

TAB 5

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. 11-05

Steven E. Gatton
Linda L. Gatton
6880 East Harrold Road
Churubusco, IN 46723-9769
Respondent

Re Violation Location: 221 3rd Avenue West, Palmetto, Florida

Legal Description:

LOT 4, 5 AND 6 OF J H RIVIERE'S ADD TO PALMETTO, TOGETHER WITH ALL RIPARIAN RIGHTS APPURTENANT THERETO AND THAT FILLED AREA LYING S OF LOT 6 IF EXTENDED TO A CHANNEL AND THAT PORTION OF AN ISLAND LYING S OF SD CHANNEL AND BETWEEN THE N & S BOUNDARY LINES OF SD LOT 6 IF EXTENDED, LESS OR 1658 PG 2776 DESC AS FOLLOWS: THAT PORTION OF LOTS 4, 5 AND 6 OF J H RIVIERE'S ADD TO PALMETTO, PB 1 PG 137, BEING MORE PARTICULARLY DESC AS FOLLOWS: BEG AT A 5/8" IRON PIPE FOUND MARKING THE INTERSECTION OF THE S R/W LN OF 4TH ST W AND THE W R/W LN OF 3RD AVE W, SD PT OF INTERSECTION BEING THE NE COR OF SD LOT 5; TH S 00 DEG 16 MIN 42 SEC E ALONG SD W R/W LN, ALSO BEING THE E LN OF SD LOT 5, A DIST OF 150.00 FT TO THE PT OF INTERSECTION OF SD W R/W LN AND THE S R/W LN OF 3RD ST DR W, SD PT OF INTERSECTION ALSO BEING THE NW COR OF SD LOT 6; TH N 89 DEG 22 MIN 32 SEC E ALONG SD S R/W LN, A DIST OF 50.00 FT TO A CONCRETE MONUMENT MARKING THE NE COR OF SD LOT 6; TH S 00 DEG 16 MIN 42 SEC E ALONG THE MONUMENTED E LN OF SD LOT 6, A DIST OF 55.66 FT; TH S 85 DEG 36 MIN 37 SEC W 78.33 FT; TH S 06 DEG 35 MIN 13 SEC W, 50.28 FT; TH N 83 DEG 42 MIN 57 SEC W ALONG THE OUTSIDE FACE OF AN EXISTING CONCRETE SEAWALL AND ITS ELY EXTENSION, A DIST OF 67.20 FT TO A PT ON THE W LN OF AFOREMENTIONED LOT 4; TH N 00 DEG 04 MIN 34 SEC W ALONG SD W LN, A DIST OF 253.70 FT TO THE NW COR OF AFOREMENTIONED LOT 4, ALSO BEING A PT ON THE S R/W LN OF 4TH ST W; TH E ALONG SD S R/W LN A DIST OF 100.00 FT TO THE POB. ALSO LESS OR 1667 P 4198 DESC AS: COM AT A 5/8" IRON PIPE MARKING THE INTERSEC OF THE S R/W LN OF 4TH ST W & THE W R/W LN OF 3RD AVE W, SD PT OF INTERSEC BEING THE NE COR OF LOT 5 OF JH RIVIERES ADD TO PALMETTO, AS PER PLAT THEREOF REC IN PB 1 PG 137; TH S 00 DEG 15 MIN 42 SEC E, ALNG SD W R/W LN, ALSO BEING THE E LN OF SD LOT 5 A DIST OF 150 FT TO THE NW COR OF LOT 6 OF SD SUB; TH N 89DEG 22 MIN 32 SEC E, ALNG THE S R/W LN OF 3RD ST DR W, A DIST OF 50 FT TO A CONC MON MARKING THE NE COR OF SD LOT 6; TH S 00 DEG 16 MIN 42 SEC E, ALNG THE MONUMENTED E LN OF SD LOT 6 & ITS SLY EXTENSION, A DIST OF 483.59 FT FOR A POB; TH CONT S 00 DEG 16 MIN 42 SEC E, ALNG SD EXTENDED E LN, A DIST OF 48.84 FT TO A CROSS CUT ON A CONC SEAWALL CAP; TH N 39 DEG 22 MIN 20 SEC W, ALNG THE CENTER OF SD SEAWALL, A DIST OF 37.88 FT; TH N 50 DEG 34 MIN 33 SEC E, 30.80 FT TO THE POB. ALSO LESS THAT PART INCLUDED IN OR 1886/3955 DESC AS FOLLOWS: A PARCEL OF LAND IN SEC 23, BEING DESC AS FOLLOWS: COMM AT A 5/8" IRON PIPE MARKING THE INTERSECTION OF THE S R/W LN OF 4TH ST W & THE W R/W LN OF 3RD AVE W, SD PT OF INTERSECTION BEING THE NE COR OF LOT 5, J H RIVIERE'S ADD TO PALMETTO, PER PL BK 1, PG 137, PRMCFL; TH S 00 DEG 16 MIN 42 SEC E, ALG SD W R/W LN, ALSO BEING THE E LN OF SD LOT 5, A DIST OF 150.00 FT TO THE NW COR OF LOT 6 OF SD SUB; TH N 89 DEG 22 MIN 32 SEC E, ALG THE S R/W LN OF 3RD ST DR W, A DIST OF 50.00 FT TO A CONCRETE MONUMENT MARKING THE NE COR OF SD LOT 6; TH S 00 DEG 16 MIN 42 SEC E, ALG THE MONUMENTED E LN OF SD LOT 6 AND IT'S SLY EXT, A DIST OF 423.78 FT FOR A POB; TH S 40 DEG 44 MIN 57 SEC E, 46.40 FT, TH S 50 DEG 34 MIN 33 SEC W, 71.77 FT TO THE OUTSIDE FACE OF AN EXISTING CONCRETE BLK SEAWALL;

TH N 39 DEG 22 MIN 20 SEC W, ALG SD OUTSIDE FACE, A DIST OF 47.19 FT; TH N 51 DEG 13 MIN 39 SEC E, 70.66 FT TO THE POB. ALSO LESS OR 1886/4942 DESC AS FOLLOWS: A PARCEL OF LAND IN SEC 23, BEING DESC AS FOLLOWS: COMMENCE AT A 5/8" IRON PIPE MARKING THE INTERSECTION OF THE S R/W LN OF 4TH ST W & THE W R/W LN OF 3RD AVE W, SD PT OF INTERSECTION BEING THE NE COR OF LOT 5 JH RIVIERES ADD TO PALMETTO, PER PLAT THEREOF REC IN PL BK 1, PG 137 PRMCFL, TH S 00 DEG 16 MIN 42 SEC E, ALG SD W R/W LN, ALSO BEING THE E LN OF SD LOT 5, A DIST OF 150.00 FT TO THE NW COR OF LOT 6 OF SD SUB; TH N 89 DEG 22 MIN 32 SEC E, ALG THE S R/W LN OF 3RD ST DR W, A DIST OF 50.00 FT TO A CONCRETE MONUMENT MARKING THE NE COR OF SD LOT 6; TH S 00 DEG 16 MIN 42 SEC E, ALG THE MONUMENTED. **Township 34S, Range 17E, Section 23**

Parcel ID #: **PI#: 31029.0025/9**

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 above referenced property is unfit and unsafe and poses a danger to the health, safety and welfare of surrounding property. The building was condemned by the City of Palmetto's Building Department on January 24, 2011.

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 7, Buildings and Building Regulations, Article VII, Dangerous and Unsafe Buildings, Section 7-153(a) Unfit or Unsafe Dwellings or Structures Declared a Nuisance; Section 7-153(b)(1), (5), and (6); Section 7-153(c):

ORDER

The Respondents, Steven E. Gatton and Linda L. Gatton, are found in violation of the Palmetto Code of Ordinances as noticed and directed to secure the requisite building permit within the next ten days, or by April 8, 2011, and complete all work within thirty days of securing the permit. If the aforementioned action is not taken within the time specified, 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 \$ 388.20, 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 May 31, 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.

Gatton
Administrative Order
March 29, 2011
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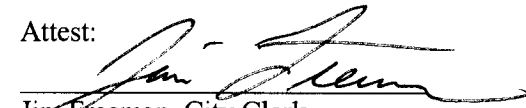
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 29th day of March, 2011.

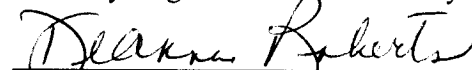
**CITY OF PALMETTO
CODE ENFORCEMENT BOARD**


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 11-05

Steven E. Gatton & Linda L. Gatton, 6880 East Harrold Road, Churubusco, Indiana:

The property that is the subject of this code enforcement case is a boathouse located at 221 3rd Avenue Drive West, Palmetto, Florida, PI 31029.0025/9, Township 34S, Range 17E, Section 23. The Respondents, Steven E. Gatton and Linda L. Gatton, are identified as the owners of the property through the Manatee County Property Appraiser's and Tax Collector's web sites.

On March 4, 2009 a cease & desist order was issued by me for work on this boathouse without a permit. The Building Department allowed Mr. Gatton to continue covering his roof temporarily prior to his return home to Indiana. The deterioration of this temporary covering and supporting sub-roof is the basis for the current case.

On January 19, 2011 the complainant reported that pieces of the deteriorating roof on the Respondents' boathouse were hitting their home that is adjacent to this property. CE Officer Chapman visited the site, documenting the deteriorated condition of this structure. On January 24, 2011 the structure was condemned by the Building Official, and a letter was issued by Code Enforcement to the owners directing them to secure permits for either the demolition or the repair of this structure within thirty days. Contact was also made with Mr. Gatton's sister-in-law who was advised that repairs or demolition were needed immediately.

Mr. Gatton returned to Palmetto and contacted the Building Department on January 31, 2011. A permit was issued on February 9, 2011 for the demolition of the roof only. Mr. Gatton planned to remove all of the rotted wood from the roof and cover the structure with a tarp while he returned to Indiana. He advised me on February 14th of his intent to totally repair this boathouse, but he needed to return home for his wife's surgery.

On March 1, 2011 a Notice of Violation was issued directing the Respondents to secure a permit to complete all necessary repairs to the building or obtain a permit to completely demolish the structure within ten days. The NOV also required the Respondents to complete all work on the structure within thirty days of the issuance of the permit. On March 1, 2011, the NOV was mailed certified & regular to the Respondents' Indiana home & regular mail to the Palmetto address; the NOV was also posted on the property and at City Hall on that date.

A site inspection on March 10, 2011 revealed a stack of plywood sheathing and a pile of 2X6s on site. In addition, a new roof rafter had been installed on the roof. The workers on site, Mr. Gatton's brother and brother-in-law, were directed to cease all activity, and the Building Official was summoned to inspect the site. Both workers were told they cannot add any new wood to the structure without a building permit.

On March 14, 2011 the Notice for tonight's hearing was mailed certified & regular to the Respondents' Indiana home & regular mail to the Palmetto address; the NOH was also hand

delivered and explained to Mr. Gatton and posted at City Hall on that date. Mr. Gatton stated he had to return to Indiana to renew his supply of his medication and to be available for his wife after her surgery. He stated he would be unavailable for this hearing, but he would send his attorney to represent him.

The structure has remained basically unchanged since activity was stopped on March 10th. Mr. Gatton has submitted an application for a building permit, but this was rejected since he was required to obtain an engineering report for the entire structure, and the scope of the submitted report focused on the roof only.

Recommendation:

It is recommended the Respondents, Steven E. Gatton and Linda L. Gatton, be found in violation of the City of Palmetto Code of Ordinances as they pertain to Section 7-153 of Chapter 7, and that they secure the requisite building permit within the next ten days; all work, either demolition or repair, must be completed within thirty days of securing the aforementioned permit. 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 23, 2011:

Code Enforcement Officers	8.83 hours @ \$40.00/hour = \$353.20
Administration Costs	1 hour @ \$35.00/hour = <u>35.00</u>
Total Costs	\$388.20