

TAB 11

**Point Paper**  
**May 19, 2008 7:00pm**  
**Palmetto Palms Foreclosure**

**Problem:** The City must decide whether to accept real property or dollars associated with the Palmetto Palms lien foreclosure action.

**Background:** In July 2006 the City of Palmetto filed a lien on a vacant parcel #2623001654 known as Palmetto Palms Tract A (see **Exhibit A**). The lien was filed to secure payment of a fine and costs ordered by the Code Enforcement Board (the property was overgrown and not being maintained as required by City ordinances). The initial amount of the lien is included (**Exhibit C**) and was \$16,365. As of April 30, 2008 the amount outstanding on the lien is \$196,320. As you know, the City retained Attorney Bob Schermer to assist with the lien foreclosure process. On May 13, 2008 the City received a favorable final judgment in circuit court. Within the next few days the City will receive a date for the foreclosure sale from the Manatee Clerk of the Court. Mr. Schermer expects the sale will be scheduled in the next 30 days. At the last Commission meeting, Commission asked for additional information on the subject property. The information collected is as follows:

- Mr. Schermer has performed an updated title search and no liens other than the City of Palmetto liens have been identified.
- The unpaid taxes equal approximately \$220. No new taxes are being assessed because the property is assessed below the minimum value of \$15.
- The subject property is zoned RS-4 (Residential Single Family – 8.7 units per acre; 5,000 s.f. minimum lot size). The setbacks in RS-4 are: front – 20', sides – 5', rear – 15'. There also appears to be wetlands on the property which would make it more difficult to build a structure on the property.
- The property does not appear to front on any platted right-of-way. The parcel appears to be landlocked and access would have to be gained by combining it with another parcel such as the Palmetto Youth Center (see **Exhibit B**)
- The Palmetto Palms plat indicates the area in question is to be used for stormwater retention, wetland protection, and open space. Any other use of the property would require an amendment to the plat (replat).
- Staff believes the parcel could best be utilized as stormwater mitigation, open space or possible a small park if access and environmental considerations can be resolved.

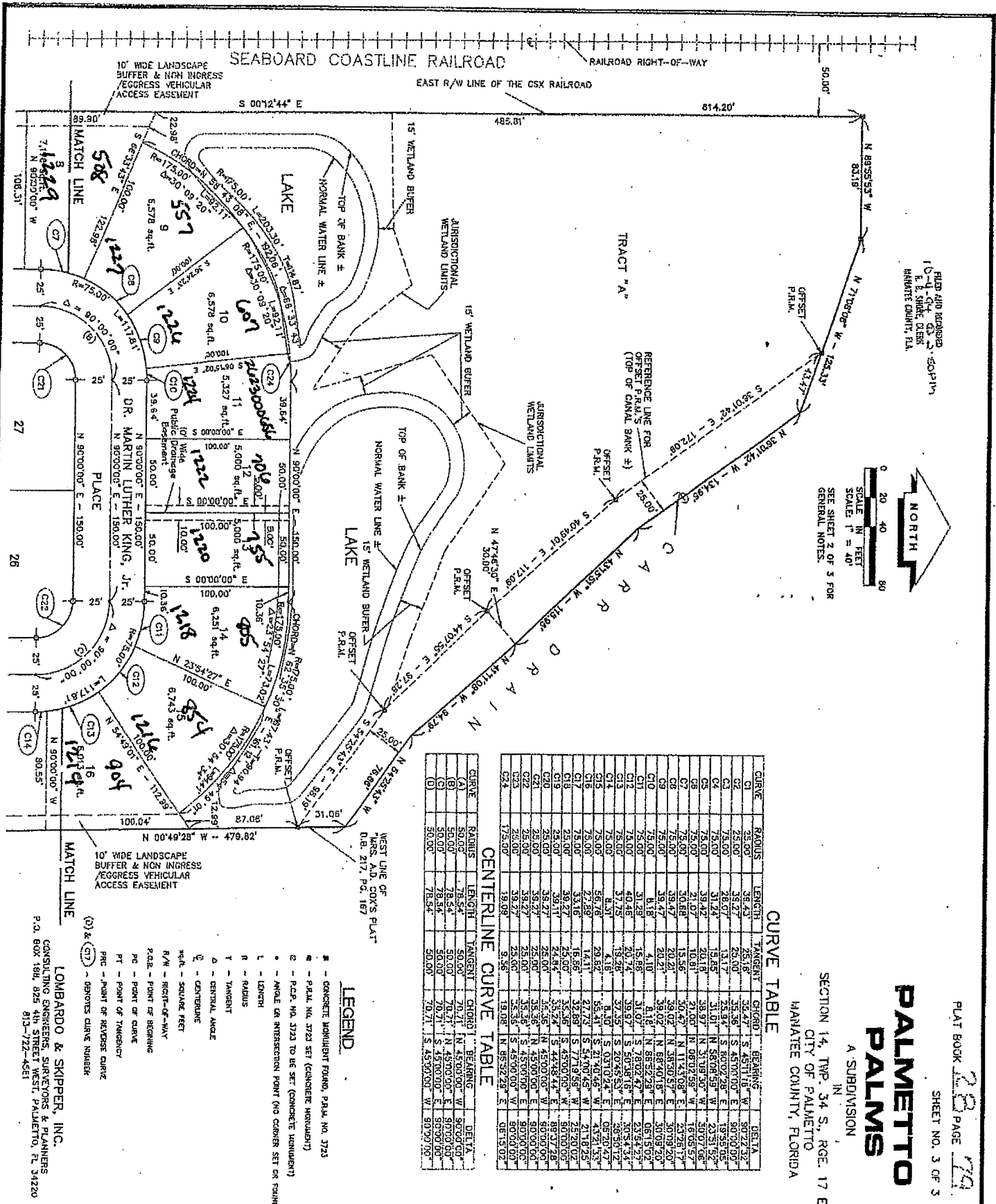
**Alternatives:**

1. No one bids on the property and the City obtains the property.
2. If someone bids more than the outstanding lien amount, the bidder would receive the property and the City would receive the money associated with satisfying the lien. If the City still wanted the property, we would have to outbid the person trying to acquire the property. The City would have to pay administrative costs and any amounts greater than the outstanding lien amount to obtain title to the property.
3. Someone could bid less than the outstanding lien amount and the City could decide to accept a lesser amount and the bidder would receive the property.

**Recommendation:** Staff would like to retain the property and would therefore recommend option one or two.

**Budget Impact:** There will be no budget impact associated with acquiring the property unless someone bids more than the outstanding lien amount of ~\$175K. If someone bids up to the lien amount of ~\$175K, the City would have to pay the difference between the final bid price and \$175K as well as administrative costs to obtain title to the property.

# EXHIBIT A



**CURVE TABLE**

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	35.00'	35.43'	25.16'	S 45°11'18" W	90°22'32"
C2	25.00'	32.27'	23.00'	S 45°07'00" E	90°00'00"
C3	25.00'	26.07'	13.17'	S 80°02'28" E	19°58'05"
C4	25.00'	31.24'	19.48'	N 58°08'59" W	23°51'55"
C5	25.00'	29.42'	20.18'	N 08°13'28" W	30°07'08"
C6	25.00'	30.49'	20.20'	N 11°43'08" E	32°06'17"
C7	25.00'	30.49'	20.20'	N 88°07'28" E	30°07'08"
C8	25.00'	39.47'	20.20'	N 88°07'28" E	30°07'08"
C9	25.00'	39.47'	20.20'	N 88°07'28" E	30°07'08"
C10	25.00'	41.18'	20.20'	N 88°07'28" E	30°07'08"
C11	25.00'	40.48'	20.20'	N 88°07'28" E	30°07'08"
C12	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C13	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C14	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C15	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C16	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C17	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C18	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C19	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C20	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C21	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C22	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"
C23	25.00'	37.25'	20.20'	N 88°07'28" E	30°07'08"

**CENTERLINE CURVE TABLE**

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
(A)	50.00'	78.54'	70.71'	N 45°00'00" W	90°00'00"	
(B)	50.00'	78.54'	70.71'	N 45°00'00" E	90°00'00"	
(C)	50.00'	78.54'	70.71'	N 45°00'00" W	90°00'00"	
(D)	50.00'	78.54'	70.71'	S 45°00'00" W	90°00'00"	



Exhibit C



516 8th Avenue West  
P. O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570 Suncom 516-0829  
FAX (941) 723-4576

**BEFORE THE CODE ENFORCEMENT BOARD  
OF THE CITY OF PALMETTO, FLORIDA**

**CITY OF PALMETTO**  
A political subdivision of the  
State of Florida

**Petitioner**

vs.

**Case No. CEB 06-09**

Palmetto Palms Owners Association, Inc.  
No Assigned Address  
Palmetto, Florida 34221

**Respondent:**

**ORDER IMPOSING FINE**

**Re Property of:** Palmetto Palms Owners Association, Inc.  
Palmetto Palms Subdivision PB 28/77, Tract "A"  
Palmetto, Florida 34221

**Property ID#** 26230.0165/4

On April 25, 2006, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regards to the above property. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The above referenced property was found in violation of City of Palmetto Code of Ordinances at a hearing held on April 25, 2006. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".

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2. The Order required the property to be in compliance by May 5, 2006. The Order was posted on the property on April 27, 2006. An Affidavit of Posting is attached as Exhibit "B".
3. On April 27, 2006, the property owner was notified by the attached posting that the Code Enforcement Board would hold a hearing on May 30, 2006, to determine whether the property was in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board hearing scheduled for May 30, 2006, was also posted at Palmetto City Hall.
4. At the May 30, 2006, hearing, the City of Palmetto Code Enforcement Director, Bill Strollo, testified that the property owner had not brought the property into compliance as ordered by the Administrative Order dated April 25, 2006. The Code Enforcement Director also reported that no effort had been made to remediate the code violations on this property.

### CONCLUSIONS OF LAW

1. The hearing has been properly notified and convened. A quorum is present and voting.
2. Section 2-87 of the Code of Ordinances states that:
  - (2) In determining the amount of the fine, if any, the CEB shall consider the following factors:
    - a. The gravity of the violation;
    - b. Any actions taken by the violator to correct the violation;
    - c. Any previous violations committed by the violator.
3. The prior Administrative Order of this Board, dated April 25, 2006, was not complied with by the date set forth in the Administrative Order.
4. The property owner has disregarded the Board's prior Administrative Order. There have been no significant actions taken to bring the property into compliance. The Board has considered the three factors cited above in arriving at its determination to impose a fine.

## ORDER

Based on the foregoing, the Code Enforcement Board imposes a fine of \$ 250.00 per day, the fine to begin on May 6, 2006. Additionally, administrative costs incurred by the City of Palmetto in the prosecution of the case in the amount of \$840.00 are hereby imposed. In the prior Administrative Order, the Public Works Director was directed to take all appropriate action to correct the violation after the deadline of May 5, 2006. The Respondent shall be charged for all reasonable costs incurred by the City for any remedial action taken. If the property owner has not complied with this Order by June 29, 2006, a certified copy of this Order shall be recorded in the Public Records of Manatee County, where it shall thereafter constitute a lien against the real property on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court by the City, such Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

Date: June 1, 2006

  
Charles W. Leonard, Chair  
Code Enforcement Board

Attest:

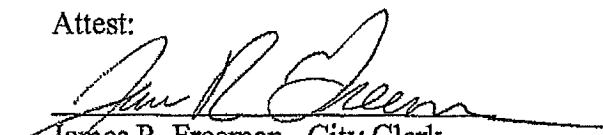
  
James R. Freeman., City Clerk



EXHIBIT "A"

516 8th Avenue West  
P. O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570 Suncom 516-0829  
FAX (941) 723-4576

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No Assigned Address, Palmetto Palms Subdivision  
PB 28/77, Tract "A"  
Palmetto, FL 34221

Respondent. /

**Re Property of:** Palmetto Palms Owners Association, Inc.  
No Assigned Address, Palmetto Palms Subdivision  
PB 28/77, Tract "A"  
Palmetto, FL 34221

**Legal Description:** TRACT "A" PALMETTO PALMS

**Parcel ID #:** 26230.0165/4

**ADMINISTRATIVE ORDER**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on April 25, 2006, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

**FINDINGS OF FACT:**

1. The Board finds as a matter of fact that there exists on the Respondent's property, located at PALMETTO PALMS SUBDIVISION, PB 28/77, TRACT "A":

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The above noted property is a drainage/flowage and conservation easement which is overgrown with vegetation and severely littered with garbage and debris. The vegetation and debris hinder the flow and outfall of the canals/storm water retention areas to the Carr Drain.

### 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, Article II, Nuisances, Section 16-26 (1), (2), (3), (9) & (11), Section 16-27 (a) & (b) and Chapter 7-243 (a) landscaping and (b) vacant lots.

## ORDER

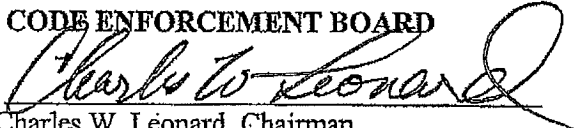
The Respondent, Palmetto Palms Owners Association, Inc., is found in violation of the Palmetto Code of Ordinances as noticed. Respondent is given until May 5, 2006, to comply with the Sections of the Palmetto Code of Ordinances cited above. If the aforementioned action is not taken by May 5, 2006, a 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 May 30, 2006, to determine if the violation has been corrected. Further, the Code Enforcement Board of the City of Palmetto finds the property to be a sanitary nuisance and requests that the Public Works Director take any and all appropriate action to correct the violations after May 5, 2006, if the violations have not been corrected. The Respondent shall be charged for all reasonable costs incurred by the City of Palmetto for any remedial action taken.

A certified copy of this Administrative Order shall 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 25<sup>th</sup> day of April, 2006.

CITY OF PALMETTO  
CODE ENFORCEMENT BOARD

  
Charles W. Leonard, Chairman

Attest:

  
By: Jim Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order was posted on the property on April 27, 2006.

  
Deanna Roberts, Code Enforcement Board Clerk

EXHIBIT "B"

Case No. CEB No. 06-09

Palmetto Palms Owners Association, Inc.  
No Assigned Address, Palmetto Palms Subdivision  
PB 28/77, Tract "A"  
Palmetto, Florida 34221

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**Affidavit of Posting**  
**Administrative Order**

State of Florida  
County of Manatee

Before me, the undersigned authority, personally appeared William Strollo, who, being first duly sworn, deposes and says:

1. That Affiant is a Code Enforcement Director of the City of Palmetto and this affidavit is filed in accordance with 2-90, Code of Ordinances, City of Palmetto, Florida.
2. That the above referenced property was subject to a Palmetto Code Enforcement hearing scheduled before the Code Enforcement Board on April 25, 2006, at 6:00 p.m., in the Commission Chambers at Palmetto City Hall. An Administrative Order was handed down by the Code Enforcement Board at that meeting.
3. That Affiant gave notice of the above referenced Administrative Order by posting in two locations, and a true and correct copy is attached hereto and incorporated herein as Exhibit "A."
4. That Affiant posted the above referenced order beginning on April 27, 2006, which was at least nine days prior to the date set for compliance.
5. That Affiant posted the above referenced order on the bulletin board at the east door of City Hall, 516 8<sup>th</sup> Avenue West, Palmetto, Florida, and on a stake at PB 28/77, Tract "A", Palmetto Palms Subdivision.

FURTHER AFFIANT SAYETH NAUGHT.

William STROLLO  
Print Name

Low Skell  
Signature

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Sworn to and subscribed before me this 1st day of May, 2006,

by William Stoll,  who is personally know to me or  who has  
produced \_\_\_\_\_ as identification.

Sharon C Jones  
Notary Public

Print Name: Sharon C Jones

My Commission Expires: 6/7/09

NOTARY PUBLIC-STATE OF FLORIDA  
 Sharon C. Jones  
Commission #DD438183  
Expires: JUNE 07, 2009  
Bonded Thru Atlantic Bonding Co., Inc.