S-392; thence Southeasterly along the North R/W of the curve of SR S-392 to the Point of Tangency of curve, (having a Radius of 955.37'; central angle of 49 degrees, 28') 760' more or less; thence S52°44'23"E, 291.90' to said point; thence N37°15'37"E, and across said SR S-392, to the waters edge of Grand Lagoon; thence Northwesterly along the waters edge of Grand Lagoon, to the intersection of the West line of Section 6, Township 4 South, Range 15 West; thence North, along the West line of said Section 6, to the NE corner of Fractional Section 1, Township 4 South, Range 16 West; thence West along the North line of said Section 1, and South line of Section 36, Township 3 South, Range 16 West, to the Westerly R/W of SR S-392 (Thomas Drive); thence Northerly and Westerly, along the Southerly R/W of SR S-392 to a point which is the intersection of the said Southerly R/W and a point 90 feet East of the West line of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 36; thence South, and 90 feet East of, and parallel to said West line of SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , to the South line of said Section 36; thence West, along the South line of Section 36, Township 3 South, Range 16 West, 90 feet, more or less, to the SE corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 36, thence North along the East line of said SW $\frac{1}{4}$  of SE $\frac{1}{4}$  to the intersection with the South R/W line of U.S. Highway 98; thence West along said South R/W line of U.S. Highway 98 to a point that is 1020' East of the West line of said SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 36; thence North, 800 feet, more or less, to the North line of said SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 36; thence West along the North line of said SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , 1020 feet to the SE Corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 36; thence North along the East line of said NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ,  $\frac{1}{4}$  mile to the NE corner of the SW $\frac{1}{4}$  of said Section 36; thence West along the  $\frac{1}{2}$  Section Lines of Sections 36 and 35 to the NW Corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 35, Township 3 South, Range 16 West; thence North along the West line of the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of said Section 35, 3/10 miles, more or less, to the North R/W line of State Road S-392-A; thence Northwesterly along said North R/W line, to the West line of the E $\frac{1}{2}$  of the E $\frac{1}{2}$  of Section 27, Township 3

South, Range 16 West (being the quarter-quarter line); thence North along the quarter-quarter section line, to the Northeast corner of the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of said Section 27, thence West along the quarter-quarter section line, .19 miles to the East R/W line of SR S-30-C; thence North along said East R/W line of SR S-30-C, .23 miles to the North R/W line of SR S-30-A; thence Westerly along the North R/W line of SR S-30-A; .20 miles; thence North 1141.13'; thence N42°33'41"W, 125' to the existing East Boundary Line of the East Leg of the West Bay Golf Course; thence Northerly along said Golf Course, .67 miles to the North line of Section 22, Township 3 South, Range 16 West; thence West along said North line, ¼ mile to the SW Corner of the E<sup>1</sup>/<sub>2</sub> of U.S. government Lot 4 of Section 15, Township 3 South, Range 16 West; thence North along the West line of the E<sup>1</sup>/<sub>2</sub> of Government Lot 4, 567.02'; thence West, 660.68' to the West line of Section 15, Township 3 South, Range 16 West; thence South along the West line of Section 15, 567.02' to the NW Corner of Section 22, Township 3 South, Range 16 West; thence South along the West line of Section 22, ¾ mile; thence East, 1/8 mile; thence South, ¼ mile to the South section line; thence West along said South Section line, 1/8 mile to the SW Corner of said Section 22; thence continue West along the Section line, ½ mile to the SW corner of the SE<sup>1</sup>/<sub>4</sub> of Section 21, Township 3 South, Range 16 West; thence North along the half section line, ½ mile to the center of said Section 21; thence West along the half section line, ¾ mile; thence North along the quarter-quarter section line, ¼ mile; thence West along the quarter-quarter section line, ½ mile; thence North along the quarter-quarter section line, ¼ mile to the South line of Section 17, Township 3 South, Range 16 West; thence West, ¼ mile to the West line of said Section 17; thence North along said section line and the East Boundary Line of Gulf Highlands Subdivision to the NE Corner of said Subdivision; thence Westerly along the North Boundary Line of said Subdivision to the East R/W line of State Road S-79; thence Northerly along the East R/W line of said State Road S-79 to the South line of Section 7, Township 3 South, Range 16 West; thence West along the South lines of Section 7 and Section 12, Township 3 South, Range 17 West, to the SE corner of the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of said Section 12; thence North along the quarter-quarter section line, ¼ mile; thence West along the quarter-quarter section line, ¼ mile to the West line of said Section 12; thence North along said West line, ¼ mile; thence West along the quarter-quarter section line of Section 11, Township 3 South, Range 17 West, ¼ mile; thence South along the quarter-quarter section line, ½ mile to the North line of Fractional Section 14, Township 3 South, Range 17 West; thence West along said North line to the Gulf of Mexico; thence South, 300'; thence Southeasterly following the meanderings of the Gulf of Mexico and always 300' Southwesterly therefrom, approximately 11.50 miles to a point that is 300' South of the Point of Beginning; thence North, 300' to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING PARCEL:

Begin at the Southeast Corner of that certain parcel conveyed by Long Beach Resorts, Inc. to W.J. Braswell, et ux. dated March 21, 1950, and recorded in Bay County, Florida Deed Book 144, at page 299; thence West along the South line of said Braswell property (South line of Section 36, Township 3 South, Range 16 West) to the West line of Gulf Drive; thence North along the West line of Gulf Drive to the intersection of the Southerly right-of-way line of U.S. Highway 98; thence Easterly along said Southerly right-of-way of U.S. Highway 98 to the Northwest corner of that certain parcel described in Ordinance #144 of the City of Panama City Beach, enacted July 28, 1971, and recorded in Bay County Official records Book 399, at page 692; thence Southerly 257 feet more or less to the water's edge of a lake; thence Easterly along

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said lake 300 feet more or less to a point South of the Northeast Corner of said parcel described in Ordinance #144 and to the East line of the said Braswell parcel; thence south to the Point of Beginning.

All as amended by annexation ordinances adopted by the City of Panama City Beach subsequent to enactment of Chapter 70-874, Laws of Florida.

END