

**TAB 4**



516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570  
Fax: (941) 723-4576  
Suncom: 516-0829  
E-mail: [chgeneral@palmettofl.org](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

**BEFORE THE CODE ENFORCEMENT BOARD  
OF THE CITY OF PALMETTO, FLORIDA**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
REGULAR MAIL**

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner**

vs.

**Case No. CEB 07-15**

Genesis Development Partners, LLC  
101 Riverfront Blvd., Suite 610  
Bradenton, FL 34205

**Respondents:**

**ORDER IMPOSING FINE AND LIEN**

**Violation Location:** 4009 11<sup>th</sup> St. Ct. W. and 4111 10<sup>th</sup> St. W.  
Palmetto, Florida 34221

On February 26, 2008, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regard to the above Respondent. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The Respondent was found in violation of the City of Palmetto Code of Ordinances at a hearing held on January 22, 2008. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".

2. The Order required the Respondent to comply with the Palmetto Code of Ordinances, as cited, by February 1, 2008. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on January 23, 2008.
3. The Respondent was notified in that Order that the Code Enforcement Board would hold a hearing on February 26, 2008, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board hearing scheduled for February 26, 2008, was posted at Palmetto City Hall.
4. At the February 26, 2008, Hearing, the City of Palmetto Code Enforcement Director, Bill Strollo, presented proof of notice to the Respondent and testified that the Respondent had not complied with the Palmetto Code of Ordinances as ordered by the Administrative Order dated January 22, 2008.

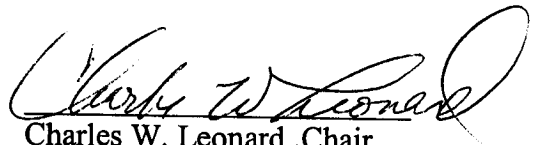
### **CONCLUSIONS OF LAW**

1. The hearing has been properly notified and convened. A quorum is present and voting.
2. Section 2-87 of the Code of Ordinances states that:
  - (2) In determining the amount of the fine, if any, the CEB shall consider the following factors:
    - a. The gravity of the violation;
    - b. Any actions taken by the violator to correct the violation;
    - c. Any previous violations committed by the violator.
3. The prior Administrative Order of this Board, dated January 22, 2008, was not complied with by the date set forth in the Administrative Order, and the violations of Respondent, or the conditions causing the violations, present a serious threat to the public health, safety and welfare.
4. The Board has considered the three factors cited above in arriving at its determination to impose a fine.

## ORDER

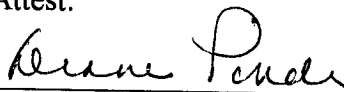
Based on the foregoing, the Code Enforcement Board imposes a fine of \$250.00 per day commencing February 1, 2008, continuing until the violation is corrected, and directs notification be sent by the Chairman to the Mayor and City Commission advising of a serious threat to the public health, safety and welfare. If the Respondent has not complied with this Order by March 27, 2008, a certified copy of this Order shall be recorded in the Public Records of Manatee County, and any other county within the State of Florida where the Respondent has real or personal property, and it shall thereafter constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court by the City, such Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue with interest accruing until the violator comes into compliance, or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

Date: February 26, 2008



Charles W. Leonard, Chair  
Code Enforcement Board

Attest:

---

~~James R. Freeman, City Clerk~~  
DIANE PONDER  
Deputy Clerk-ADMINISTRATION



516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
Phone: (941) 723-4570  
Fax: (941) 723-4576  
e-mail: mayor@palmettofl.org

March 6, 2008

Mr. Charles W. Leonard  
P.O. Box 865  
Palmetto, Florida 34220-0865

Re: CEB Case No. 07-15/Genesis Development Partners, LLC

Dear Mr. Leonard:

Thank you for your letter of February 27, 2008, regarding CEB Case No. 07-15/Genesis Development Partners, LLC. Code Enforcement Director Bill Strollo, Public Works Director Chris Lukowiak, City Attorney Michele Hall and I met with Mr. Dennis Bradford of Genesis Development on February 28, 2008, to discuss his intentions regarding the problems with his property.

Mr. Bradford agreed to take immediate steps to fill in the pool, repair the septic tank system and demolish several units, to include the fire damaged unit. He seemed willing to work with the city on the problems and promised to attend your next meeting and report his progress leading ultimately to demolition of the structures on the site. Of course, your Board will make the final determination as to his progress and its acceptability.

Please let me know if you require any further assistance from me. Thank you for your very professional handling of this matter.

Sincerely,

Larry Bustle  
Mayor

cc: City Commission  
Chris Lukowiak, Public Works Director  
William Strollo, Code Enforcement Director  
Michele S. Hall, *Esq.*, City Attorney  
David Persson, *Esq.*, Code Enforcement Board Attorney

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March 19, 2008

Dennis D. Bradford, Registered Agent  
Genesis Development Partners, LLC  
101 Riverfront Boulevard, Suite 610  
Bradenton, Florida 34205

Re: Parcel ID No. 2936300209  
Abatement of Nuisances by City

Dear Mr. Bradford:

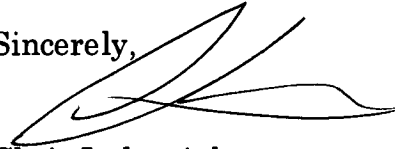
This letter will confirm the discussion we had at City Hall on February 28, 2008, regarding the condition of your properties located at 4009 11<sup>th</sup> Street Court West and 4111 11<sup>th</sup> Street West (both appear to be included in the above referenced Parcel ID Number). On January 22, 2008 the City's Code Enforcement Board found you to be in violation of several City Codes by virtue of conditions existing upon these properties. On February 26, 2008, the same Board imposed a fine of \$250 per day commencing on February 1, 2008 and continuing until all violations are corrected. By letter to the City Commission dated February 27, 2008, the Code Enforcement Board provided notice pursuant to section 162.09(1) that the condition of the properties posed a serious threat to the public health, safety and welfare, and requested that the City take immediate abatement action. Copies of the aforementioned documents are enclosed herewith for your review.

At our meeting on February 28, 2008 it was decided that the most serious threats to the public safety are the leaking septic tank, the pool and its damaged screen enclosure, and the remains of a structure that has been substantially damaged by fire. Given your assertion that you are unable to immediately abate these conditions, the City has agreed to take the following necessary action to protect the public: removal of the in ground pool and pool cage, removal of the septic tank, and demolition of the fire-damaged structure. Genesis Development Partners, LLC shall be responsible for all costs associated with the foregoing action. The City estimates the cost to be no more than \$3500. These costs shall constitute a

lien against the subject properties, which lien will be promptly recorded in the public records of Manatee County. Prior to the City or its representatives entering upon your property and commencing work, you must execute a Hold Harmless/Indemnity Agreement on a form to be provided by the City. By signing below, you also agree that neither you, nor your successors, assigns, or agents shall receive any form of development approval for the subject properties until all amounts owed to the City have been paid in full.

Upon your acknowledgement and agreement to the statements, terms and conditions set forth herein, the City agrees not to foreclose the previously described lien or take other legal action to collect the debt represented by the lien for a period of 18 months from the date of your signature below. Please indicate your acceptance by signing below and returning this original to my office. A duplicate is enclosed for your records.

Sincerely,

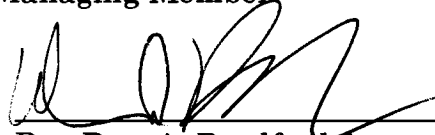


Chris Lukowiak  
Director, Public Works

On behalf of Genesis Development Partners, LLC, and its managing member, Genesis Realty Partners, Inc., I agree to the terms and conditions stated herein.

GENESIS DEVELOPMENT  
PARTNERS, LLC

By: GENESIS REALTY PARTNERS, INC.,  
Managing Member



By: Dennis Bradford for  
Michael A. Fernandez, President

Date: March 19, 2008, 2008

Enclosures

cc: Michele S. Hall, Esq.  
William Strollo, Code Enforcement Officer



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March 17, 2008

Dennis D. Bradford, Registered Agent  
Genesis Development Partners, LLC  
101 Riverfront Boulevard, Suite 610  
Bradenton, Florida 34205

Re: Parcel ID No. 2936300209  
Abatement of Nuisances by City

Dear Mr. Bradford:

This letter will confirm the discussion we had at City Hall on February 28, 2008, regarding the condition of your properties located at 4009 11<sup>th</sup> Street Court West and 4111 11<sup>th</sup> Street West (both appear to be included in the above referenced Parcel ID Number). On January 22, 2008 the City's Code Enforcement Board found you to be in violation of several City Codes by virtue of conditions existing upon these properties. On February 26, 2008, the same Board imposed a fine of \$250 per day commencing on February 1, 2008 and continuing until all violations are corrected. By letter to the City Commission dated February 27, 2008, the Code Enforcement Board provided notice pursuant to section 162.09(1) that the condition of the properties posed a serious threat to the public health, safety and welfare, and requested that the City take immediate abatement action. Copies of the aforementioned documents are enclosed herewith for your review.

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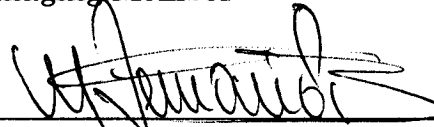


Chris Lukowiak  
Director, Public Works

On behalf of Genesis Development Partners, LLC, and its managing member, Genesis Realty Partners, Inc., I agree to the terms and conditions stated herein.

GENESIS DEVELOPMENT  
PARTNERS, LLC

By: GENESIS REALTY PARTNERS, INC.,  
Managing Member



By: Michael A. Fernandez, President

Date: March 17/08, 2008

Enclosures


cc: Michele S. Hall, Esq.  
William Strollo, Code Enforcement Officer


**INDEMNITY / RELEASE / HOLD HARMLESS**

On behalf of Genesis Development Partners, LLC, and its managing member, Genesis Realty Partners, Inc., I grant consent for City of Palmetto, its employees, contractors, agents and assigns to enter upon my properties located at 4009 11<sup>th</sup> Street Court West and 4111 11<sup>th</sup> Street West (both designated Parcel ID No. 2936300209) in order to perform removal of the in ground pool and pool cage, removal of the septic tank, demolition of the fire-damaged structure and related activities in connection with abatement of hazardous conditions on said properties. I hereby release, hold harmless and indemnify the City of Palmetto, its employees, contractors, agents and assigns, for and against any and all claims and damages related to or arising out of work performed on my property.

**GENESIS DEVELOPMENT  
PARTNERS, LLC**

Witnesses:

  
\_\_\_\_\_  
Dennis D Bradford  
Print Name

  
\_\_\_\_\_  
Bill Stroull  
Print Name

**By: GENESIS REALTY PARTNERS, INC.,  
Managing Member**

  
\_\_\_\_\_  
By: Michael A. Fernandez, President

Date: April 17/08, 2008



# PALMETTO

516 8th Avenue West  
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February 26, 2008

Manatee County Clerk of Circuit Court  
Recording Department  
P.O. Box 25400  
Bradenton, Florida 34206

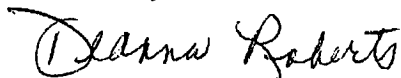
Re: Case No. CEB 07-15/Genesis Development Partners, LLC

Dear Sir:

Please record the enclosed documents into the public records and bill the City of Palmetto for the associated expenses.

Please contact the undersigned should you have any questions.

Sincerely,

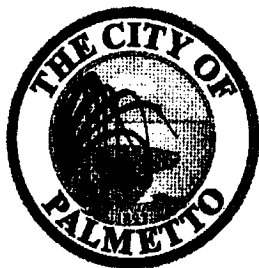


Deanna Roberts  
Clerk of the Board  
Code Enforcement Board

/dr

Enclosure: Administrative Order  
Notice of Violation

# NOTICE OF LIEN



**DATE:** February 28, 2008

**RESPONDENT:** Genesis Development Partners, LLC  
and to all those claiming by, through or  
under same:

**MAILING ADDRESS:** 101 Riverfront Blvd.,  
Suite 610  
Bradenton, FL 34205

The CITY OF PALMETTO, County of Manatee, State of Florida, 516 8<sup>th</sup> Ave W, P.O. Box 1209, Palmetto, Florida, 34220-1209, claims a lien against any real or personal property owned by the Respondent, for violation of Palmetto Code of Ordinances, Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-237(a)1, (a)2 & (a)3, Section 7-238(a) 1; Section 7-240(b); Chapter 7, Article VII, Dangerous and Unsafe Buildings, Sec. 7-151, Sec. 7-153(b)(1-7); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(1), Section 16-26(2), Section 16-26(4) and Section 16-27(a)&(b); Chapter 19, Licenses and Business Regulations, Article II Section 19-26, Section 19-27(a), Section 19-28(a), Section 19-29, Section 19-35, Section 19-37 and Section 19-42; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a)&(b). **CEB Case 07-15.**

**LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR  
ORDINANCE ACCRUING AND BECOMING DUE: \$1,004.00**

**VIOLATION STREET ADDRESS:** 4009 11<sup>th</sup> St. Ct. W.  
Palmetto, FL 34221

OR BOOK 02249 PAGES 0928 - 0936  
MANATEE COUNTY CLERK COURT  
9 PAGES(3)  
RECORDED: 3/3/2008 1:59:16 PM



**AND**  
4111 10<sup>th</sup> St. W.  
Palmetto FL 34221

**PROPERTY ID No.** 29363.0020/9

I hereby certify that on this date a copy of this Notice of Lien and an attached certified copy of the Order Imposing Fine have been sent by ordinary U.S. Mail, postage prepaid, to the Owner(s) at the address listed above.

**THE CITY OF PALMETTO**

**SEAL**

By:   
James R. Freeman, City Clerk

Sworn to and subscribed before me this 28<sup>th</sup> day of February, 2008.

  
NOTARY PUBLIC

NOTARY PUBLIC-STATE OF FLORIDA  
Diane Ponder  
Commission # DD574860  
Expires: JULY 17, 2010  
PRINTED THROUGH ATLANTIC BONDING CO., INC.



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**BEFORE THE CODE ENFORCEMENT BOARD  
OF THE CITY OF PALMETTO, FLORIDA**

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

Oralia Garcia  
1415 9<sup>th</sup> Street West  
Palmetto, Florida 34221

Case No. CEB – 08-01

**Respondent.**

**REPORT OF COMPLIANCE**

This is notice that pursuant to the above referenced case scheduled before the Code Enforcement Board of the City of Palmetto on February 26, 2008, the violation of the Palmetto City Code in this matter was corrected effective February 21, 2008.

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Director, Code Enforcement

cc: (property owner)