



Agenda Item Summary

File #: 24-00825

Agenda Date: 9/10/2024

Agenda Item Name:

Authorization for Levy of Non-Ad Valorem Special Assessment due to abatement of Public Nuisance

Presenter:

Diana Johnson, Senior Assistant County Attorney
Scott Krajewski, Code Administration Director

Description:

Public hearing and authorization for levy of non-ad valorem special assessment following the abatement of public nuisance conditions at certain real property located in Alachua County, as described herein, and adoption of corresponding Resolution to impose the assessment.

Recommended Action:

Authorize the levy and collection of a non-ad valorem special assessment against the property located at 1411 SE 41st Ave, Gainesville, Alachua County, Florida, as more particularly described in attached Resolution, for cost of abating the public nuisance on the certain property; Approve and adopt the Resolution imposing the special assessment on the assessed property and authorize the Chair to sign; and authorize the County Manager or designee to certify the nuisance abatement non-ad valorem assessment roll to the Tax collector.

Prior Board Motions:

4.25.2023, Item 23-0630: Public Hearing, Determined public nuisance exists at property located at 1411 SE 41st Ave, Gainesville, Alachua County, FL and authorized County staff and its contractors and authorized representatives to enter the public nuisance property and abate the nuisance, at the expense of the property owner.

Fiscal Note:

In FY23, the County procured vendor services to abate the nuisance at the property for a total cost of \$10,000. The expenditure was covered using appropriated funds in the MSTU (Municipal Services Taxing Unit) Fund from account 008.65.6510.524.34.00 (other contractual services).

Strategic Guide:

Environment, Public Safety

Background:

The certain property to be assessed is located at 1411 SE 41st Ave, Gainesville, Alachua County, Florida ("property"), identified by Parcel No. 16258-004-000 and its adjacent lot Parcel No. 16258-009-

000, has been the subject of code enforcement cases CEB16-011 and SM23-057. An Order Imposing Administrative Fine/Lien was entered and recorded in the Official Records acting as a code enforcement lien on the property pursuant to local and state law. The property remains in violation of Alachua County Code Section 74.20(a), Accumulation of Junk and Section 74.20(b), Unserviceable Vehicles. At a public hearing on April 25, 2023, the Board of County Commissioners ("Board") declared the property to be a public nuisance and authorized County staff and its contractor to enter the property and cause the conditions to be remedied at the expense of the owner(s), pursuant to Chapter 74, Alachua County Code. The costs to abate the nuisance totaled \$10,000. Due to the efforts of Alachua County in the abatement of the nuisance thereon, the property to be assessed has been specifically benefited.

The property owner and others with rights to the property (Doris Martin, Lance Martin, and Debora Lynn Martin also known as Debra Martin) were provided notice that the property would be subject to a special assessment and were sent an invoice for the amount for the abatement of the nuisance. The property owner and others with rights to the property were permitted at least 90 calendar days to remit payment for the invoice to the County. No payment was received. In accordance with Alachua County Code Section 74.28(b), the Board of County Commissioners, at a public meeting, may authorize the levying of a non-ad valorem special assessment on the property for the unpaid costs incurred by the County in abating the nuisance. Written notice of this public meeting was mailed to each property owner to be assessed, and notice was published online. Any non-ad valorem special assessment levied pursuant to this Article is equal in dignity with a lien for ad valorem taxes, provided, however, that no such non-ad valorem assessment may become effective until the procedure for levying non-ad valorem assessments, as provided in F.S. Ch. 197, is satisfied. If the Resolution is approved, the same will be sent to the Tax Collector for collection using the Uniform Collection Method and the one-time assessment will be included on the tax bill for the subject property.