

TAB 2

PALMETTO

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 10-12

Margaret Carriere
1082 Saw Creek Estates
Bushkill, PA 18324
Respondent

Re Violation Location: 1108 8th Street West
Palmetto, Florida 34221

Legal Description: **THE W 90 FT OF: BEG 140 YDS N OF SE COR OF NW1/4 OF SW1/4 OF
SEC 14; TH N 70 YDS; W 70 YDS; S 70 YDS; E 70 YDS TO THE POB,
LESS S 20 FT FOR R/W(1073/1053) TOGETHER WITH THE E 100
Township 34S, Range 17E, Section 14**

Parcel ID #: 27208.0005/9

ADMINISTRATIVE ORDER IMPOSING LIEN

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on May 25, 2010, 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:

- The above noted property has a pool that contains stagnant water which is a breeding place for mosquitoes.
- The above noted property contains untended growth of weeds and brush. The property is overgrown.

- The above noted property contains an out building that is structurally unsound. The roof is caving in.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. The Respondent has violated Palmetto Code of Ordinances Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1) & (3) and Section 16-27(a), (b), & (c); Article XI, Minimum Maintenance Standards and Guidelines, Section 7-242(a):

ORDER

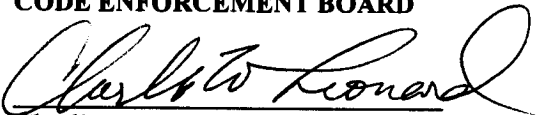
The Respondent, Margaret Carriere, is found in violation of the Palmetto Code of Ordinances as noticed and directed to bring the property into compliance within twenty days or by June 14, 2010. If the aforementioned action is not taken by June 14, 2010, a fine of up to \$250.00 per day may be imposed 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 June 29, 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 \$ 283.00, 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.

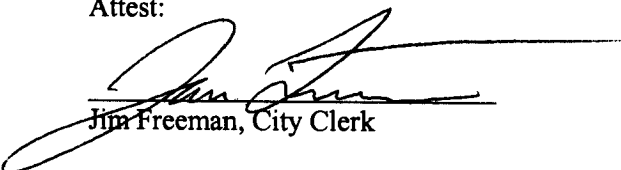
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 25th day of May, 2010.

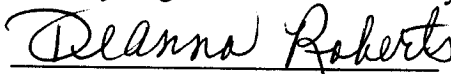
**CITY OF PALMETTO
CODE ENFORCEMENT BOARD**


Charlie Leonard, Chair

Attest:


Jim Freeman, City Clerk

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 26th day of May, 2010.


Deanna Roberts, Clerk of the Board

POINT PAPER
CODE ENFORCEMENT BOARD HEARINGS
May 25, 2010

Margaret A. Carriere, 1082 Saw Creek Estate, Bushkill, Pennsylvania 18324:

The property that is the subject of this code enforcement action is located at 1108 8th Street West, Palmetto, Florida. The Parcel ID listed by the Property Appraiser is 27208.0005/9; The Tax Collector lists the PID as 27208.0000/8. Township 34S, Range 17E, Section 14. *(Originally three separate addresses – 1111 8th St Dr W, 1112 8th St W & 1108 8th St W)*

The Respondent, Margaret A. Carriere, is identified as the owner of the property through the Manatee County Property Appraiser's and Tax Collector's web sites. The house is vacant, and a mortgage foreclosure is currently pending against the Respondent in the Manatee County Court, case number 2008-CA-005085; the Notice of Lis Pendens lists Deutsche Bank National Trust Company as the Plaintiff in this action.

On March 31, 2010, a NOV was issued against the Respondent for overgrowth, a pool containing stagnant water and a dilapidated out-building. Code Enforcement previously dealt with this Respondent in April 2009; all correspondence including a prior NOV was returned by Postal Authorities as moved, left no forwarding address. Due to this history, the current NOV was mailed regular service & posted at City Hall and the property on March 31, 2010. A copy of this NOV was forwarded to the foreclosure plaintiff's attorney, the Law Offices of Marshall C. Watson.

The property remained unchanged through May 5, 2010, and a NOH was issued on May 10, 2010 scheduling the current hearing. This Notice was mailed certified & regular, and it was posted on the property & at City Hall on May 10, 2010. On that date it was noted the pool had been remedied – it was cleaned, treated & operational. The overgrowth & dilapidated out-building issues remained uncured.

It should be noted a prospective buyer has been in touch with the Office of Mayor Bryant attempting to resolve a zoning issue. She has been unable to obtain a mortgage because the house is a duplex located in a single family zone.

As of May 21, 2010, the property remains overgrown, and the dilapidated out-building remains in violation.

Recommendation:

It is recommended the Respondent, Margaret A. Carriere, be found in violation of City of Palmetto Code of Ordinances as they pertain to overgrowth and dilapidated out-buildings, and that she be directed to bring this property into compliance within ten (10) days. It is further recommended that the City's costs for processing this case, plus any applicable recording fees, be assessed against the Respondent at this time.

Total Costs To The City As Of May 21, 2010:

Code Enforcement Officers	6.2 Hours @ \$40.00/hour =	\$248.00
Administration costs	1 Hour @ \$35.00/hour =	<u>35.00</u>
Total Costs		\$283.00