

TAB 2

PALMETTO

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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. 11-04

Daniel W. Lynch
Cynthia J. Lynch
316 Crescent Court East
Bradenton, Florida 34208-1736
Respondent

Re Violation Location: 1405 11th Avenue West, Palmetto, Florida

Legal Description: THE N 26 FT OF LOT 19, ALL OF LOTS 20 AND 21, LOT 22,
(INSERT "LESS THE N 2FT OF LOT 22") BLK A ARDMORE
SUB. Township 34S, Range 17E, Section 14

Parcel ID #: PI#: 26763.0005/2

ADMINISTRATIVE ORDER IMPOSING LIEN

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on March 29, 2011, 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 pool is full of stagnant water which is breeding mosquitoes. The pool cage has been mostly dismantled, and the wood & fence frame over the pool has been compromised; these structures no longer provide adequate child safety protection.
- There are piles of wood and debris throughout this property.
- There is untended growth of weeds and brush in multiple areas of this property.

- The fence surrounding the property has broken panels on the north and south end of the front fence, and broken panels on the rear fence.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (2), (3) & (4), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Requirements for Structures, Section 7-242(a):

ORDER


The Respondents, Daniel W. Lynch and Cynthia J. Lynch, are found in violation of the Palmetto Code of Ordinances as noticed and directed to correct the violation within fourteen days or by April 12, 2011. If the aforementioned action is not taken by April 12, 2011, 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. **Administrative costs incurred by the City in the prosecution of this case in the amount of \$ 428.20, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing. A Public Hearing will be held on April 26, 2011, to determine if the violation has been corrected by the date certain.**

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 March, 2011.

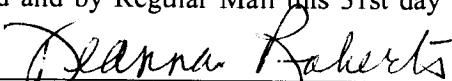
CITY OF PALMETTO
CODE ENFORCEMENT BOARD


Charles W. 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 Respondents by Certified Mail/ Return Receipt Requested and by Regular Mail this 31st day of March, 2011.


Deanna Roberts, Clerk of the Board

POINT PAPER
CEB HEARINGS, APRIL 29, 2011
CEB 11-04

Daniel W. Lynch & Cynthia J. Lynch, 316 Crescent Court East, Bradenton, Florida:

The property that is the subject of this code enforcement case is located at 1405 11th Avenue West, Palmetto, Florida, PI# 26763.0005/2, Township 34S, Range 17E, Section 14. The Respondents, Daniel W. Lynch and Cynthia J. Lynch, are identified as the owners of the property through the Manatee County Property Appraiser's and Tax Collector's web sites.

A foreclosure case initiated by Wells Fargo Bank NA, case number 2008-CA-005830, is currently pending in the Manatee County Court. The docket entry of March 14, 2011 lists a rescheduled foreclosure sale date of April 20, 2011. This house has been vacant since 2008.

Prior to the current case, multiple code enforcement actions had been initiated but not presented for CEB hearings. NOVs were issued on August 22, 2008 and October 30, 2008. In both cases, bank services cleared the violations – overgrowth, fence, pool and unsecured doors. On April 9, 2009, a NON was issued for overgrowth and the City Parks Department cleared the overgrowth issues through September 2009. City liens covering the mowing and code enforcement costs have been filed against this property.

Security issues and two separate arson cases involving this property were brought to the attention of Wells Fargo on November 30, 2009, February 2, 2010 and March 23, 2010 respectively.

The present case was initiated on November 23, 2010 when a site visit revealed that vandals again broke the front and rear fences, and the pool cage had been partially dismantled for scrap aluminum. Wells Fargo was advised of the need to secure the property, and the Palmetto Police were alerted to the damage. During subsequent site visits in November & December 2010 and January 2011 various doors to the house were found open, and vandalism to the interior of the house continued. Wells Fargo was advised of these occurrences; repairing the fence, securing the house & clearing the accumulated debris were requested of Wells Fargo.

Wells Fargo cleared the overgrowth issues and secured the house during this period of time. However, the fence remained broken, permitting continued access to the rear yard & pool area. In addition, the pool now presented a child safety issue and mosquito breeding area due to the dismantled pool cage. New overgrowth issues developed, and accumulated debris remained in the front and rear yards. A Notice of Violation was issued on February 17, 2011, mailed certified and regular, and posted on the property and City Hall. This NOV was mailed to the Florida Default Law Group, the attorneys of record for the Plaintiffs in the foreclosure proceeding, and it was e-mailed to Wells Fargo.

Notice of this evenings CEB hearing was forwarded certified and regular mail to the Respondents on March 8, 2011. A copy was mailed to the Florida Default Law Group and e-mailed to Wells Fargo.

The nuisance issues and the violations of the Minimum Maintenance Standards cited in the Notice of Violation remain unresolved as of this time.

Recommendation:

It is recommended the Respondents, Daniel W. Lynch and Cynthia J. Lynch, be found in violation of the City of Palmetto Code of Ordinances as they pertain to nuisances and minimum maintenance standards, and that they be directed to bring the property into compliance within fourteen (14) days. It is further recommended that the City's costs for processing this case, plus any applicable recording fees, be assessed against the Respondents at this time.

Total Costs to the City as of March 22, 2011:

Code Enforcement Officers	9.83 hours @ \$40.00/hour = \$393.20
Administration Costs	1 hour @ \$35.00/hour = <u>35.00</u>
Total Costs	\$428.20