

RESOLUTION NO. R-20-2022

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE PROVISION OF PROPERTY ABATEMENT SERVICES; ESTABLISHING THE PROPERTY ABATEMENT COSTS; AMENDING THE INITIAL ASSESSMENT RESOLUTION; IMPOSING PROPERTY ABATEMENT ASSESSMENTS AGAINST ASSESSED PROPERTY; APPROVING THE PROPERTY ABATEMENT ASSESSMENT ROLL; AMENDING THE INITIAL ASSESSMENT RESOLUTION; PROVIDING FOR THE EFFECT OF THE RESOLUTION; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Green Cove Springs, Florida, (the "Council") has enacted Chapter 78, Article VII of the City of Green Cove Springs Code of Ordinances (the "Ordinance"), and Chapter 22 of the City of Green Cove Springs Code of Ordinances (the "Property Abatement Ordinance"), which authorizes the imposition of Assessments for property abatement services; and

WHEREAS, the imposition of a Property Abatement Assessment for property abatement services each Fiscal Year is an equitable and efficient method of allocating and collecting Property Abatement Service Cost from the parcels of Assessed Property; and

WHEREAS, the Council desires to impose Property Abatement Assessments using the tax bill collection method for the Fiscal Year beginning on October 1, 2022; and

WHEREAS, the Council adopted Resolution No. R-09-2022, on July 19, 2022 (the "Initial Assessment Resolution"), containing a brief and general description of the property abatement services provided to Assessed Property, describing the method of apportioning the Property Abatement Service Cost to compute the Property Abatement Assessment for property abatement services against Assessed Property, estimating the rate of assessment, and directing preparation of the Property Abatement Assessment Roll and provision of the notice required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Ordinance, the City is required to confirm or repeal the Initial Assessment Resolution, with such amendments as the Council deems appropriate, after hearing comments and objections of all interested parties; and

WHEREAS, the Council finds it necessary to amend the Initial Assessment Resolution to adjust the Property Abatement Service Cost for the Assessed Properties; and

WHEREAS, the Property Abatement Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance; and

WHEREAS, notice of a public hearing has been published and, as required by the terms of the Ordinance, mailed to each property owner proposed to be assessed notifying such property owner

of the Owner's opportunity to be heard; an affidavit of mailing and the proof of publication are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing was held on September 6, 2022, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Chapter 78, Article VII of the City of Green Cove Springs Code of Ordinances (the "Ordinance"), Resolution No. R-09-2022 (the "Initial Assessment Resolution"), Chapter 22 of the City of Green Cove Springs Code of Ordinances, Article VIII, Section 2(b) of the Florida Constitution, sections 166.021 and 166.041, Florida Statutes, the City of Green Cove Springs Charter, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS.

(A) This resolution constitutes the Final Assessment Resolution for Property Abatement Assessments (the "Final Assessment Resolution") as defined in the Ordinance.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and the Initial Assessment Resolution.

SECTION 3. AMENDMENT OF INITIAL ASSESSMENT RESOLUTION. Section 4(A) of the Initial Assessment Resolution is hereby amended to read as follows:

SECTION 4. DETERMINATION OF PROPERTY ABATEMENT SERVICE COST; ESTABLISHMENT OF INITIAL PROPERTY ABATEMENT ASSESSMENTS.

(A) The estimated total Property Abatement Service Cost for the Fiscal Year commencing October 1, 2022, is hereby established as follows for the purpose of this Initial Assessment Resolution:

PARCEL ID	PROPERTY OWNER	ACTUAL COSTS
38-06-26-018207-004-00	Catherine Carpenter	\$251.49
38-06-26-018350-000-00	Diane Quarterman	<u>\$188.31</u> \$412.31
		<u>\$188.31</u> \$663.80

(underline indicates additions; ~~striketrough~~ indicates deletions)

SECTION 4. IMPOSITION OF PROPERTY ABATEMENT ASSESSMENTS.

(A) The parcels of Assessed Property included in the Property Abatement Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of property abatement services described in the Initial Assessment Resolution in the amount of the Property Abatement Assessment set forth in the Property Abatement Assessment Roll, a copy of which was present or available for inspection at the above-referenced public hearing and is incorporated herein by reference. Additionally, the Property Abatement Assessment Roll, as approved, includes those parcels of Assessed Property that cannot be set forth in that Property Abatement Assessment Roll pursuant to Section 119.071(4), Florida Statutes, concerning exempt “home addresses.”

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property has been specially benefited by the City's provision of property abatement services in an amount not less than the Property Abatement Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution.

(C) Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations, and findings as set forth in the Ordinance and the Initial Assessment Resolution from the property abatement services that were provided and a legislative determination that it is fair and equitable to allocate the Property Abatement Service Cost to property owners based upon the actual, administrative and collection costs incurred by the City in bringing the Tax Parcel into compliance.

(D) The method for computing Property Abatement Assessments described or referenced in the Initial Assessment Resolution is hereby approved.

(E) For the Fiscal Year beginning October 1, 2022, the Property Abatement Assessment for each affected Tax Parcel is hereby established as follows:

PARCEL ID	PROPERTY OWNER	ASSESSMENT
38-06-26-018350-000-00	Diane Quarterman	\$200.37
		\$200.37

(F) The above assessments are hereby approved. The Property Abatement Assessments for property abatement services in the amounts set forth in the Property Abatement Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property included in the Property Abatement Assessment Roll for the Fiscal Year beginning October 1, 2022.

(G) Property Abatement Assessments shall constitute a lien upon the Assessed Property so assessed 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.

(H) The Property Abatement Assessment Roll as herein approved together with the correction of any errors or omissions as provided for in the Ordinance shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Property Abatement Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

SECTION 5. CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution, as amended herein, is hereby confirmed.

SECTION 6. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the Assessed Property, the method of apportionment and assessment, the rate of assessment, the Property Abatement Assessment Roll and the levy and lien of the Property Abatement Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

SECTION 7. SEVERABILITY. If any clause, section or other part of this resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this resolution.

SECTION 8. EFFECTIVE DATE. This Final Assessment Resolution shall take effect immediately upon its passage and adoption.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 6TH DAY OF SEPTEMBER, 2022.

CITY OF GREEN COVE SPRINGS, FLORIDA

Daniel M. Johnson, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L.J. Arnold, III, City Attorney

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

AFFIDAVIT OF MAILING

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

1. Steve Kennedy as City Manager of the City of Green Cove Springs, Florida, (the “City”) pursuant to the authority and direction received from the City Council, timely directed the preparation of the Property Abatement Assessment Roll and the preparation, mailing, and publication of notices in accordance with Article VII, Chapter 78 of the Green Cove Springs Code of Ordinances (the “Ordinance”) and in conformance with the Initial Assessment Resolution No. R-09-2022 for Property Abatement Assessments (the “Initial Assessment Resolution”).

2. Mr. Kennedy has directed that the notices required by the Ordinance to be prepared in conformance with the Initial Assessment Resolution. An exemplary form of such notice is attached hereto. Mr. Kennedy has caused such individual notices for each affected property owner to be prepared and each notice included the following information: 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 number of such units contained within each parcel; 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 hearing.

3. On or before August 16, 2022, Mr. Kennedy directed the mailing of the above-referenced notices in accordance with Section 78-206 of the Ordinance and the Initial Assessment Resolution by First Class Mail to each affected owner, at the addresses then shown on the real

property assessment tax roll database maintained by the Clay County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

4. For Tax Parcels with exempt "home addresses" pursuant to Section 119.071(4), Florida Statutes, the City Manager worked with the Property Appraiser and/or Tax Collector for provision of notice.

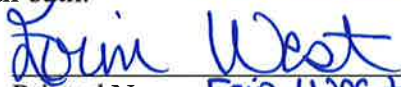
FURTHER AFFIANT SAYETH NOT.


Steve Kennedy, affiant

STATE OF FLORIDA
COUNTY OF CLAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of ☒ physical presence or ☐ online notarization, this 1st day of September, 2022 Steve Kennedy, City Manager, City of Green Cove Springs, Florida. He is personally known to me or has produced _____ as identification and did take an oath.




Printed Name: Erin West
Notary Public, State of Florida
At Large
My Commission Expires: 5/14/2023
Commission No.: GG334547

APPENDIX B

PROOF OF PUBLICATION

CLAY TODAY

PUBLISHER AFFIDAVIT

PUBLISHER AFFIDAVIT
CLAY TODAY
Published Weekly
Fleming Island, Florida

STATE OF FLORIDA COUNTY OF CLAY:

Before the undersigned authority personal appeared Hugh Osteen, who on oath says that he is the published of the "Clay Today" a newspaper published weekly at Fleming Island in Clay County, Florida; that the attached copy of advertisement
Being a
Public Notice

In the matter of
Property Abatement
LEGAL:
36830

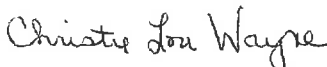
Was published in said newspaper in the issues:

8/11/22

Affiant Further says that said "Clay Today" is a newspaper published at Fleming Island, in said Clay County, Florida, and that the said newspaper Has heretofore been continuously published in said Clay County, Florida, Weekly, and has been entered as Periodical material matter at the post Office in Orange Park, in said Clay County, Florida, for period of one year next proceeding the first publication of the attached copy of advertisement; and affiant further says that 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 the said newspaper.



Sworn to me and subscribed before me 08/11/2022



NOTARY PUBLIC, STATE OF FLORIDA

3513 US HWY 17 Fleming Island FL 32003
Telephone (904) 264-3200
FAX (904) 264-3285
E-Mail: legal@claytodayonline.com
Christie Wayne christie@osteenmediagroup.com
Cassandra Shaw cassandra@claytodayonline.com

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF PROPERTY ABATEMENT SPECIAL ASSESSMENTS FOR REMOVAL OR SECURING UNSAFE STRUCTURES AND ABATEMENT OF NUISANCES

Notice is hereby given that the City Council of the City of Green Cove Springs, Florida will conduct a public hearing to consider the imposition of property abatement special assessments for the Fiscal Year beginning October 1, 2022 to reimburse the City for the costs incurred in performing the work necessary to abate or correct a violation of the Code on the following properties:

PARCEL ID	PROPERTY OWNER	ABATEMENT
98.08.26.01000-01000	Steve Quisenberry	\$800.00

The hearing will be held at 7:00 p.m. on September 6, 2022, in City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, Florida, for the purpose of receiving public comment on the proposed assessments and their collection on the same bill as ad valorem taxes. All affected property owners have a right to appear at the hearing and to file written objections with the City within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. 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, Erin West, (904) 297-7500, ext. 3307, at least three (3) days prior to the meeting.

The assessments for each parcel of property will be based upon the actual cost and extent of work necessary to abate unsafe structures or nuisances or correct a violation of the Code. The total cost allocated to each property, plus administrative and collection costs, will be collected on the tax bill to be mailed in November 2022. The amount of the assessment for each parcel of property is shown in the table above.

Copies of the Assessment Ordinance, the Property Abatement Ordinance, the Initial Assessment Resolution for Property Abatement Services, and the preliminary Property Abatement Assessment Roll are available for inspection at the office of the City Clerk, located at City Hall, 321 Walnut Street, Green Cove Springs, Florida

The assessments will be collected on the ad valorem tax bill to be mailed in November 2022, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments 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 the City at (904) 297-7500, Monday through Thursday between 7:00 a.m. and 5:30 p.m.

City of Green Cove Springs
Erin West, City Clerk
321 Walnut Street
Green Cove Springs, FL 32043
L. Steve Kennedy, City Manager
Legal ad 356830 was published on August 11, 2022 in Clay County's Clay Today Newspaper.

APPENDIX C

**FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City Council or the authorized agent of the City of Green Cove Springs, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for property abatement services (the "Non-Ad Valorem 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.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Clay County Tax Collector by September 15, 2022.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Clay County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this ____ day of _____, 2022.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: _____
Daniel M. Johnson, Mayor

[to be delivered to Clay County Tax Collector prior to September 15]