

RESOLUTION 11-R57

COUNCIL ITEM 11D
DATE 9/12/11

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR THE COLLECTION OF NUISANCE ABATEMENT SERVICES ASSESSMENTS; ADOPTING FINDINGS OF FACT; APPROVING THE RATE OF ASSESSMENT FOR EACH AFFECTED PROPERTY; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Port St. Lucie has been confronted with the unprecedented challenge of abandoned and unmaintained homes within the City; and

WHEREAS, the City has instituted its Nuisance Abatement Program to address certain property maintenance issues affecting these abandoned and unmaintained homes; and

WHEREAS, these property maintenance issues negatively affect the public health, safety, and welfare by enabling the deterioration of neighborhoods, facilitating and providing opportunities for criminal activity, producing blight; and contributing to lower property values; and

WHEREAS, affected property owners and mortgagees were provided notice and an opportunity to be heard concerning conditions on their property which threatened the public health, safety, and welfare; and

WHEREAS, the owners or mortgagees have either abandoned the property or refused to address the issues that threaten the community; and

WHEREAS, in an effort to combat these negative effects on the City of Port St. Lucie and its residents, the City has undertaken to improve the various properties throughout the City by abating conditions deemed to be a nuisance pursuant to its Nuisance Abatement Program; and

WHEREAS, the City Council finds that properties so improved have specifically benefited from the City's actions in an amount equal to or greater than the costs incurred by the City in carrying out its Nuisance Abatement Program and greater in kind and degree than other properties located within the City; and

WHEREAS, some owners or mortgagees of the benefited properties have failed or refused to reimburse the City for the costs incurred by the City in improving their property; and

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WHEREAS, the City Council finds that it is fair and equitable to assess against each benefited property a non-ad valorem special assessment in an amount equal to the costs incurred in improving said property, less any amounts paid by the property owner to offset such costs; and

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

WHEREAS, the City Council desires to utilize the uniform method of collecting non-ad valorem assessments to collect the Nuisance Abatement Services Assessments specified herein; and

WHEREAS, in accordance with the requirements of section 197.3632, Florida Statutes, the City Council has conducted a duly advertised and noticed public hearing prior to the adoption of this Resolution, at which hearing the City Council received all written objections and heard testimony from all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA.

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 40, Nuisance Abatement Program of the City of Port St. Lucie Code of Ordinances, Chapter 170, Florida Statutes, and sections 197.3632 and 197.3635, Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS OF FACT. The foregoing findings are incorporated herein by reference and made a part hereof. Further, it is hereby ascertained, determined, and declared as set forth in Chapter 40 of the City of Port St. Lucie Code of Ordinances, that the City Council of the City of Port St. Lucie has the authority under its home rule powers and other applicable Florida Statutes to impose Nuisance Abatement Services Assessments upon certain defined residential properties ("Assessed Property"), within the incorporated area of the City of Port St. Lucie, as more fully described in Exhibit A attached hereto and incorporated by reference herein.

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In addition, it is hereby ascertained, determined, and declared that each parcel of Assessed Property has been benefited by the City's provision of nuisance abatement services in an amount not less than the cost of such service by the City for each parcel computed in the manner set forth in this Assessment Resolution based upon the following legislative determinations:

- (A) Nuisance abatement services provide a special benefit and possess a logical relationship to the use and enjoyment of property;
- (B) Nuisance abatement services benefit Assessed Property by providing reasonable, safe, and cost effective remediation of nuisance conditions on such property;
- (C) Nuisance abatement services benefit Assessed Property by protecting the value of the property, protecting the property from becoming the target of crime, and promoting the health, safety, and welfare of the owners and occupants of such property, if any, resulting from the delivery of such services in a reasonable and cost effective manner.
- (D) Nuisance abatement services assist in facilitating the eventual sale of property following foreclosure by promoting maintenance of the property, preventing vandalism of the property, and improving the appearance of the neighborhood.

SECTION 3. APPROVING THE NUISANCE ABATEMENT SERVICES ASSESSMENTS AND ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING THE ASSESSMENTS. Nuisance Abatement Services are provided to benefited properties after the property has been declared a nuisance pursuant to the City's Nuisance Abatement Program. Nuisance Abatement Services Assessments are imposed when the property owner fails to abate the conditions which give rise to the nuisance and as a result, the City abates the nuisance(s). Each assessment includes the actual cost incurred by the City for the work performed on the property in abating the nuisance condition(s), utilizing either an outside contractor or City forces; the cost of providing notice, including, but not limited to, the cost of postage and publication and/or service by a process server; and a flat fee of \$325.00 for administrative/personnel costs. Each assessment has been previously authorized by City Council pursuant to Chapter

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40, of the Code of Ordinances at a show cause hearing conducted for each Assessed Property and recorded in the public records. The Assessments set forth in Exhibit A attached hereto and incorporated herein are hereby approved and shall be collected utilizing the uniform method of collecting non-ad valorem assessments.

SECTION 4. EFFECT OF ASSESSMENT ON ASSESSED PROPERTY. Nuisance Abatement Services Assessments shall constitute a lien upon the Assessed Property 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.

SECTION 5. ASSESSMENT ROLL. The City Council hereby adopts Exhibit A as the City of Port St. Lucie's 2010-2011 non-ad valorem assessment roll for Nuisance Abatement Services to be forwarded to the Tax Collector pursuant to section 197.3632, Florida Statutes. The Finance Director/Treasurer or her designee is hereby authorized and designated to certify the non-ad valorem assessment roll adopted herein to the Tax Collector. The assessment roll, as delivered to the Tax Collector, shall be accompanied by a Certificate of Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Exhibit D.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the assessment roll and the levy and lien of the Nuisance Abatement Services Assessments for nuisance abatement services) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Resolution.

SECTION 7. EFFECTIVE DATE. This Assessment Resolution shall take effect immediately upon its passage and adoption.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PORT
ST. LUCIE, FLORIDA, this 12th day of September, 2011.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
JoAnn M. Faiella, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: _____
Roger G. Orr, City Attorney

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EXHIBIT A

NUISANCE ABATEMENT SERVICES ASSESSMENT ROLL

Name	Resolution	Parcel ID	Amount	Address
Countrywide Home Loans, F/O/B Greenwich Financial Products, Inc. and RBS Financial Products, Inc.	10-R68	3420-585-3268-000/4	\$2,351.06	742 SE Adams Court
Celedonia Barrameda	09-R82	3421-702-0011-000/7	\$758.90	312 NE Ardsley Drive
Bonnie Hill	10-R61	3422-520-0034-000/9	\$1,790.55	2219 SE Morningside Boulevard
AMN Amro, Mortgage Group, Inc.	09-R58	3420-645-0182-000/9	\$9,536.78	2450 SE Renick Avenue

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EXHIBIT B

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

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AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, personally appeared _____,
who after being duly sworn, deposes, and says:

1. I, _____, pursuant to the authority and direction received from the City Council of the City of Port St. Lucie, timely directed the preparation of the Nuisance Abatement Assessment Roll and the preparation, mailing, and publication of notice in accordance with Chapter 40, City of Port St. Lucie, Code of Ordinances, and Florida Statute Section 197.3632.

2. In accordance with the Ordinance and Florida Statutes, I supervised and directed the mailing of individual mailed notices to the owner of each assessed property contained in the Nuisance Abatement Assessment Roll utilizing address information contained in the public records. The notice included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the public hearing.

3. Further, each assessment on the Assessment Roll has been previously recorded in the public records of St. Lucie County, Florida.

FURTHER AFFIANT SAYETH NOT.

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this _____ day of _____, 2011, by _____. He/She is personally known to me.

Notary Public, State of Florida

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EXHIBIT C
PROOF OF PUBLICATION

NOTICE OF PUBLIC HEARING
REGARDING THE COLLECTION OF
NUISANCE ABATEMENT SERVICES
SPECIAL ASSESSMENTS
ON THE 2011 TAX ROLL

Notice is hereby given that the City Council of the City of Port St. Lucie, Florida ("Council") will conduct a public hearing concerning the collection of nuisance abatement services assessments on the 2011 tax roll for the purpose of adopting the non-ad valorem assessment roll. The nuisance abatement services assessments were previously assessed against certain properties, which were declared public nuisances and located within the city boundaries of the City of Port St. Lucie (Nuisance Abatement Services Assessment Area), to recover the cost of providing nuisance abatement services to such properties. The assessments for each property were calculated based upon the actual cost of the abatement, plus administrative costs, 8% interest, and the cost of collection.

The public hearing will be held in the City Council Chambers at 7:00 p.m. on September 12, 2011, or as soon thereafter as the matter may be heard, located at the City of Port St. Lucie Municipal Complex (City Hall), 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984 for the purpose of receiving public comment on the proposed collection of the assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Council in care of the City Clerk within 20 days of this notice. If a person decides to appeal any decision made by the Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to arrange for a court reporter to ensure that a verbatim record is made. In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the City Clerk's office at 772-871-5157, at least seven days prior to the date of the hearing.

The schedule of assessments to be included as non-ad valorem assessments on the 2011 tax roll includes the following:

Name- Resolution-Parcel ID-
Amount-Address

Country Wide Home Loans, Inc. f/o/b Greenwich Capital Financial Products, Inc.-10-R68
- 3420-585-3268-000/4 - \$2,351.06- 742 SE Adams Ct.

Celedonio C. Barrameda (EST)- 09-R82-
3421-702-0011-000/7 - \$758.903- 12 NE Ardsley Dr.

Bonnie Hill- 10-R61- 3420-520-0034-000/9-
\$1,790.55- 2219 SE Morningside Blvd.

ABN Amro Mortgage Group, Inc.- 09-R58-
3420-645-0182-000/9 - \$9,536.78 - 2450 SE Renick Ave.

\$14,437.29TOTAL

The Total revenue the City will collect by the assessment is estimated to be \$14,437.29 for the fiscal year 2011-2012

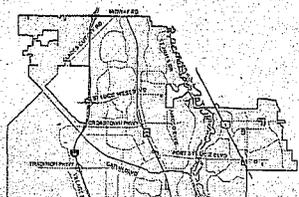
Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessment is available for inspection in the office of the City Clerk, located on the First Floor of City Hall, 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2011, as authorized by 197.3632, Florida Statutes. Failure to pay the assessment will cause a tax certificate to be issued against the property, which may result in a loss of title. If you have any questions, please contact City of Port St. Lucie Legal Department at 772-344-4386, Monday through Friday between 8:00 a.m. and 5:00 p.m.

Karen A. Phillips, City Clerk

Publish: August 18, 2011

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EXHIBIT D

FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL

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CERTIFICATE OF NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Finance Director/Treasurer of the City of Port St. Lucie located in St. Lucie County, Florida; as such, I have satisfied myself that all property included on the non-ad valorem assessment roll for nuisance abatement services ("Nuisance Abatement Services Assessment Roll") for the City is properly 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; and relative numbers thereto involved are as follows for the 2011 Roll:

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Nuisance Abatement Services Assessment Roll will be delivered to the St. Lucie County Tax Collector by September 15, 2009.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the St. Lucie County Tax Collector and made part of the above-described Solid Waste Assessment Roll this ____ day of _____, 2011.

CITY OF PORT ST. LUCIE
ST. LUCIE COUNTY, FLORIDA

By: _____
Marcia Dedert,
Finance Director/Treasurer

[to be delivered to the Tax Collector prior to _____, 2011]