

**TAB 3**



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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. 11-12**

Rosa G. Rodriguez  
Rene G. Rodriguez  
905 18<sup>th</sup> Avenue West  
Palmetto, Florida 34221  
**Respondent**

**Re: Violation Location:** 905 18<sup>th</sup> Avenue West, Palmetto, Florida

**Legal Description:** **LOT 22 BLK 2 REYNOLDS RESUB  
Township 34S, Range 17E, Section 15**

**Parcel ID #:** 28848.1000/9

**ADMINISTRATIVE ORDER IMPOSING LIEN**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on October 25, 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 noted property contains trash and debris in the front and side yards.
- Furniture is stored on the side of the house.
- The above noted property contains an abandoned camper.
- The fence on the side of this house is deteriorated and in need of repair.
- The above noted property is overgrown.

### 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, Building and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-242; Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), (3), (4) & (12) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

## ORDER


The Respondents, Rene and Rosa Rodriguez, are found in violation of the Palmetto Code of Ordinances as noticed and directed to bring the property into compliance within seven (7) days, or by November 1, 2011. If the aforementioned action is not taken by November 1, 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 \$408.20, 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 November 29, 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.

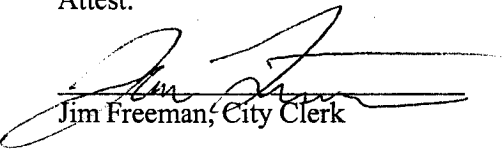
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 25th day of October, 2011.

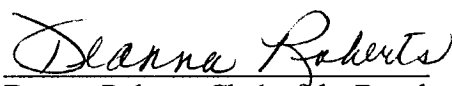
CITY OF PALMETTO  
CODE ENFORCEMENT BOARD

  
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 26<sup>th</sup> day of October, 2011.

  
Deanna Roberts, Clerk of the Board

**POINT PAPER**  
**CEB HEARINGS, OCTOBER 25, 2011**  
**CEB 11-12**

**Rosa G. Rodriguez & Rene G. Rodriguez, 905 18<sup>th</sup> Avenue West, Palmetto, Florida:**

The property that is the subject of this code enforcement action is located at 905 18<sup>th</sup> Avenue West in the City of Palmetto, Florida, PI# 28848.1000/9, Township 34S, Range 17E, Section 15. The Respondents, Rosa G. Rodriguez and Rene G. Rodriguez, are identified as the owners of the property through the Manatee County Property Appraiser's and Tax Collector's web sites. There were no open foreclosure proceedings identified on the Clerk of the Court web site.

There have been numerous complaints about this property that have resulted in code enforcement action. The current issue originated as a complaint received on June 13, 2011 regarding an abandoned vehicle. Through multiple site visits additional violations were developed and addressed with family to include furniture stored on the side of the house, debris in the front yard, a dilapidated fence, overgrowth and a deteriorated travel trailer in the side yard.

The abandoned vehicle was confirmed resolved during a site visit on July 21, 2011. Efforts on my part to resolve the remaining violations including a letter to the owners, numerous site visits and personal contacts with the family, a Notice of Violation, and the scheduling of this case for an administrative hearing have been unsuccessful to date.

The Notice of Violation issued August 23, 2011 was posted on the property on September 6, 2011 when it was determined that the certified copy remained unclaimed at the US Post Office. During subsequent contacts with the family, my requests for contact with the owners to resolve the code issues were not met. The Notice of Hearing was hand delivered to family on October 6, 2011; I also advised them how to quickly resolve the code issues to avoid this hearing.

As of October 19, 2011 the property remained overgrown, there was debris and personal belongings in the yards, the deteriorated travel trailer remained in the side yard, and the dilapidated fence remained.

**Recommendation:**

It is recommended the Respondents, Rosa G. Rodriguez and Rene G. Rodriguez, be found in violation of the City of Palmetto Code of Ordinances as they pertain to the nuisances of overgrowth, the abandoned travel trailer, the fence and the debris, the minimum maintenance standards regarding fences, and the abandoned trailer as defined in Chapter 18. It is further recommended that the Respondents be directed to bring their property into compliance within seven (7) days. The Board is requested to assess the City's costs for processing this case totaling \$408.20 against the Respondents at this time.

**Total Costs to the City as of October 20, 2011:**

<b>Code Enforcement Officers</b>	8.83 hours @ \$40.00/hour = \$ 353.20
<b>Administrative Costs</b>	1 hour @ \$35.00/hour = 35.00
<b>Lien Filing Fees</b>	= 20.00
<b>Total Costs</b>	<b>\$ 408.20</b>