

**TAB 2**



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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 09-28**

E. Barbara Witt  
312 North Long Street  
Eaton, IN 47338  
**Respondent**

**Re Violation Location:** 1814 7<sup>th</sup> Street West  
Palmetto, Florida 34221

**Legal Description:** LOT 28 & E 30.43 FT OF LOT 29 ADWORTH RESUB  
TOWNSHIP: 34S RANGE: 17E SECTION: 15

**Parcel ID #:** 28935.0000/5

**ADMINISTRATIVE ORDER IMPOSING LIEN**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on December 29, 2009, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent.

**FINDINGS OF FACT:**

The Code Enforcement Board of the City of Palmetto finds as a matter of fact that:

- Furniture, boxes, debris, garbage, appliances and personal belongings were being stored in the carport of the above noted property. The property was overgrown and contains a pile of yard waste at the east side of the lot. The shed at the rear of the property is rusted and falling apart and is full of garbage and debris. This shed is a hazard.

### 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, Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a) & (b); Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (3), and Section 16-27(a), (b), & (c); Article XI, Minimum Maintenance Standards and Guidelines, Section 7-242(a).

## ORDER

The Respondent, E. Barbara Witt, is found in violation of the Palmetto Code of Ordinances as noticed, and given until January 18, 2010, to remove the shed and bundle and remove the yard waste. If the aforementioned action is not taken by January 18, 2010, 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 January 26, 2010, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$295.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and 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 29<sup>th</sup> day of December, 2009.

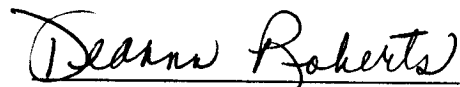
CITY OF PALMETTO  
CODE ENFORCEMENT BOARD

  
Charles W. Leonard, Chairman

Attest:

  
Diane Ponder, Deputy Clerk-Administration

I hereby certify that a true copy of the foregoing Administrative Order Imposing Lien has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 30<sup>th</sup> day of December, 2009.

  
Deanna Roberts, Clerk of the Board

**POINT PAPER**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**December 29, 2009**

**E. Barbara Witt, 312 North Long Street, Eaton Indiana; P.O. Box 558:**

The property that is the subject of this code enforcement action is located at 1814 7<sup>th</sup> Street West, Palmetto, Florida, Parcel ID # 28935.0000/5, Township 34S, Range 17E, Section 15. It is a currently vacant, rental property.

The Respondent, E. Barbara Witt, is identified as the owner of this property by both the Manatee County Property Appraiser and Tax Collector's web sites.

On October 6, 2009 the property appeared to be overgrown, and numerous items were stored in the carport. A record search was conducted to determine property ownership; in addition, a court records search was conducted to determine if the property was in foreclosure. That search was negative. On October 13<sup>th</sup> a notice was left at the house requesting that the overgrowth issue be addressed. Yard waste was noted on the side yard, and a dilapidated aluminum shed was observed in the rear yard of this property. On October 20, 2009 a Notice of Violation was forwarded to the owner requesting she remedy the overgrowth, open storage, yard waste and unsafe structure issues.

The certified copy of the NOV was returned to City Hall as undeliverable as addressed. Copies of the NOV were subsequently posted on the property and at City Hall on November 3, 2009.

Subsequent visits to this property revealed the overgrowth issue was being addressed. In addition the majority of items stored in the carport had been removed, although boxes and some construction materials remain. However, the yard waste and the dilapidated shed remain as issues to be addressed.

The Notice of Hearing scheduling the case for the December 29, 2009 CEB Hearings was forwarded to Ms. Witt on December 7, 2009. This NOH was posted on the property and at City Hall on December 18, 2009.

**Recommendation:**

It is recommended the Respondent, E. Barbara Witt, be found in violation of City of Palmetto Code of Ordinances, and that she be directed to bring this property into compliance, specifically by removing and bundling the yard waste for collection and removing the unsafe structure, the shed, within twenty (20) days. 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 The City As Of December 21, 2009:**

Code Enforcement Officers	6.5 Hours @ \$40.00/hour = <b>\$260.00</b>
Administration costs	1 Hour @ \$35.00/hour = <u><b>35.00</b></u>
<b>Total Costs</b>	<b>\$295.00</b>