

TAB 2

COREY F. BABCOCK & PAUL EWING
APPEAL OF CODE ENFORCEMENT BOARD FINE ON
CEB 07-11
POINT PAPER

Problem: The Code Enforcement Board imposed fines of \$50.00 per day commencing September 30, 2007 for overgrown property and a deteriorated silt fence on a vacant parcel of land located at 2701 Business 41, Palmetto, Florida, Parcel ID # 24222.0015/9, Township 34S, Range 17E, Section 11. Paul Ewing and Corey F. Babcock were identified as the owners of this property through the Manatee County Property Appraiser's and the Manatee County Tax Collector's web sites.

Mr. Babcock contends that he was unaware that the property was in violation in that all of the notices pertaining to CEB case # 07-11, the Notice of Violation, Notice of Hearing, Administrative Order and Hearing Notice, and the Order Imposing Fine and Lien, were forwarded to Mr. Ewing's address; he, Mr. Babcock, reports he did not receive any of these notices. Mr. Ewing contends he was away from his home for an extended period of time and was also unaware of the Code Enforcement action against the subject property.

Both owners are appealing the daily fines imposed by the Code Enforcement Board at the CEB Hearing on October 30, 2007.

Background: The first Notice of Violation was issued on May 11, 2007, for overgrown property and not maintaining the silt fence after Mr. Ewing and Mr. Babcock failed to respond to a written request to maintain their property. This Notice was forwarded certified and regular mail to the Sandpointe Drive, Bradenton address that is identified as Mr. Ewing's address. The certified mail was returned to Palmetto City Hall by the US Post Office as unclaimed; the regular mail was not returned. The Respondents brought the property into compliance by June 4, 2007, and no further Code Enforcement action was required at that time.

The present case was initiated via a Notice of Violation due to Mr. Ewing's and Mr. Babcock's lack of maintenance of the property subsequent to the last Notice of Violation. The current Notice of Violation was issued on August 22, 2007; both of these overgrowth cases were a result of community complaints. The August 22nd NOV allowed a fifteen day remediation period. Follow-up inspections revealed conditions unimproved, and the case was scheduled before the September 25, 2007 Code Enforcement Board.

The Notice of Violation and the Notice of Hearing were forwarded to Mr. Ewing's Sandpointe Drive, Bradenton address, certified and regular mail. Both certified notices were returned to City Hall as unclaimed; the regular mail was not returned to this office. Proofs of service of the Notice of Violation and the Notice of Hearing were submitted to the Code Enforcement Board at the September 25, 2007 hearing on this matter.

The specific City of Palmetto Code of Ordinances that were violated included Chapter 16, Article II, Nuisances, Sec. 16-26. Definition, enumeration of unlawful conditions or acts; Section 16-26(3) the existence of excessive accumulation or untended growth of weeds; Section 16-27(a) Nuisances are prohibited and (b) this article may be enforced against any violator. Mr. Ewing and Mr. Babcock were also charged with violating Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243, Requirements for sites, (b) *Vacant lots*. Where a vacant lot exists or is created through demolition, the owner must cover all areas not actively used for parking or loading with grass or other such ground cover. Such ground cover shall be maintained and the property kept free of trash and debris.

At the Code Enforcement Board Hearing on September 25, 2007 Paul Ewing and Corey F. Babcock, who were not present at this hearing, were given until September 30, 2007 to comply with the Palmetto Code of Ordinances cited. An Administrative Order dated September 25, 2007 reflecting this date certain, imposing \$275.00 in administrative costs, and scheduling a follow-up CEB Hearing date of October 30, 2007 was forwarded to Mr. Ewing's Sandpointe Drive, Bradenton address, certified and regular mail. The certified copy was returned to City Hall as unclaimed; the regular mail was not returned to this office.

The property was inspected seven times between the two CEB Hearings; on October 19, 2007 it was noted the majority of overgrowth had been cut; however, the deteriorated silt fence remained, and this hampered a thorough clearing of the property. The condition of the property was reported to the Code Enforcement Board with photographic documentation at the October 30, 2007 CEB Hearing for case # 07-11. Neither Mr. Ewing nor Mr. Babcock was present at this hearing.

An Order Imposing Fine And Lien dated October 31, 2007 was issued by the Code Enforcement Board and forwarded certified and regular mail to Mr. Ewing's Sandpointe Drive, Bradenton address. The certified copy was returned to City Hall as unclaimed; the regular mail was not returned to this office.

Code Enforcement continued regular inspections of the subject property from November 8, 2007 through April 4, 2008; throughout this period the property remained in violation of City of Palmetto Code of Ordinances.

On April 21, 2008 Paul Ewing and Corey F. Babcock met with Code Enforcement Director Bill Strollo. At that meeting, Mr. Ewing acknowledged the Sandpointe Drive, Bradenton address was his home address. Mr. Ewing initially denied receiving any of the notices; he later admitted receiving the notices, but he further stated he thought the property was in compliance since it had been mowed. He was advised that the deteriorated silt fence remained and that hampered total clearing of the property. Mr. Ewing then stated he did not recall reading anything about a silt fence; Mr. Strollo provided copies of the Notice of Violation and directed Mr. Ewing's attention to the silt fence reference in all of the notices. Both Mr. Ewing and Mr. Babcock were advised that

the \$50.00 per day fine would continue to accrue until the property was brought into compliance

On May 1, 2008 Paul Ewing contacted Code Enforcement to advise the property had been brought into compliance. A site inspection was conducted and a Report of Compliance was issued by Mr. Strollo on May 1, 2008.

On May 15, 2008 Corey F. Babcock contacted City Clerk, James Freeman, and requested to appeal the Code Enforcement Board fine. Mr. Babcock stated he was unaware of the Code Enforcement action as all notices were forwarded to Paul Ewing; he later stated Mr. Ewing had been away from his home for an extended period of time and had only recently received the notices.

Alternatives: 1) Enforce the Code Enforcement lien at the present amount; 2) reduce the fine imposed by the Code Enforcement Board; 3) authorize the Mayor to execute a satisfaction or release of lien.

Recommendation: Staff requests alternative 1, enforce the full lien amount. If option 2 is considered, Staff recommends the initial and additional City administrative costs as noted in the **Budget Impact** below be reflected in the total figure.

Budget Impact: Since the initial Administrative Order imposing administrative costs in the amount of \$275.00, the City has continued to incur administrative costs of:

(a) Code Enforcement Officer, 11 hours at \$40.00 per hour, total \$440.00; (b) Administration, 3 hours at \$35.00 per hour, total \$105.00; (c) Finance, 2 hours at \$35.00 per hour, total \$70.00; (d) City Clerk, .5 hours at \$55.00 per hour, total \$28.00, and (e) lien filing fees of \$61.00. The total additional administrative costs are \$704.00.

Total costs to the City as of May 23, 2008 = \$979.00.



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

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CITY OF PALMETTO CODE ENFORCEMENT BOARD

CITY OF PALMETTO
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CEB 07-11

Paul Ewing
Corey F. Babcock
4109 Sandpointe Drive
Bradenton, Florida 34205

Respondent.

NOTICE OF HEARING

Address of Violation:
2701 Business 41
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Chapter 2, you are hereby called upon to take notice that a Public Hearing will be conducted before the City of Palmetto Code Enforcement Board (CEB) on the 25th day of September, 2007 at 6:00 P.M. in the Commission Chambers at City Hall, which is located at 516 8th Avenue West, Palmetto, Florida. The purpose of the hearing is to determine whether the City of Palmetto Code of Ordinances is being violated as set forth in the Notice of Violation dated August 22, 2007 and previously provided to you by Certified Mail/Return Receipt Requested on August 22, 2007. A copy of the Notice of Violation is attached to this Notice of Hearing as Exhibit A. The CEB will receive testimony and evidence at said Public

Hearing and shall make such findings of fact and conclusions of law as are supported by the testimony and evidence pertaining to the matters alleged in the attached Notice of Violation. **If you are found to be in violation, a fine may be assessed against you, as provided by law.** The purpose of the hearing shall be to conduct proceedings regarding the attached Notice of Violation attached hereto as Exhibit A.

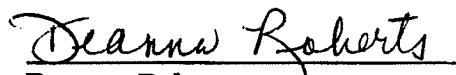
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is to be based. The hearing may be continued from time to time as deemed warranted and appropriate by the CEB. This case may be presented to the CEB even if the violation or repeat violation has been corrected prior to the hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CODE ENFORCEMENT BOARD CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (941) 723-4570.

PLEASE GOVERN YOURSELF ACCORDINGLY.

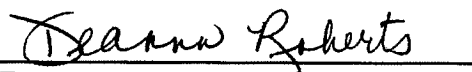
DATED: September 13, 2007

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



Deanna Roberts
Clerk of the Board

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to the Respondent this 13th day of September, 2007.



Deanna Roberts
Clerk of the Board

cc: Michele S. Hall, City Attorney
David P. Persson, Code Enforcement Board Attorney



Exhibit "A"

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

CODE ENFORCEMENT

NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
CERTIFIED MAIL NO.7005 3110 0003 2031 3478 AND REGULAR MAIL

Paul Ewing
Corey F. Babcock
4109 Sandpointe Drive
Bradenton, Florida 34205

RE: City of Palmetto, Petitioner, v. Paul Ewing & Corey F. Babcock

Address of Violation: 2701 Business 41, Palmetto, Florida 34221.

Legal Description: A PARCEL OF LAND LYING & BEING IN SEC 11, TWN 34S, RNG 17E BEING MORE PARTICULARLY DESC AS FOLLOWS: COM AT THE CENTER OF SEC 11, TWN 34S, RNG 17E (BASED ON THE OCCUPATION OF THE NE1/4 OF SD SEC 11) TH S 89 DEG 38 MIN 51 SEC E, ALG S LN OF S1/2 OF NE1/4 OF SD SEC 11, A DIST OF 1811.90 FT; TH LEAVING SD S LN N 00 DEG 10 MIN 07 SEC E, A DIST OF 409.90 FT; TH S 89 DEG 38 MIN 51 SEC E, A DIST OF 50.0 FT FOR A POB; SD PT LYING ON NLY R/W LN OF 26TH ST W (A 40 FT WIDE PUBLIC R/W); TH N 00 DEG 10 MIN 07 SEC E, A DIST OF 468.15 FT; TH S 89 DEG 38 MIN 51 SEC E, A DIST OF 590.69 FT TO A PT WHICH LIES ON WLY R/W LN OF U.S. 41 (SR 45) AS REC IN OR BK 255, PG 50, SD PT LIES ON A CURVE OF WHICH THE RADIUS LIES N 51 DEG 52 MIN 33 SEC W, A RADIAL DIST OF 1191.99 FT, TH SWLY ALG ARC THROUGH A C/A OF 13 DEG 29 MIN 07 SEC A DIST OF 280.55 FT; TH N 50 DEG 54 MIN 52 SEC W, LEAVING SD WLY R/W LN, A DIST OF 115.02 FT; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 250.37 FT; TH S 00 DEG 24 MIN 13 SEC W, A DIST OF 238.0 FT TO A PT LYING ON NLY R/W LN OF 26TH ST W AS REC IN AFOREMENTIONED OR BK 255, PG 50; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 71.03 FT; TH S 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT TO A PT WHICH LIES ON NLY R/W LN OF 26TH ST W; TH N 89 DEG 38 MIN 51 SEC W, ALG SD NLY R/W LN A DIST OF 38.23 FT TO POB. CONT 2.89 AC M/L. LESS MAINTAINED R/W; TOGETHER WITH AND SUBJ TO INGRESS/EGRESS EASMTS REC IN OR 2080/4694 DESC AS: COM AT THE CENTER OF SEC 11; TH S 89 DEG 38 MIN 51 SEC E, ALG THE S LN OF TH PI#2422200159

Dear Mr. Ewing & Mr. Babcock:

The purpose of this letter is to provide you with notice that based upon investigation of alleged violations of the City Code, and upon inspection by the undersigned, it has been determined that a violation of the City Code is occurring at the above-referenced property. The Code provisions that are in violation and the nature of the violations are as follows:

Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3) and Section 16-27(a) & (b); and Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(b).

- Sec. 16-26. Nuisances defined.
- Sec. 16-26(3). The existence of excessive accumulation or untended growth of weeds and undergrowth.
- Sec. 16-27(a) & (b). Nuisances are prohibited and may be enforced against any violator.
- Sec. 7-243. Requirements for sites: (b). Vacant lots.

DESCRIPTION OF VIOLATION:

- The above noted property contains untended growth of weeds and brush.
- The silt fence surrounding this site is deteriorated.

TO REMEDY THESE VIOLATIONS, you must accomplish the following action within fifteen (15) days of receipt of this Notice. The corrective action necessary is as follows:

- You must mow, trim and maintain this lot.
- Owner must cover all areas with grass or ground cover; remove or restore the silt fence.

THIS IS NOTICE that a failure to accomplish corrective action and remedy the violations above within the time provided will result in referral of this matter to the City's Code Enforcement Board for a hearing. If, after the hearing by the Code Enforcement Board, violations are determined, such violations may be punishable by a fine not to exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and a fine not to exceed Five Hundred Dollars (\$500.00) per day for a repeat violation, in addition to and including, all costs incurred by the City as a result of such enforcement action.

If you have any specific questions regarding the violations please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 105.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED, this 22nd day of August 2007

CITY OF PALMETTO, FLORIDA



Bill Stollo
Code Enforcement Director



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

November 2, 2007

Paul Ewing
Corey F. Babcock
4109 Sandpointe Drive
Bradenton, Florida 34205

Dear Mr. Ewing and Mr. Babcock:

The enclosed Administrative Order and the Order Imposing Fine reflect the Orders handed down by the Code Enforcement Board at its September 25, 2007, and October 30, 2007, meetings. The costs/fine assessed, plus any applicable recording fees, will constitute a lien on the property once the Orders are recorded; however, if you pay within thirty (30) days, or by November 29, 2007, the City will not record the lien. The total costs imposed are \$275.00 and the fine is \$50 per day commencing September 30, 2007, and continuing until the violation is corrected.

Please contact Bill Stollo, Code Enforcement Director, at 723-4570 if you have any questions.

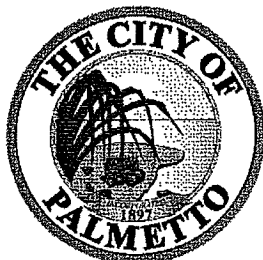
Sincerely,


Deanna Roberts
Clerk of the Board

/dr

cc: William Stollo, Code Enforcement Director
Michele S. Hall, Esq., City Attorney
David Persson, Esq., Code Enforcement Board Attorney

NOTICE OF LIEN



DATE: November 29, 2007

RESPONDENT: PAUL EWING and
COREY F BABCOCK
and to all those claiming by, through or
under same:

MAILING ADDRESS: 4109 Sandpointe Drive
Bradenton, FL 34205

The CITY OF PALMETTO, County of Manatee, State of Florida, 516 8th Ave W, P.O. Box 1209, Palmetto, Florida, 34220-1209, claims a lien against any real or personal property owned by the Respondent, for violation of Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3) and Section 16-27(a) & (b); Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(b). The City of Palmetto Code Enforcement Board, in Case #07-11, issued an Order Imposing Fine and Lien, a certified copy of which is attached hereto.

LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR ORDINANCE ACCRUING AND BECOMING DUE: \$3398.00

VIOLATION STREET ADDRESS: 2701 Business 41
Palmetto, FL 34221

PROPERTY ID No. 24222.0015/9

I hereby certify that on this date a copy of this Notice of Lien and an attached certified copy of the Order Imposing Fine and Lien have been sent by ordinary U.S. Mail, postage prepaid, to the Owner(s) at the address listed above.

THE CITY OF PALMETTO

SEAL

By: 
James R. Freeman, City Clerk

Sworn to and subscribed before me this 29th day of November, 2007.


NOTARY PUBLIC

My commission expires:

NOTARY PUBLIC-STATE OF FLORIDA
Diane Ponder
Commission # DD574860
Expires: JULY 17, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

OR BOOK 02238 PAGES 2195 - 2195
MANATEE COUNTY CLERK COURT
1 PAGES(S)
RECORDED; 12/7/2007 8:52:36 AM

12/15/07
★





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**

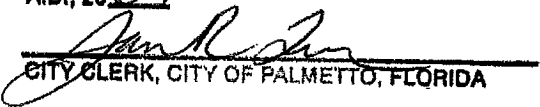
**CERTIFIED MAIL/RETURN RECEIPT REQUESTED
REGULAR MAIL**

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


vs.

Paul Ewing
Corey F. Babcock
4109 Sandpointe Drive
Bradenton, Florida 34205
Respondents:

I, THE CITY CLERK OF THE CITY OF PALMETTO,
FLORIDA, DO HEREBY CERTIFY THAT THE
ABOVE AND FOREGOING IS A TRUE AND
CORRECT COPY OF THE ORIGINAL THEREOF
ON FILE IN MY OFFICE WITNESS MY HAND AND
SEAL OF SAID CITY THIS 29 DAY OF November
A.D., 2007


CITY CLERK, CITY OF PALMETTO, FLORIDA

Case No. CEB 07-11

OR BOOK 02238 PAGES 2196 - 2198
MANATEE COUNTY CLERK COURT
3 PAGES(S)
RECORDED; 12/7/2007 8:55:08 AM 

ORDER IMPOSING FINE AND LIEN

Violation Location: 2701 Business 41
Palmetto, Florida 34221

On October 30, 2007, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regards to the above Respondents. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The Respondents were found in violation of the City of Palmetto Code of Ordinances at a hearing held on September 25, 2007. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".

12/15/07


2. The Order required the Respondents to comply with the Palmetto Code of Ordinances, as cited, by September 30, 2007. The Order was sent to the Respondents by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on September 26, 2007.
3. The Respondents were notified in that Order that the Code Enforcement Board would hold a hearing on October 30, 2007, to determine whether the Respondents were in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board hearing scheduled for October 30, 2007, was posted at Palmetto City Hall.
4. At the October 30, 2007, Hearing, the City of Palmetto Code Enforcement Director, Bill Strollo, testified that the Respondents had not complied with the Palmetto Code of Ordinances as ordered by the Administrative Order dated September 25, 2007.

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 September 25, 2007, was not complied with by the date set forth in the Administrative Order.
4. The Respondents have not fully complied with the Board's prior Administrative Order. 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 \$50.00 per day commencing September 30, 2007, and continuing until the violation is corrected. If the Respondent has not complied with this Order by November 29, 2007, a certified copy of this Order shall be recorded in the Public Records of Manatee County and any other county within the State of Florida where the Respondent has real or personal property and it shall thereafter constitute a lien upon any 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 with interest accruing 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: October 31, 2007



Charles W. Leonard, Chair
Code Enforcement Board

Attest:


James R. Freeman, City Clerk

rd/10/07




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

Paul Ewing
 Corey F. Babcock
 4109 Sandpointe Drive
 Bradenton, Florida 34205
 Respondent

I, THE CITY CLERK OF THE CITY OF PALMETTO, FLORIDA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL THEREOF ON FILE IN MY OFFICE WITNESS MY HAND AND SEAL OF SAID CITY THIS 29 DAY OF November A.D., 2007


 CITY CLERK, CITY OF PALMETTO, FLORIDA

Case No. CEB 07-11

OR BOOK 02238 PAGES 2199 - 2201
 MANATEE COUNTY CLERK COURT
 3 PAGES(S)
 RECORDED; 12/7/2007 8:55:38 AM



Re Violation Location: 2701 Business 41
 Palmetto, Florida 34221

Legal Description: A PARCEL OF LAND LYING & BEING IN SEC 11, TWN 34S, RNG 17E BEING MORE PARTICULARLY DESC AS FOLLOWS: COM AT THE CENTER OF SEC 11, TWN 34S, RNG 17E (BASED ON THE OCCUPATION OF THE NE1/4 OF SD SEC 11) TH S 89 DEG 38 MIN 51 SEC E, ALG S LN OF S1/2 OF NE1/4 OF SD SEC 11, A DIST OF 1811.90 FT; TH LEAVING SD S LN N 00 DEG 10 MIN 07 SEC E, A DIST OF 409.90 FT; TH S 89 DEG 38 MIN 51 SEC E, A DIST OF 50.0 FT FOR A POB; SD PT LYING ON NLY R/W LN OF 26TH ST W (A 40 FT WIDE PUBLIC R/W); TH N 00 DEG 10 MIN 07 SEC E, A DIST OF 468.15 FT; TH S 89 DEG 38 MIN 51 SEC E, A DIST OF 590.69 FT TO A PT WHICH LIES ON WLY R/W LN OF U.S. 41 (SR 45) AS REC IN OR BK 255, PG 50, SD PT LIES ON A CURVE OF WHICH THE RADIUS LIES N 51 DEG 52 MIN 33 SEC W, A RADIAL DIST OF 1191.99 FT, TH SWLY ALG ARC THROUGH A C/A OF 13 DEG 29 MIN 07 SEC A DIST OF 280.55 FT; TH N 50 DEG 54 MIN 52 SEC W, LEAVING SD WLY R/W LN, A DIST OF 115.02 FT; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 250.37 FT; TH S 00 DEG 24 MIN 13 SEC W, A DIST OF 238.0 FT TO A PT LYING ON NLY R/W LN OF 26TH ST W AS REC IN AFOREMENTIONED OR BK 255, PG 50; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 71.03 FT; TH S 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT TO A PT WHICH LIES ON NLY R/W LN OF 26TH ST W; TH N 89 DEG 38 MIN 51 SEC W, ALG SD NLY R/W LN A DIST OF 38.23 FT TO POB. CONT 2.89 AC M/L. LESS MAINTAINED R/W; TOGETHER WITH AND SUBJ TO INGRESS/EGRESS EASMTS REC IN OR 2080/4694 DESC AS: COM AT THE CENTER OF SEC 11; TH S 89 DEG 38 MIN 51 SEC E, ALG THE S LN OF TH

Parcel ID #: 24222.0015/9



ADMINISTRATIVE ORDER

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on September 25, 2007, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent.

FINDINGS OF FACT:

1. The Code Enforcement Board of the City of Palmetto finds as a matter of fact that the Respondents' property contains untended growth of weeds and brush, and the silt fence surrounding this site is deteriorated.

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, Section 16-26(3) and Section 16-27(a) & (b); and Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(b).

ORDER

The Respondents, Paul Ewing and Corey F. Babcock., are found in violation of the Palmetto Code of Ordinances as noticed and given until September 30, 2007, to comply with the Palmetto Code Of Ordinances cited above. If the aforementioned action is not taken by September 30, 2007, 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 October 30, 2007, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$275.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien.**

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.

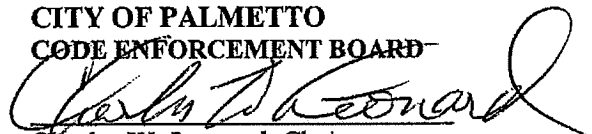
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 25th day of September, 2007.




Paul Ewing/Corey F. Babcock
Administrative Order
September 25, 2007
Page 3 of 3

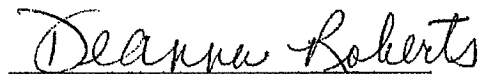
**CITY OF PALMETTO
CODE ENFORCEMENT BOARD**


Charles W. Leonard, Chairman

Attest:


James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 26th day of September, 2007,


Deanna Roberts, Clerk of the Board

12/19/07


MSV-5/14/07

PALMETTO

516 8th Ave. W., P.O. Box 1209, Palmetto, FL 34220-1209

531



Hand to Hand
PALMETTO

Handpointe Drive
Palmetto, Florida 34205

07 05/30/07

339 AE 1
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
*2774-00839-11-44

BC: 34220120909

342200@1209
34205#1249 0014

Handpointe Drive
Palmetto, Florida 34205

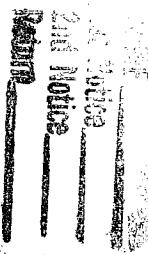
CERTIFIED MAIL™



7005 3110 0003 2031 3362



UNITED STATES POSTAGE
PINEY BOWES
\$ 004.640
02 1P
0002579002 MAY 11 2007
MAILED FROM ZIP CODE 34221



LV
1/14
5/12/07

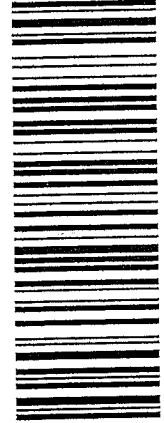
5/17
JGR

~~PALMETTO~~

516 8th Ave. W., P.O. Box 1209, Palmetto, FL 34220-1209

CERTIFIED MAIL

Nov
8/22/07



7005 3110 0003 2031 3478



UNITED STATES POSTAGE
EAGLE
FIRST CLASS PERMIT NO. 100
PALMETTO, FL 34220
\$ 005.
02 1P
0002579002 AUG 22
MAILED FROM ZIP CODE

MB/PA2-07

8/28

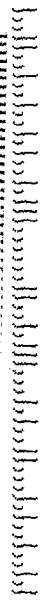
Paul Ewing
Corey F. Babcock
4109
Brade

NIXIE 339 4E 1 07 09/09/07

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 34220120909 *2774-02842-22-41

3422094309 0014
34220120909 0014

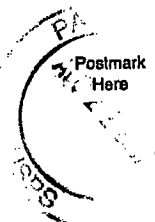


~~APB
MB~~

Proof of
Service
NOV

9478 7E02 E000 0TTE 5002

U.S. Postal ServiceTM	
CERTIFIED MAILTM RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.41
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21
Sent To <u>Ewing / Barbocck</u>	
Street, Apt. No., or PO Box No. <u>4109 SAND POINT ROAD</u>	
City, State, ZIP+4 [®] <u>BRADENTON, FLORIDA 34205</u>	
PS Form 3800, June 2002 See Reverse for Instructions	



*Proof of Service
Nov*



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Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: **7005 3110 0003 2031 3478**
Status: **Unclaimed**

Your item was returned to the sender on September 7, 2007 because it was not claimed by the addressee.

[Additional Details >](#)

[Return to USPS.com Home >](#)

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Enter Label/Receipt Number.

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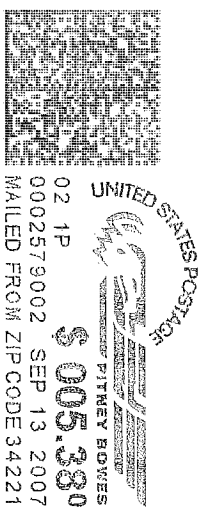
OF THE RETURN ADDRESS FOR MAILING
CERTIFIED MAIL



7006 0100 0006 2638 6856

516 8th Ave. W., P.O. Box 1209, Palmetto, FL 34220-1209

Name _____
1st Notice 10/2/07
2nd Notice _____
Return _____



UNCLAIMED

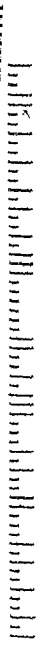
Paul Ewing
Corey F. Babcock
4109 Sandpoint
Bradenton, FL

NOTH
for 9/25/07
Received CH
10/11/07

3422099120909

BC: 34220120909

*2774-05680-13-40



NIXIE 339 SE 1 07 10/02/07
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

9/19

Proof of Service
W4 -



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[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **7006 0100 0006 2638 6856**
Status: **Notice Left**

We attempted to deliver your item at 11:06 AM on September 18, 2007 in BRADENTON, FL 34206 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

Track & Confirm

Enter Label/Receipt Number.

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Proof of
SERVICE
NOT

9599 8E92 2638 656
7006 0100 0000 9000 0010 9002

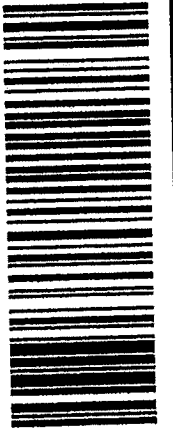
U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com ®	
OFFICIAL USE	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38

Postmark Here
PALMETTO FL 34221
SEP 13 2007
USPS

Sent To	<i>Paul Ewing / Corey F. Babcock</i>
Street, Apt. No., or PO Box No.	<i>4109 Sandpiper Dr.</i>
City, State, ZIP+4	<i>Bradenton FL 34205</i>

PS Form 3800, June 2002 See Reverse for Instructions

CERTIFIED MAIL™



PA 7006 0100 0006 2638 6894

516 8th Ave. W., P.O. Box 1209, Palmetto, FL 34220-1209



FUNCTION

Name _____
1st Notice 10/17/97
2nd Notice _____
Return _____

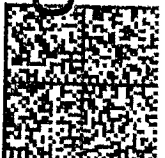
AD, Not

Paul Ewing
Corey F. Babcock
4109 Sandc
Bradenton,

CITY HALL

RECEIVED

OCT 18 2007



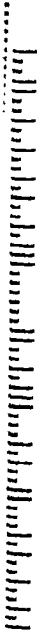
UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$ 005.380
0002579002 SEP 26 2007
MAILED FROM ZIP CODE 34221

10/2
12R

NIXIE 339 SE 1 07 10/15/97
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 34220120909 *2774-02097-26-40

3420534299@3299



AO with notice of
Oct. 30, 2007 CEB
HEARINGS

4689 8992 9000 0070 9002

U.S. Postal ServiceTM	
CERTIFIED MAILTM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com .	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Stamp: PALMETTO FL 34221
Postm. No. SEP 26 2007
USPS

Sent To	Paul Ewing Babcock
Street, Apt. No., or PO Box No.	4109 Sandpointe Dr.
City, State, ZIP+4	Bradenton, FL 34208

PS Form 3800, June 2002 See Reverse for Instructions



AO with OEB Oct. 30, 2007
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Track & Confirm

Search Results

Label/Receipt Number: **7006 0100 0006 2638 6894**
Detailed Results:

- **Delivered, October 18, 2007, 11:14 am, PALMETTO, FL 34220**
- **Unclaimed, October 13, 2007, 1:46 pm, BRADENTON, FL**
- **Notice Left, October 01, 2007, 1:34 pm, BRADENTON, FL 34206**
- **Notice Left, September 27, 2007, 1:46 pm, BRADENTON, FL 34205**

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No FEAR Act EEO Data FOIA



Track & Confirm



Track & Confirm

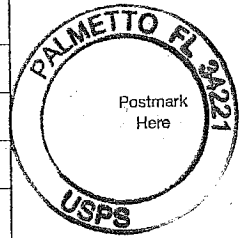
U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

OIF 10/30/07
CEB07-1

OFFICIAL USE

BETR 0922 4000 045T 1002

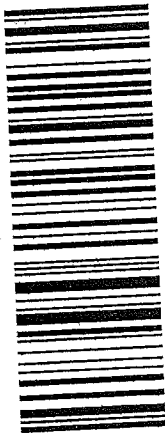
Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$



Sent To Paul Ewing / Corey F. Babcock
Street, Apt. No., or PO Box No. 4109 Sandpointe Dr
City, State, ZIP+4 Bradenton, FL 34205
PS Form 3800, January 2001 See Reverse for Instructions

OIF /

CERTIFIED MAIL



7001 1940 0004 7280 8139

516 8th Ave. W., P.O. Box 1209, Palmetto, FL 34220-1209

RETURN RECEIPT REQUESTED
RECEIVED
NOV 27 2007

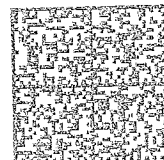
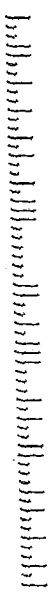
CITY HALL

Paul Ewing
Corey F. Babcock
4109 Sandpointe
Bradenton, FL

NIXIE 339 SE 1 07 11/21/07

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 34220120909 *2774-04087-01-09



UNITED STATES POSTAGE
EAGLE
PITNEY BOWES
02 1P \$005.380
0002579002 NOV 01 2007
MAILED FROM ZIP CODE 34221

117
NR