

TAB 3



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

Bella Tramonto I, LLC
130 Riviera Dunes Way, Unit 1003
Palmetto, Florida 34221

Re: CEB 08-04

Dear Sirs:

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 \$275.00

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



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May 1, 2008

Bella Tramonto I, LLC
14 Creek Bluff Run
Flagler Beach, Florida 32136

Re: CEB Case 08-04

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**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 08-04

Bella Tramonto I, LLC
130 Riviera Dunes Way, Unit 1003
Palmetto, Florida 34221
Respondent

Bella Tramonto I, LLC
14 Creek Bluff Run
Flagler Beach, Florida 32136

Re Violation Location: 98 US 41 North
Palmetto, Florida 34221

Legal Description:

A TRACT OF LAND LYING IN SEC 24 TWN 34S, RNG 17E, AND DESC AS FOLLOWS: COM AT THE SW COR OF TRACT "H" OF THE PLAT OF THE NORTHSORE AT RIVIERA DUNES PHASE 1-A, ACCORDING TO THE MAP OR PLAT THEREOF, AS REC IN PLAT BK 35, P 19, OF THE PRMCF; TH S 00 DEG 00 MIN 00 SEC E, A DIST OF 98.69 FT; TH S 26 DEG 33 MIN 54 SEC E, A DIST OF 30.66 FT TO THE PC OF A CURVE TO THE RIGHT HAVING A RAD OF 44.00 FT AND A C/A OF 26 DEG 33 MIN 54 SEC; TH SLY ALG THE ARC OF SD CURVE, AN ARC LENGTH OF 20.40 FT TO THE P.T. OF SD CURVE; TH S 00 DEG 00 MIN 00 SEC E, A DIST OF 232.00 FT TO THE PT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RAD OF 166.00 FT AND A C/A OF 90 DEG 01 MIN 28 SEC; TH SWLY ALG THE ARC OF SD CURVE, AN ARC LENGTH OF 260.82 FT TO THE P.T. OF SD CURVE; TH N 89 DEG 58 MIN 32 SEC W, A DIST OF 549.45 FT; TH S 00 DEG 13 MIN 04 SEC E; A DIST OF 454.75 FT; TH S 89 DEG 46 MIN 56 SEC W, A DIST OF 500.00 FT; TH S 00 DEG 13 MIN 04 SEC E, A DIST OF 30.00 FT; TH S 89 DEG 46 MIN 56 SEC W, A DIST OF 257.73 FT TO THE POB; TH S 00 DEG 13 MIN 04 SEC E, A DIST OF 293.60 FT; TH S 90 DEG 00 MIN 00 SEC W, A DIST OF 121.37 FT; TH S 20 DEG 11 MIN 38 SEC W, A DIST OF 222.78 FT; TH N 40 DEG 44 MIN 44 SEC W, A DIST OF 143.01 FT TO THE ELY R/W OF STATE RD 55 (US HIGHWAY 41 AND US HIGHWAY 301); TH N 00 DEG 11 MIN 35 SEC W, ALG SD ELY R/W, A DIST OF 393.23 FT; TH N 89 DEG 46 MIN 56 SEC E, LEAVING SD ELY R/W, A DIST OF 291.83 FT TO THE POB; TOGETHER WITH A NON-EXCLUSIVE EASMT FOR INGRESS, EGRESS AND UTILITIES AS REC IN OR BK 1652/2365 & 1677/1381, PRMCF, BEING MORE PARTICULARLY DESC AS FOLLOWS: COM AT SW COR OF TRACT "H" OF PLAT OF NORTHSORE AT RIVIERA DUNES, PH 1-A, ACCORDING TO MAP OR

PLAT AS REC IN PB 35, P 19, PRMCF; TH S 00 DEG 00 MIN 00 SEC E, A DIST OF 98.69 FT; TH S 26 DEG 33 MIN 54 SEC E, A DIST OF 30.66 FT TO PT OF CURVATURE OF A CURVE TO RIGHT, HAVING A RAD OF 44.00 FT AND A C/A OF 26 DEG 33 MIN 54 SEC; A CHORD OF 20.22 FT WHICH BEARS S 13 DEG 16 MIN 57 SEC E, FOR A DIST OF 20.40 FT; TH S FOR A DIST OF 232.00 FT TO START OF A TANGENT CURVE TO RIGHT TH ALG ARC OF SD CURVE, HAVING A RAD OF 166.00 FT, A C/A OF 90 DEG 01 MIN 28 SEC, A CHORD OF 234.81 FT WHICH BEARS S 45 DEG 00 MIN 44 SEC W, FOR A DIST OF 260.82 FT; TH N 89 DEG 58 MIN 32 SEC W, A DIST OF 549.45 FT; TH S 00 DEG 13 MIN 04 SEC E, FOR A DIST OF 454.75 FT; TH S 89 DEG 46 MIN 56 SEC W, FOR A DIST OF 500.00 FT TO POB; TH S 00 DEG 13 MIN 04 SEC E, FOR A DIST OF 30.00 FT; TH S 89 DEG 46 MIN 56 SEC W FOR A DIST OF 549.46 FT TO E R/W OF SR 55 (US HWY 41 & US HWY 301); TH ALG SD E R/W N 00 DEG 11 MIN 35 SEC W, FOR A DIST OF 60.00 FT; TH LEAVING SD E R/W N 89 DEG 46 MIN 56 SEC E, A DIST OF 549.53 FT; TH S 00 DEG 13 MIN 04 SEC E, A DIST OF 30.00 FT TO POB. (2164/0949)
PI#25816.0036/9

Parcel ID #: 25816.0036/9

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 mater of fact that the Respondents' property is overgrown, a manufactured home is located on this undeveloped property functioning as a sales office and no building permit was granted for this use at this location.

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) & (12), and Section 16-27(a) & (b); and Chapter 21, Mobile Homes, Section 21-8(a-g).

ORDER

The Respondent, Bella Tramonto I. LLC, is found in violation of the Palmetto Code of Ordinances as noticed, and given until May 9, 2008, to comply with the Palmetto Code of Ordinances cited above, by removing the manufactured home, removing all advertising, terminating all real estate sales and business operations at this location and clearing the property of overgrowth. If the aforementioned action is not taken by May 9, 2008, a fine of up to \$250.00 per day may be imposed for each day the violation

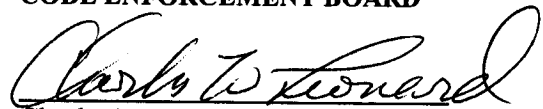
continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. **A Public Hearing will be held on May 27, 2008, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$275.00, 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.

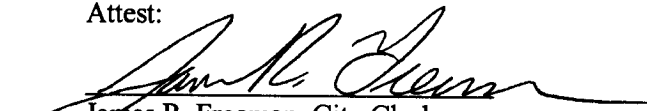
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 29th day of April 2008.

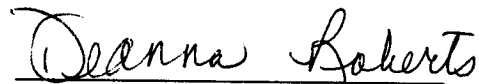
**CITY OF PALMETTO
CODE ENFORCEMENT BOARD**


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
APRIL 29, 2008**

CEB – 08-04

**Bella Tramonto I LLC, 130 Riviera Dunes Way, Unit 1003, Palmetto, Florida; and
14 Creek Bluff Run, Flagler Beach, Florida:**

The property that is the subject of this code enforcement action is located at 98 US 41 North, Palmetto, Florida, Parcel ID # 25816.0036/9.

The Respondent, Bella Tramonto I, LLC, is identified as the owner of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites; the current corporate address was obtained through the State of Florida, Division of Corporations.

The property is an undeveloped parcel in the Riviera Dunes development. The property does not have a current site plan approved by the City of Palmetto and building permits have not been issued for this property; however, the Respondent has opened a sales office on the parcel without a building permit in violation of City Ordinance 08-959 that amended Chapter 21, Mobile Homes, Section 21-8. *Temporary uses*. This Ordinance was approved and adopted by the City Commission of the City of Palmetto on February 18, 2008 and subsequently signed by Mayor Bustle. Section 21-8, subsections (a) through (g) read as follows:

Sec. 21-8. Temporary uses.

- (a) One manufactured building may be used in any zoning district as a temporary office or sales office incidental to construction of the premises upon which the mobile home is located where the valuation on the face of the building permit which applies to the premises exceeds five hundred thousand dollars (\$500,000.00). One manufactured building may also be used as a temporary residence for a watchman guarding such a construction site during construction, but no such residential use shall be allowed until a water and sewer hookup has been obtained for the manufactured building. A mobile home may be utilized for the purposes set forth herein in those zoning districts that permit mobile homes. Any manufactured building or mobile home use allowed by this section shall be limited to the time period during which an active building permit is in place.
- (b) The building contractor of the project shall apply to the city's building department for a permit for mobile homes or manufactured buildings regulated by this section.
- (c) In no event shall the use continue for more than 180 days without the approval of the Building Official, who may grant extensions upon finding that the requirements of this ordinance are met.
- (d) This section shall also allow for contractor's construction of a

manufactured building where such building is to be utilized for the purposes set forth in this ordinance. A valid building permit shall serve as the contractor's permit for the construction of such manufactured building.

(e) Any and all mobile homes or manufactured buildings regulated by this section must be maintained in good condition and must comply with all other codes, ordinances and statutes applicable thereto.

(f) Any and all mobile homes or manufactured buildings regulated by this section shall be removed from the construction site no later than fifteen (15) days after completion of the project or the expiration of a valid building permit, whichever occurs first.

(g) This Ordinance shall be enforced as provided for by Florida law, including but not limited to enforcement mechanisms provided for in the Florida Building Code, referral or citation to the Code Enforcement Board, issuance of a Notice of Nuisance as may be provided for by City ordinance, or the filing of an action in a court of competent jurisdiction to obtain civil remedies. Any enumeration of enforcement mechanisms set forth herein is supplemental and not exclusive. The City shall be entitled to collect reasonable attorney's fees, costs of enforcement and other costs or fees reasonably related to obtaining compliance with this Code.

This property also abuts the improved property offered for sale as the Laguna condominiums, and the Respondent's property violates Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26. Every condition, substance or activity within the City that threatens or endangers the public health, safety or welfare, or adversely affects and impairs the economic welfare of adjacent property, is declared to be a nuisance. The Respondents property is overgrown with the excessive accumulation and untended growth of weeds in violation of Section 16-26(3). As noted previously, the Respondent has moved a sales trailer to this property without the requisite building permits, and this violation is addressable by Notice of Nuisance under Chapter 21. Under Chapter 16, the presence of this manufactured home violates 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.

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.

Notices of Violation dated March 20, 2008 were forwarded to the Respondent, certified and regular mail, at the addresses provided on the Manatee County web sites and the State of Florida, Division of Corporations web site. Notices of Hearing were forwarded

certified and regular mail on April 10, 2008. *(Proofs of service for the Notices of Violation and Notices of Hearing are submitted for the record.)*

As of April 18, 2008, the manufactured home remained on this parcel, a building permit had not been issued for this site, and the property remained overgrown.

Recommendation:

It is recommended the Respondent be found in violation of City of Palmetto Code of Ordinances, and that Bella Tramonto be directed to bring this property into compliance within ten (10) days by removing the manufactured home, removing all advertising, terminating all real estate sales and business operations at this location, and clearing the property of overgrowth. It is further recommended that the City's costs for processing this case, plus any applicable recording fees, be assessed against the Respondent.

Total costs to City as of April 22, 2008:

Code Enforcement Officers	Six hours @ \$40.00/hour = \$ 240.00
Administration costs	One hour @ \$35.00/hour = <u>35.00</u>
Total Costs	\$ 275.00