

RESOLUTION NUMBER 24-251

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 197.3632, FLORIDA STATUTES FOR DEMOLITION OF UNSAFE STRUCTURES DETERMINED BY THE BUILDING OFFICIAL AND REMOVAL OF RESULTING DEBRIS, ANY TITLE SEARCH FEES, ANY AND ALL COSTS ASSOCIATED WITH APPELLATE REVIEW OF A PROPERTY OWNER'S APPEAL OF THE TOWN'S BUILDING OFFICIAL'S DETERMINATION DEEMING A STRUCTURE UNSAFE UNDER CHAPTER 34 OF THE TOWN'S LAND DEVELOPMENT CODE, AS AMENDED FROM TIME TO TIME, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2024 AND SUBSEQUENT FISCAL YEARS, WITHIN THE TERRITORIAL BOUNDARIES OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Town Council (the "Council") of Fort Myers Beach, Florida (the "Town") is contemplating the imposition of special assessments for the provision of the costs of providing demolition of unsafe structures determined by the Town Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner's appeal of the Town's Building Official's determination deeming a structure unsafe under Chapter 34 of the Town's Land Development Code, as amended from time to time, for the fiscal year beginning on October 1, 2024 and subsequent fiscal years; and

WHEREAS, the Town Council intends to use the uniform method for collecting non-ad valorem special assessments for the cost of demolition of unsafe structures determined by the Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner's appeal of the Town's Building Official's determination deeming a structure unsafe under Chapter 34 of the Town's Land Development Code, as amended from time to time, because this method will allow such special assessments to be collected annually commencing on October 1, 2024, in the same manner as provided for ad valorem taxes; and

WHEREAS, the Town Council duly advertised and held a public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit “A”; and

WHEREAS, the Town Council has determined it is in the best interest of the Town of Fort Myers Beach and its residents and business owners to adopt this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Commencing with the Fiscal Year beginning on October 1, 2024, and with the tax statement mailed for such Fiscal Year, the Town intends to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of demolition of unsafe structures determined by the Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner’s appeal of the Town’s Building Official’s determination deeming a structure unsafe under Chapter 34 of the Town’s Land Development Code, as amended from time to time. Such non-ad valorem assessments shall be levied within the territorial boundaries of the Town, as further described in the Town Charter.

Section 2. Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Lee County Tax Collector, and the Lee County Property Appraiser by January 10, 2025.

Section 3. This Resolution shall be effective immediately upon adoption.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by Council Member King and seconded by Council Member Safford, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 18th day of November 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Nov 23, 2024 13:23 EST)

Dan Allers, Mayor

ATTEST:

Amy Baker
Amy Baker (Nov 25, 2024 13:32 EST)

Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

Nancy Stuparich
Nancy Stuparich (Nov 25, 2024 12:19 EST)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 22nd day of November 2024.



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Amy Baker
Town Clerk
Town Of Ft Myers Beach_Legals
2523 ESTERO BLVD
FORT MYERS BEACH FL 33931-3354

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Main Legal CLEGL, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

10/11/2024, 10/18/2024, 10/25/2024, 11/01/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/01/2024

Nicole Jacobs
Legal Clerk

[Signature]
Notary, State of WI, County of Brown

3-7-27

My commission expires

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KAITLYN FELTY
Notary Public
State of Wisconsin

Town of Fort Myers Beach

NOV 12 2024

Received by: _____

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

The Town of Fort Myers Beach, Florida (the "Town") hereby provides notice, pursuant to Section 197.3632(3) (a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the territorial boundaries of the Town, as described in the Town Charter, for the cost of providing any or all of the following services: demolition of unsafe structures determined by the Building Official and removal of resulting debris, any title search fees, any and all costs associated with appellate review of a property owner's appeal of the Town's building official's determination deeming a structure unsafe under Chapter 34 of the Town's Land Development Code, as amended from time to time, for the fiscal year beginning on October 1, 2024, and for subsequent fiscal years. The Town will consider the adoption of a resolution electing to use the uniform method of collecting demolition assessments as authorized by Section 197.3632, at a public hearing to be held on **Monday, November 18, 2024 at 9:00 a.m.**, in the Bay Oaks Recreation Center, 2731 Oak Street, Fort Myers Beach, FL 33931. 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. 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 Town Clerk of Fort Myers Beach, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Town 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 American with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact Fort Myers Beach Town Clerk at 239-765-0202.

Dated this 7th day of October, 2024.

DAN ALLERS, TOWN MAYOR
FORT MYERS BEACH, FLORIDA

AMY BAKER, TOWN CLERK
FORT MYERS BEACH, FLORIDA

Publish: News-Press
October 11, 2024
October 18, 2024
October 25, 2024
November 1, 2024