

**RESOLUTION NO.**

**A RESOLUTION OF THE ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO THE FUNDING OF NUISANCE REMEDIATION AND PROPERTY CLEANUP SERVICES PROVIDED TO CERTAIN REAL PROPERTY LOCATED WITHIN THE PROPERTY CLEANUP SPECIAL ASSESSMENT DISTRICT; DETERMINING THAT SUCH PROPERTY IS SPECIALLY BENEFITED BY THE SERVICES; PROVIDING FOR THE IMPOSITION OF NON-AD VALOREM ASSESSMENTS AGAINST SUCH PROPERTY; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE SERVICES AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; APPROVING THE ASSESSMENT ROLL; IMPOSING ASSESSMENTS UPON ALL PARCELS DESCRIBED IN THE ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF ST. LUCIE COUNTY AS FOLLOWS:**

**SECTION 1. AUTHORITY.** This Resolution of the St. Lucie County Board of County Commissioners (the "Board") is adopted pursuant to the provisions of Article II of Chapter 38 of the County Code of Ordinances (the "Assessment Ordinance"), sections 125.66, 197.3632, and 197.3635, Florida Statutes, and other applicable provisions of law.

**SECTION 2. DEFINITIONS.** All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment

Ordinance. As used in this Resolution, the following terms shall have the following meanings unless the context hereof otherwise requires. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

**"Assessed Property"** means all Parcels included in the Assessment Roll which receive or have received Remediation Services from the County and the special benefit conveyed thereby.

**"Assessment"** means a special assessment (sometimes characterized as a non-ad valorem assessment) levied by the Board to fund the costs of providing Remediation Services.

**"Assessment Coordinator"** means the chief administrative officer of the County, or such person's designee responsible for coordinating calculation and collection of Assessments as provided herein.

**"Assessment Ordinance"** means Article II of Chapter 38 of the County Code of Ordinances as may be amended from time to time.

**"Assessment Roll"** means the non-ad valorem assessment roll created pursuant to Section 38-28(q) of the Assessment Ordinance and approved hereunder.

**"Board"** means the Board of County Commissioners of St. Lucie County, Florida.

**"Collection Costs"** means costs incurred by the Board in the annual collection and administration of the Assessments, including but not limited to fees imposed by the Property Appraiser and Tax Collector, amounts necessary to account for statutory discounts for the early payment of property taxes and non-ad valorem assessments, and amounts associated with filing any notice of lien or release of lien in the public records.

**"County"** means St. Lucie County, Florida.

**"Fiscal Year"** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the County.

**"Property Cleanup Special Assessment District" or "District"** means the special assessment district established by Section 38-28(1) of the Assessment Ordinance.

**"Parcel"** means a parcel of property to which the St. Lucie County Property Appraiser has assigned a distinct ad valorem property tax identification number.

**"Remediation Services"** means the nuisance remediation and property cleanup services authorized by the Assessment Ordinance provided by the County to those Parcels included on the Assessment Roll in order to address and remediate imminent public health threats and conditions of nuisance.

**"Tax Roll"** means the real property ad valorem tax roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"**Uniform Assessment Collection Act**" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

**SECTION 3. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) The County adopted the Assessment Ordinance and established the District to provide for the imposition of Assessments to fund all or a portion of the costs incurred by the County in providing Remediation Services to those Parcels within the District which contain conditions of nuisance and menace to the public health, safety, and welfare of the citizens of the County.

(B) The Assessment Ordinance provides for extensive notice to the owners of affected Parcels in advance of the provision of Remediation Services and the imposition of Assessments, and ample opportunity for such owners to address the nuisance and menace conditions themselves and thereby avoid the need for the County's provision of Remediation Services and resulting Assessment. The Assessment Ordinance also provides affected owners with mailed notice of a public hearing prior to imposition of the Assessments and inclusion of the Assessments on the annual property tax bill.

(C) The imposition of Assessments upon affected Parcels to fund the Remediation Services conveyed to such Parcels is fair and reasonable, and without such

imposition County taxpayers would be required to pay the cost of cleaning up such properties, and such cleanups would have to be undertaken by the County and funded by County taxpayers several times a year, in some cases for the same properties.

(D) The conditions and violations contemplated by the Assessment Ordinance create imminent risks both for the affected property and the broader public health and create a burden that must be remedied by the County in order to provide for the health, safety and well-being of its constituents. Remediation Services provided by the County relieve the burden created by such conditions and therefore convey a special benefit to the Parcels receiving the services.

(E) Additional special benefits conveyed to such Parcels by the Remediation Services may include, but are not limited to, preventing decline in property value, improving aesthetics of property, marketability, and safety by reducing fire hazards and improving access to the property.

(F) The imposition of non-ad valorem assessment to recover the actual cost incurred by the county in providing Remediation Services, together with a pro rata share of administration and collection costs (including amounts necessary to account for any statutory discount for the early payment of property taxes and non-ad valorem assessments but excluding any applicable penalty or fine) provides an equitable method of funding such Remediation Services by fairly and reasonably allocating the cost thereof to specifically benefitted property.

(G) The Assessment Roll is comprised of Parcels for which the Assessment has not otherwise been paid in full prior to approval of the roll.

(H) The amount of the Assessment imposed against each Parcel included on the Assessment Roll reflects Remediation Services provided by the County through May 1, 2017. The owners of such Parcels may avoid the imposition of additional Assessments in the future by correcting any nuisance conditions or violations upon notice thereof provided by the County in accordance with Section 38-28(h) of the Assessment Ordinance.

(I) The Board is authorized by the Uniform Assessment Collection Act to levy and collect Assessments, and the Assessment Ordinance established a procedure for the levy and collection of Assessments by the Board for the purpose of funding the costs incurred by the County in providing Remediation Services.

(J) The Board hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide a proper and equitable method of funding the Remediation Services and reasonably apportioning the costs thereof among the Parcels specially benefitted thereby.

(K) The Assessment Roll has heretofore been filed at the office of the County Engineer and made available for public inspection.

(L) As required by the terms of the Assessment Ordinance and the Uniform Assessment Collection Act, notice of a public hearing has been published and mailed to

each affected property owner notifying such property owner of the opportunity to be heard. The proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively.

(M) A public hearing has been duly held and comments and objections of all interested persons have been heard and considered as required by law.

(N) The Assessments contemplated hereunder will be imposed by the Board, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

(O) The amount of the Assessment imposed against Assessed Property is based upon the actual cost incurred in providing Remediation Services to such Parcels, together with a pro rata share of administrative and collections costs involved with the imposition and collection of the Assessments which is a fair and reasonable method for apportioning the costs of the Remediation Services and the special benefit conveyed thereby among Assessed Property, and bears a reasonable relationship to the cost of providing such services.

(P) The special benefits derived from the Remediation Services provided to each Parcel exceed the amount of the Assessments levied and imposed against such Parcel. The Assessment for any Parcel subject thereto does not exceed the proportional benefits that such Parcel will receive compared to any other Parcel.

(Q) The Board hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Remediation Services by fairly and reasonably allocating the costs associated with the Project among specially benefited property.

**SECTION 5. IMPOSITION AND LIEN OF ASSESSMENTS.**

(A) Assessments are hereby imposed against each Parcel included on the Assessment Roll, in the amount set forth therein. The Assessment shall 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. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(B) Any existing lien of record for the Assessed Property shall be supplanted by the lien resulting from approval and certification of the Assessment Roll as provided hereunder. Upon certification of the Assessment Roll to the Tax Collector, County staff is authorized and directed to file a release of the lien of record for the Parcels included on the Assessment Roll.

**SECTION 6. APPROVAL OF ASSESSMENT ROLL.** The Assessment Roll, a copy of which is attached hereto as Appendix C, is hereby approved. The Assessment Roll shall be retained by the Assessment Coordinator and shall be available for public inspection. The foregoing shall not be construed to require that the



Assessment Roll be in printed form if the amount of the Assessment for each Parcel can be determined by use of a computer terminal or internet access available to the public.

**SECTION 7. COLLECTION OF ASSESSMENTS.** The Assessments imposed hereunder may be prepaid at any time prior to September 14, 2017. Upon receipt of any such prepayment made in full, the Assessment Coordinator shall provide for the filing of a release of the lien against the prepaid Parcel. Any Assessments which are not prepaid by such date shall be collected on the November 2017 property tax bill as authorized by the Uniform Assessment Collection Act. The Assessment Coordinator is authorized to cause the certification and delivery of the Assessment Roll to the Tax Collector anytime after such date but prior to September 15, in the manner prescribed by the Uniform Assessment Collection Act.

**SECTION 8. EFFECT OF RESOLUTION.** The adoption of this Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method by which the Assessments are computed and apportioned, the Assessment Roll, and the amount of the Assessment imposed against each Parcel unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the Board's adoption of this Resolution.

[Remainder of Page Intentionally Left Blank]

**SECTION 9. EFFECTIVE DATE.** This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

**AFTER MOTION AND SECOND,** the vote on this Resolution was as follows:

Chair Chris Dzadovsky	_____
Vise Chair Tod Mowery	_____
Commissioner Linda Bartz	_____
Commissioner Frannie Hutchinson	_____
Commissioner Cathy Townsend	_____

**PASSED AND DULY ADOPTED** this 5<sup>th</sup> day of September, 2017.

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

**ATTEST:**

\_\_\_\_\_  
**Deputy Clerk**

\_\_\_\_\_  
**Chair**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

\_\_\_\_\_  
**County Attorney**

**APPENDIX A**

**PROOF OF PUBLICATION**

**APPENDIX B**

**AFFIDAVIT OF MAILING**

**BEFORE ME**, personally appeared the undersigned affiant, who after being duly sworn depose and say:

(1) I am the MSBU Coordinator for the Engineering Division of St. Lucie County, Florida.

(2) On or before August 16, 2017, I facilitated and directed mailed notice of a public hearing to be held on September 5, 2017 by the St. Lucie County Board of County Commissioners for purposes of receiving public comment on the imposition of special assessments (the "Assessments") within the Property Cleanup Special Assessment District (the "District") to fund nuisance remediation and property cleanup services. The notices were mailed in accordance with Section 197.3632(4), Florida Statutes and Section 38-28(p)(2) of the County Code of Ordinances, to each owner of real property located within the District subject to the Assessments at the addresses shown on the real property tax roll database maintained by the St. Lucie County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

(3) An exemplary form of such notice is attached hereto.

**FURTHER AFFIANT SAYETH NAUGHT.**

\_\_\_\_\_  
**Barbara Guettler, affiant**

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

The foregoing Affidavit of Mailing was sworn to and subscribed before me this 15<sup>th</sup> day of August, 2017, by Barbara Guettler. She is personally known to me and did take an oath.

(SEAL)

\_\_\_\_\_  
Printed/Typed Name: \_\_\_\_\_  
Notary Public-State of \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

## APPENDIX C

### ASSESSMENT ROLL

Parcel ID	Assessment Amount
130160701770001	\$478.72
142870211000000	\$531.91
142870210630008	\$531.91
141660100630004	\$531.91
142870210840001	\$531.91
341957000440007	\$531.91
240560105580000	\$398.94
240560105590007	\$398.94
341955500170002	\$478.72
241770400130001	\$2,595.74
143180102140009	\$265.96
143180101660007	\$265.96
333450100500008	\$2,459.57
143170300570009	\$425.53
240571500120001	\$372.34
143170102280003	\$265.96
341953001190000	\$398.94
142870300170007	\$372.34