

TAB 2



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
Web: www.palmettofl.org

May 1, 2008

Consortium Waterfront Properties, Inc.
11041 Gatewood Drive
Bradenton, Florida 34211

Re: CEB 08-03

Dear Mr. Sexton:

The enclosed Administrative Order reflects the Order handed down by the Code Enforcement Board at its April 29, 2008, meeting. The costs assessed, plus any applicable recording fees will constitute a lien on the property once the Order is recorded; however, if you pay within thirty (30) days, or by May 29, 2008, the City will not record the lien. Costs assessed total \$430.00

Payment can be sent to:

Ms. Deanna Roberts, Clerk of the Board
Code Enforcement Board
P.O. Box 1209
Palmetto, Florida 34220-1209

Please contact Bill Strollo, Code Enforcement Director, at 723-4570 if you have any questions.

Sincerely,

Deanna Roberts
Clerk of the Board

/dr

cc: William Strollo, Code Enforcement Director
Michele S. Hall, Esq., City Attorney
David Persson, Esq., Code Enforcement Board Attorney



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
Web: 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 08-03

Consortium Waterfront Properties, Inc.
11041 Gatewood Drive
Bradenton, Florida 34211
Respondent

Re Violation Location: 1008 Riviera Dunes Way
Palmetto, Florida 34221

Legal Description: LOT 26 ISLAND AT RIVIERA DUNES; TOGETHER WITH
PRIVATE SLIP #26

Parcel ID #: 25817.0680/9

ADMINISTRATIVE ORDER

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on April 29, 2008, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent.

FINDINGS OF FACT:

1. The Code Enforcement Board of the City of Palmetto finds as a matter of fact that the Respondents' property contained untended growth of weeds and brush; there is lumber, stone, concrete, sand and other construction material on an inactive construction site; the silt fence surrounding the site was deteriorated; the property contains a partially constructed house that has been condemned by the City of Palmetto Building Official.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. The Respondents have violated Palmetto Code of Ordinances Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3), 16-26(5) and Section 16-27(a) & (b); 16-26 (12) and Chapter 7 Section 7-153.

ORDER

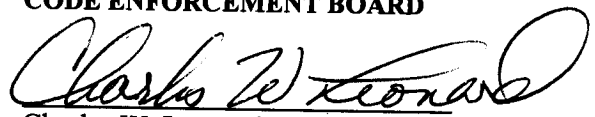
The Respondent, Consortium Waterfront Properties, Inc., is found in violation of the Palmetto Code of Ordinances as noticed, and given until May 20, 2008, to comply with the Palmetto Code of Ordinances cited above, by securing the requisite building permit and commencing construction on the building. If the aforementioned action is not taken by May 20, 2008, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. **A Public Hearing will be held on May 27, 2008, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$430.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien. Costs assessed pursuant to this Order shall continue with interest accruing.**

A certified copy of this Administrative Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

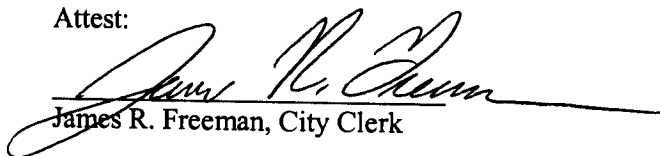
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 29th day of April 2008.

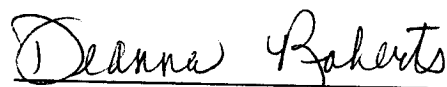
**CITY OF PALMETTO
CODE ENFORCEMENT BOARD**


Charles W. Leonard, Chairman

Attest:


James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondents by Certified Mail/ Return Receipt Requested and by Regular Mail this 1st day of May 2008.


Deanna Roberts, Clerk of the Board

POINT PAPER
CODE ENFORCEMENT BOARD HEARINGS
MARCH 25, 2008

Consortium Waterfront Properties, Inc., 1401 Manatee Avenue West, Suite 1100, Bradenton, Florida:

The property that is the subject of this code enforcement action is located at 1008 Riviera Dunes Way, Palmetto, Florida, Parcel ID # 2581706809.

The Respondent, Consortium Waterfront Properties Inc., is identified as the owner of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's Web sites.

The property is the site of a partially constructed, new house; there has been no active construction at this location for an extended period of time, and the original building permit expired on January 29, 2008. The Building Official, Roger Titus, advised me that the owner had thirty days from the expiration of the original permit to obtain a new permit (\$5,000 – 6,000 permit fee plus new plans), or the building must be demolished. In addition to the partially constructed house, the work site was overgrown, the silt fence was deteriorated and construction debris remained at the location.

On January 31, 2008 a Notice of Violation was forwarded to the Respondent (certified and regular mail) charging violations of City of Palmetto codes:

Chapter 16 Health and Sanitation, Article II, Nuisances

Section 16-26. Definition, enumeration of unlawful conditions or acts.

Every condition, substance or activity within the city which exists or occurs in such manner and to such extent as to threaten or endanger the public health, safety or welfare, or adversely affect and impair the economic welfare of adjacent property, is hereby declared to be a nuisance. Without in any way limiting the foregoing definition, the following conditions, substances and activities are hereby specifically declared to be a nuisance within the intent and meaning of this section:

(3) The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life upon any body of water, lot, tract or parcel of land, improved or unimproved, within one hundred (100) feet of the boundary line of any improved property within the city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or is likely to adversely affect and impair the economic welfare of adjacent property.

(5) The unauthorized accumulation or maintenance of lumber, stone, concrete, sand or any other building or construction material on a lot, tract or parcel when construction activity is not actively taking place on the property, in such manner and to the extent as to threaten or endanger the public health, safety or welfare.

Section 16-27. Prohibition and enforcement. (a) Nuisances are hereby prohibited. It shall be unlawful for any person to cause such nuisance to come into existence anywhere within the city, or to permit the same to exist on property owned, leased, occupied or otherwise under the control of such person.

(b) This article may be enforced against any violator, which may include the owner of the premises on which a nuisance exists, or the person or persons generating the nuisance.

The Respondent was required to bring the property into compliance within fifteen days of receipt of this Notice of Violation. On March 10, 2008, a Notice of Hearing was forwarded to the Respondent scheduling this case before the Code Enforcement Board on March 25, 2008. This document was sent certified and regular mail.

The property has remained unimproved since first cited through the Notice of Violation. In addition, the partially constructed building has been condemned by the Building Official. Following a case review with the City Attorney, Michele Hall, additional violations were charged under a Notice of Violation – Supplemental dated March 14, 2008; this document accompanied a Supplemental Notice of Hearing of the same date that was forwarded to the Respondent by certified and regular. *(Proofs of service for the Notice of Violation, the Notice of Violation Supplemental, the Notice of Hearing and the Supplemental Notice of Hearing are submitted for the record.)*

The additional violations included the following:

Chapter 16, Section 16-26(12). Any activity or condition that is declared elsewhere in this Code of Ordinances or other applicable law to be a nuisance.

Chapter 7 Buildings and Building Regulations, Article VII Dangerous and Unsafe Buildings, Section 7-153. Unfit or unsafe dwellings or structures, declared nuisance.

(a) When a dwelling or other structure, or any portion thereof, including accessory buildings, is found unfit for human habitation, or may imperil the health, safety, welfare and morals of the occupants thereof or of the surrounding areas, upon inspection by the administrative official of the land use and development regulations, or his designee, such official shall require the repair, securing, demolition or removal thereof.

(b) The term "unfit or unsafe dwelling or structure or portion thereof, including accessory buildings," shall include:

- (1) Dwellings or structures, or portions thereof, including accessory buildings, that are structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities;
- (2) Any structure not provided with permanent means of adequately securing all openings against unauthorized entry;
- (3) Constituting a fire hazard;
- (4) Unsuitable or improper for the use of occupancy for which they are intended;
- (5) Constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment;
- (6) Dangerous to life or property; or

- (7) Otherwise in violation of the Standard Housing Code, the Standard Building Code, the National Electrical Code, the Standard Plumbing Code, the Standard Mechanical Code, the National Fire Prevention Code and Standard Gas Code.
- (c) Such structures are further declared a nuisance or unsafe dwelling or structure.

To date, the property remains in the same condition as initially noted through inspection on January 23, 2008.

On March 20, 2008 I received a telephone call from the owner of Consortium, Dale Saxton, who provided a new mailing address for his business – 11009 Gatewood Drive, Suite D-1, Bradenton, Florida, 34211. (*e-mail Dale.Saxtondev.com; phone (941)962-7142*) Mr. Saxton feels he should be able to complete this house once he closes on his refinancing on March 31, 2008; he does not believe the existing structure needs to be demolished. I advised Mr. Saxton that this is an issue he must resolve with the Building Official. If he is issued a building permit, maintains the property and renews construction on this house, I would issue a Report of Compliance.

Recommendation:

It is recommended the Respondents be found in violation of City of Palmetto Code of Ordinances, and that Consortium Waterfront Builders Inc. be directed to bring the property into full compliance within ten (10) days. It is further recommended that the City's administrative costs for processing this case, plus any applicable recording fees, be assessed against the Respondent.

Total costs to City as of March 18, 2008:

Code Enforcement Officers	Nine hours @ \$40.00/hour = \$ 360.00
Administration costs	Two hours @ \$35.00/hour = <u>70.00</u>
Total Costs	\$ 430.00