

**TAB 10**

**POINT PAPER**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**October 27, 2009**

**Paul Ewing, 4109 Sandpointe Drive, Bradenton, Florida 34205 & Corey F. Babcock, 7131 Queens Palm Circle, Sarasota, Florida 34243:**

The property that is the subject of this code enforcement action is a vacant lot located at 2701 Business 41, Palmetto, Florida, Parcel ID # 24222.0015/9 Township 34S, Range 17E, Section 11.

The Respondents, Paul Ewing and Corey F. Babcock, are identified as the owners of the property through the Manatee County Property Appraiser's and Tax Collector's web sites. A final judgment was recorded in favor of EXXONMOBIL Oil Corporation on March 28, 2008, Manatee County Court case 2007-CA-004171. A stay of execution of the judgment was granted for a period of fifteen months, and the judgment permitted the Plaintiff to foreclose after fifteen months. The case has been re-opened by the Plaintiff, and it is currently pending in the Manatee County Court.

A prior code enforcement case involving these Respondents, CEB 07-11, resulted in \$275.00 in administrative costs imposed by the Board on September 25, 2007. An Order Imposing Fine & Lien was issued by the Code Enforcement Board on October 30, 2007 imposing a \$50.00 per day fine commencing September 30, 2007. The property was not brought into compliance until April 30, 2008.

Due to the Respondents' claim that they were unaware their property was in violation of City codes, they appealed the fines and costs before the City Commission on June 2, 2008. Prior to the meeting I advised Ewing and Babcock that I would recommend the release of this lien, and I reiterated their responsibility to maintain the vacant lot. I also advised them that any future violation of this nature would result in their being charged as repeat violators and I would recommend the maximum fine. I testified before City Commission on June 2, 2008 and my recommendation for the release of the lien was approved. I also testified that future violations would constitute a repeat violation, and the violators could be fined up to \$500.00 per day.

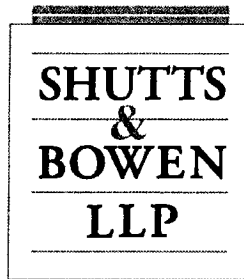
On August 24, 2009 the vacant property was observed to be overgrown. On August 28, 2009 a Notice of Violation was issued, mailed certified and regular, and posted on the property and at City Hall. A copy of the NOV was forwarded to EXXONMOBIL at their Houston, Texas address. In addition, a copy of the NOV was provided to the manager of Mobil On The Run who stated he would FAX it to his corporate contact.

On October 8, 2009 a Notice of Hearing/Assessment of Fine was mailed certified and regular. This Notice was posted on the property and at City Hall on October 9, 2009. The Notice was also forwarded to EXXONMOBIL at their Houston, Texas address.

The property has not been brought into compliance as of October 21, 2009.

**Recommendation:**

It is recommended the Respondents, Paul Ewing and Corey F. Babcock, be found in violation of City of Palmetto Code of Ordinances. It is recommended that administrative costs in the amount of \$355.00 be assessed, and that the maximum daily fine be imposed commencing August 24, 2009 and continuing until the property is brought into compliance.



KIRK PINKERTON, P.A.

APR 19 2010

Bradenton, FL

KAREN CORSI WILLIAMS  
(813) 227-8135 Direct Telephone  
(813) 227-8235 Direct Facsimile

E-MAIL ADDRESS:  
kwilliams@shutts.com

April 16, 2010

Mark P. Barnebey, Esquire  
Kirk ■ Pinkerton, P.A.  
1301 6th Avenue W, Suite 401  
Bradenton, Florida 34205

**Re: Code Enforcement Lien for Property at 2701 Business 41, Palmetto, Florida  
Client-Matter No. 25772/0002**

Dear Mr. Barnebey:

This will acknowledge receipt of your letter dated April 14, 2010. Thank you for the information you provided to me regarding ExxonMobil's request for waiver or reduction of the fine imposed against the property.

Please consider this letter my formal request to appear before the City Commission to discuss a reduction or waiver of the fine and lien. While I understand the position of the Mayor and the Commission with regard to the lien on this property, I would appreciate the opportunity to speak to the City Commission with respect to a waiver of the lien as it relates to or affects ExxonMobil.

As I stated in my letter to Mr. Freeman of March 16, 2010, we believe that the lien imposed should remain valid and in force against both Paul Ewing and Corey Babcock, rather than transferring this liability to ExxonMobil. Our goal would be to persuade the City Commission to obtain judgment against Ewing and Babcock for the total amount of the lien imposed, and to release ExxonMobil and the property itself. Barring that, we would like to discuss a significant reduction of the lien.

It is my understanding that, tentatively, I will be permitted to appear before the City Commission on May 3, 2010 at approximately 7:00 pm. Please confirm that date and time by way of return correspondence.

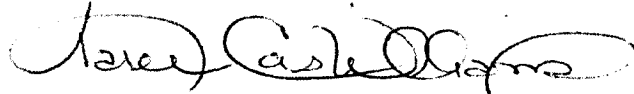
SCANNED

Mark P. Barnebey, Esquire  
April 16, 2010  
Page 2

Thank you for your time and attention to this matter. Please feel free to contact me directly at 813-227-8135 or via e-mail at [KWilliams@shutts.com](mailto:KWilliams@shutts.com) if you require any additional information from me.

Sincerely,

SHUTTS & BOWEN LLP



Karen Corsi Williams, CLA, FRP  
Litigation Paralegal

cc: Allan M. Rubin, Esquire  
Eric S. Adams, Esquire

Sent via e-mail  
Original sent via US Mail

SHUTTS  
&  
BOWEN  
LLP

RECEIVED  
MAR 24 2010  
CITY HALL

KAREN CORSI WILLIAMS  
(813) 227-8135 Direct Telephone  
(813) 227-8235 Direct Facsimile

E-MAIL ADDRESS:  
kwilliams@shutts.com

March 16, 2010

Mr. James Freeman  
City Clerk  
The City of Palmetto  
Post Office Box 1209  
Palmetto, Florida 34220-1209

**Re: City of Palmetto vs. Paul Ewing and Corey F. Babcock  
ExxonMobil Oil Corporation vs. Paul Ewing and Corey F. Babcock**

Dear Mr. Freeman:

This firm represents the interests of ExxonMobil Oil Corporation, who took ownership of the property located at 2701 Business 41, Palmetto, Florida, formerly owned by Ewing and Babcock, on January 13, 2010.

It is our understanding that the City of Palmetto has levied against the property in the amount of \$43,713.46, which includes Invoice #407054709 through October 31, 2009 in the amount of \$34,397.00 and Invoice #407054773 through November 18, 2009 in the amount of \$9,000.00, plus \$316.46 in accrued finance charges through November 30, 2009.

ExxonMobil took it upon itself to clean up the property in question in order to be in compliance with the City of Palmetto Codes. ExxonMobil undertook this effort well in advance of its taking ownership pursuant to foreclosing upon its judgment lien. ExxonMobil undertook this effort in the interest of bringing the property into compliance after Messrs. Ewing and Babcock ignored the City.

I am writing this letter on behalf of ExxonMobil Oil Corporation in order to formally request an appeal from the fines levied by the City of Palmetto against the property. I would appreciate it if you would kindly place this matter on the Agenda for an upcoming Board Meeting of the City Commission so that I may appear and present ExxonMobil Oil Corporation's case for an appeal.

SCANNED

100 South Ashley Drive, Suite 1500, Tampa, Florida 33602 • ph 813.229.8900 • fx 813.229.8901 • [www.shutts.com](http://www.shutts.com)

MIAMI FORT LAUDERDALE WEST PALM BEACH ORLANDO TAMPA TALLAHASSEE AMSTERDAM

Mr. James Freeman  
March 16, 2010  
Page 2

Thank you for your time and attention to this matter. Please feel free to contact me directly at 813-227-8135 or via e-mail at [KWilliams@shutts.com](mailto:KWilliams@shutts.com) if you need additional information regarding this matter. I look forward to hearing from you with a date to appear at an upcoming Board Meeting.

Sincerely,

SHUTTS & BOWEN LLP



Karen Corsi Williams, CLA, FRP  
Litigation Paralegal

/kcw

cc: Mark C. Hayes, Esquire  
Allan S. Rubin, Esquire  
Eric S. Adams, Esquire

TPADOCS 18644883 1



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

December 1, 2009

Ms. Karen Corsi Williams  
Shutts & Bowen LLP  
100 S Ashley Drive  
Suite 1500  
Tampa, FL 33602

Re: City of Palmetto vs. Paul Ewing and Corey F. Babcock  
ExxonMobil Oil Corporation vs. Paul Ewing & Corey Babcock

Ms. Williams:

Per your letter dated 11/23/09, I am providing the final cost associated with the Code Enforcement Case #09-25 Ewing. The Report of Compliance was issued on 11/18/09 and stops the daily fine of \$500 per day. The following is the breakdown of those costs associated with the case:

- |  |                    |
|--|--------------------|
| • Invoice #407054709 through October 31, 2009  | 34,397.00          |
| • Invoice #407054773 through November 18, 2009   | 9,000.00           |
| • Accrued Finance charges thru 11/30/09 ( $\$34,397 \times .0092 \times 1 \text{ month}$ ) | <u>316.46</u>      |
| • <b>Total Due</b>   | <b>\$43,713.46</b> |

Please let me know if you need any additional information. I can be reached at 723-4570 extension 111.

Sincerely,

Cheryl A. Miller, MBA  
Sr. Account Analyst

/cam

cc: Bill Strollo – Code Enforcement Director

Enclosures:

Invoice #407054709  
Invoice #407054773  
Report of Compliance



**Case Information**

<b>Case Number:</b> 41 2007 CA 004171	<b>File Date:</b> 6/27/2007
<b>Case Type:</b> Mortgage Foreclosure	<b>Case Status:</b> ReOpen
<b>Case Action Code:</b> MORTGAGE FORECLOSURE \$250,001 OR MORE	<b>Judge:</b> PAUL E LOGAN
<b>Judgment Date:</b> 12/8/2009	<b>Judgment Amount:</b> \$310,792.73
<b>Sale Date:</b> 1/12/2010 (ONLINE SALE)	<b>Title Date:</b> 1/25/2010

**Parties**

	Party Type	Name	Gender	Race	DOB
1	Plaintiff	EXXONMOBIL OIL CORPORATION <i>ATTORNEY: ADAMS, ERIC S</i>			
2	Defendant	EWING, PAUL <i>ATTORNEY: MELHUIISH, E BLAKE</i>			
3	Defendant	BABCOCK, CORY F <i>ATTORNEY: MELHUIISH, E BLAKE</i>			
4	Defendant	KENDAR MARSAC LLC <i>ATTORNEY: MELHUIISH, E BLAKE</i>			

**Dockets**

	Image	Date	Description
1		06/27/2007	CIVIL ATTACHMENT TO COMPLAINT - COPY OF WARRANTY DEED
2		06/27/2007	CIVIL ATTACHMENT TO COMPLAINT - COPY OF CORRESPONDENCE
3		06/27/2007	CIVIL ATTACHMENT TO COMPLAINT - COPY OF WARRANTY DEED
4		06/27/2007	CIVIL ATTACHMENT TO COMPLAINT - COPY OF CORRESPONDENCE
5		06/27/2007	COMPLAINT
6		06/27/2007	SUMMONS ISSUED EACH DEFENDANT - HANDED TO PROCESS SERVER
7		06/27/2007	CIVIL ATTACHMENT TO COMPLAINT - COPY OF DECLARATIONS OF COVENANTS AND EASEMENTS
8		06/27/2007	CIVIL COVER SHEET
9		06/27/2007	NOTICE OF LIS PENDENS-RECORDED
10		06/27/2007	CIVIL ATTACHMENT TO COMPLAINT - COPY OF REAL ESTATE CONTRACT
11		06/27/2007	CIVIL ATTACHMENT TO COMPLAINT - COPY OF CLAIM OF LIEN
12		06/27/2007	CIRCUIT COURT FILING FEE ASSESSED Receipt: 31278004 Date: 06/27/2007
13		07/06/2007	SUMMONS SERVED DANIEL V SACK JULY 5 2007
14		07/25/2007	MOTION FOR ENLARGEMENT OF TIME (PAUL EWING / CORY F BABCOCK/ KENDAR MARSAC LLC)
15		07/25/2007	NOTICE OF APPEARANCE (E BLAKE MELHUIISH PA OBO PAUL EWING / CORY F BABCOCK/ AND KENDAR-MARSAC LLC)
16		07/26/2007	SUMMONS SERVED PAUL EWING JULY 24 2007
17		07/27/2007	ACCEPTANCE OF SERVICE
18		08/13/2007	DEFENDANTS PAUL EWING AND COREY BABCOCK ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS COMPLAINT
19		08/13/2007	DEFENDANTS KENDAR MARSAC LLC ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS COMPLAINT
20		09/24/2007	NOTICE OF READINESS FOR TRIAL (COPY TO JUDGES OFFICE)
21		10/03/2007	ORDER SETTING CASE MANAGEMENT CONFERENCE - NOV 16, 2007 @10:30AM
22		11/08/2007	NOTICE OF TAKING DEPOSITION DUCES TECUM
23		11/08/2007	CIVIL ATTACHMENT TO NOTICE OF TAKING DEPOSITION DUCES TECUM
24		11/08/2007	NOTICE OF TAKING DEPOSITION DUCES TECUM
25		11/08/2007	CIVIL ATTACHMENT TO NOTICE OF TAKING DEPOSITION DUCES TECUM
26		11/14/2007	NOTICE OF MEDIATION CONFERENCE 1/7/2008 1:30PM

Image	Date	Description
27	12/14/2007	AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM
28	12/14/2007	STIPULATION FOR TRIAL DATE
29	12/14/2007	CIVIL ATTACHMENT TO AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM
30	12/14/2007	ORDER OF REFERRAL TO MEDIATION
31	12/14/2007	AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM
32	12/14/2007	ORDER SETTING CASE FOR NON-JURY TRIAL
33	12/14/2007	CIVIL ATTACHMENT TO AMENDED NOTICE OF TAKING DEPOSITION DUCES TECUM
34	01/14/2008	NOTICE OF CANCELLATION OF DEPOSITIONS
35	01/15/2008	NOTICE OF CANCELLATION OF DEPOSITIONS
36	01/24/2008	NOTICE OF FILING
37	01/24/2008	CIVIL ATTACHMENT TO NOTICE OF FILING / COPY OF SETTLEMENT AGREEMENT AND MUTUAL RELEASE
38	03/19/2008	MOTION TO ENFORCE SETTLEMENT AGREEMENT AND TO ENTER FINAL JUDGMENT
39	03/19/2008	CIVIL ATTACHMENT TO MOTION / EXHIBIT A-B
40	03/27/2008	JOINT STIPULATION FOR ENTRY OF FINAL JUDGMENT- NO ATTACHMENT
41	03/28/2008	FINAL JUDGMENT-RECORDED
42	07/02/2009	EXHIBIT A- FACT INFORMATION SHEET
43	07/02/2009	PLAINTIFF / JUDGMENT CREDITORS MOTION FOR DISCOVERY IN AID OF EXECUTION
44	07/02/2009	NOTICE OF FILING EXHIBIT A - COPY OF ORDER DISMISSING CHAPTER 13 CASE FOR FAILURE TO MAKE PAYMENT PLAN PAYMENTS
45	07/06/2009	ORDER GRANTING PLAINTIFFS MOTION FOR DISCOVERY IN AID OF EXECUTION
46	11/05/2009	EXECUTION ISSUED-MAILED BACK TO ATTORNEY
47	11/23/2009	NOTICE OF HEARING
48	11/23/2009	EX-PARTE MOTION FOR ENTRY OF AN ORDER DIRECTING THE CLERK TO SCHEDULE A JUDICIALLY-ORDERED SALE OF REAL PROPERTY BASED UPON PREVIOUSLY OBTAINED CIVIL JUDGMENT
49	12/03/2009	NOTICE OF FILING AND REQUEST TO TAKE JUDICIAL NOTICE OF COLE CONTRACTING CORPORATIONS NOTICE OF LIS PENDENS INVOLVING A PRIOR INTEREST IN THE REAL PROPERTY PURSUANT TO CLAIM OF LIEN RECORDED AUG 2 2006 AND NOTICE OF LIS PENDENS RECORDED DEC 6 2006
50	12/03/2009	NOTICE OF FILING AND REQUEST TO TAKE JUDICIAL NOTICE OF COLE CONTRACTING CORPORATIONS NOTICE OF LIS PENDENS INVOLVING A PRIOR INTEREST IN THE REAL PROPERTY PURSUANT TO CLAIM OF LIEN RECORDED AUGUST 2 2006 AND NOTICE OF LIS PENDENS RECORDED DECEMBER 7
51	12/04/2009	CIVIL ATTACHMENT TO NOTICE OF FILING AND REQUEST TO TAKE JUDICIAL NOTICE OF COLE CONTRACTING CORPORATIONS NOTICE OF LIS PENDENS INVOLVING A PRIOR INTEREST IN THE REAL PROPERTY PURSUANT TO CLAIM OF LIEN RECORDED AUGUST 2, 2006 AND NOTICE OF LIS PENDENS RECORDED DECEMBER 7, 2006
52	12/04/2009	UNIFORM MOTION CALENDAR HEARING: PLAINTIFF REPRESENTED BY ERIC ADAMS, ESQUIRE DEFENDANT REPRESENTED BY DON CLARK, ESQUIRE COURT REPORTER, KATHY OHMAN EX-PARTE MOTION FOR ENTRY OF AN ORDER DIRECTING THE CLERK TO SCHEDULE A JUDICIALLY-ORDERED SALE OF REAL PROPERTY BASED UPON PREVIOUSLY OBTAINED CIVIL JUDGMENT - GRANTED UPON FILING AN AFFIDAVIT AS EVIDENCE THE PROPERTY HAS NOT BEEN SOLD ADAMS TO PREPARE ORDER JUDGE JANETTE DUNNIGAN
53	12/04/2009	NOTICE OF FILING AND REQUEST TO TAKE JUDICIAL NOTICE OF COLE CONTRACTING CORPORATIONS NOTICE OF LIS PENDENS INVOLVING A PRIOR INTEREST IN THE REAL PROPERTY PURSUANT TO CLAIM OF LIEN RECORDED AUGUST 2, 2006 AND NOTICE OF LIS PENDENS RECORDED DECEMBER 7, 2006 FILED IN OPEN COURT
54	12/07/2009	NOTICE OF FILING AFFIDAVIT OF ERIC S ADAMS, ESQUIRE

Image	Date	Description
55	12/07/2009	EXHIBIT A
56	12/09/2009	ORDER GRANTING PLAINTIFFS MOTION FOR ENTRY OF AN ORDER DIRECTING CLERK TO SCHEDULE A JUDICALLY ORDERED SALE OF REAL PROPERTY BASED UPON PREVIOUSLY OBTAINED CIVIL JUDGMENT - RECORDED
57	12/18/2009	COPY NOTICE OF SALE ISSUED AND E-MAILED TO GULF COAST BUSINESS REVIEW
58	12/18/2009	NOTICE OF SALE ISSUED
59	01/04/2010	PROOF OF PUBLICATION - NOTICE OF SALE
60	01/12/2010	FORECLOSURE SALE/CLERK'S FEE - CIRCUIT COURT Receipt: 31404036 Date: 01/12/2010
61	01/12/2010	FEE PAID BY SUCCESSFUL BIDDER FOR ELECTRONIC SALE F.S.45.035(3) Receipt: 31404038 Date: 01/12/2010
62	01/12/2010	DOC STAMP HOLDING ACCOUNT Receipt: 31404038 Date: 01/12/2010
63	01/12/2010	FORECLOSURE SALE BID SHEET
64	01/13/2010	CERTIFICATE OF SALE
65	01/25/2010	CERTIFICATE OF TITLE - RECORDED
66	01/25/2010	CERTIFICATE OF DISBURSEMENTS
67	02/05/2010	PAYMENT OF DOC STAMPS TO RECORDING DIVISION PAYABLE TO CLERK OF COURT DOC STAMPS PAID AR # 319998 REC # 480079127

**Disposition**

Status	Status Date	Disposition Code	Disp Date	Judge
1 Closed	06/27/2007	DISPOSED BY JUDGE	03/28/2008	LOGAN , PAUL E
2 ReOpen	07/02/2009	UNDISPOSED		LOGAN , PAUL E
3 ReOpen	11/23/2009	UNDISPOSED		LOGAN , PAUL E

**Financial Summary**

Docket Application	Owed	Paid	Dismissed	Due
1 FILING FEE	\$255.00	\$255.00	\$0.00	\$0.00
2 HOLDING	\$71.40	\$71.40	\$0.00	\$0.00
3 SERVICE CHG	\$70.00	\$70.00	\$0.00	\$0.00
4 COURT COSTS	\$70.00	\$70.00	\$0.00	\$0.00
5 PAYMENT	\$71.40	\$71.40	\$0.00	\$0.00
<b>Total</b>	<b>\$537.80</b>	<b>\$537.80</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Receipts**

Date	Receipt	Received From	Payment Amount	Applied Amount	Change Returned
1 06/27/2007	31278004	SHUTTS & BOWEN LLP	\$255.00	\$255.00	\$0.00
2 01/12/2010	31404036	SHUTTS & BOWEN LLP ck# 00353803	\$70.00	\$70.00	\$0.00
3 01/12/2010	31404038	SHUTTS & BOWEN LLP	\$141.40	\$141.40	\$0.00

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA

EXXONMOBIL OIL CORPORATION,

CASE NO.: 2007-CA-004171

Plaintiff,

v.

PAUL EWING, individually;  
CORY F. BABCOCK, individually, and  
KENDAR-MARSAC, LLC,  
a Florida Limited Liability Company,

Defendants.

FILED FOR RECORD  
R.B. BROWN  
CLERK OF THE CIRCUIT COURT  
MANATEE COUNTY, FLORIDA  
2007 JUN 27 PM 12:13

**NOTICE OF LIS PENDENS**

**TO: KENDAR-MARSAC, LLC**

**PAUL EWING**

**CORY F. BABCOCK**

**AND ALL OTHERS WHOM IT MAY CONCERN:**

**YOU ARE NOTIFIED** of the institution of this action by Plaintiff, EXXONMOBIL OIL CORPORATION, against you seeking to foreclose a lien on the following property located in Manatee County, Florida, more particularly described as:

**COMMONLY KNOWN AS 2701 NORTH US 41, PALMETTO,  
FLORIDA, AND MORE PARTICULARLY DESCRIBED BELOW**

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING AND BEING IN SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE CENTER OF SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST (BASED ON THE OCCUPATION OF THE NORTHEAST 1/4 OF SAID SECTION 11); THENCE S89°24'51"E, ALONG THE SOUTH LINE OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 1811.99 FEET; THENCE LEAVING SAID SOUTH LINE N66°19'07" EAST, A DISTANCE OF 489.99 FEET; THENCE S89°26'31" EAST, A DISTANCE OF 66.99 FEET FOR A POINT OF BEGINNING, SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF 34<sup>TH</sup> STREET WEST (A 66' WIDE PUBLIC RIGHT OF WAY); THENCE N66°19'07" EAST, A DISTANCE OF 408.13 FEET; THENCE S89°26'51" EAST, A DISTANCE OF 698.49 FEET TO A POINT WHICH LIES ON THE WESTERLY RIGHT OF WAY LINE OF U.S. 41 (STATE ROAD 46) AS RECORDED IN O.R. BOOK 255, PAGE 5A, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID POINT LIES ON A CURVE OF WHICH THE RADIUS LIES N61°52'33" WEST, A RADIAL DISTANCE OF 1191.99 FEET; THENCE SOUTHWESTERLY ALONG THE ARC THROUGH A CENTRAL ANGLE OF 13°29'07" A DISTANCE OF 288.68 FEET; THENCE N66°04'13" WEST, LEAVING SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 118.83 FEET; THENCE S89°26'11" WEST, A DISTANCE OF 290.37 FEET; THENCE S89°24'13" WEST, A DISTANCE OF 238.99 FEET TO A POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF 36<sup>TH</sup> STREET WEST AS RECORDED IN THE AFOREMENTIONED O.R. BOOK 255, PAGE 5A, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S89°26'11" WEST, A DISTANCE OF 71.85 FEET; THENCE S89°24'44" EAST, A DISTANCE OF 85.19 FEET TO A POINT WHICH LIES ON THE NORTHERLY RIGHT OF WAY LINE OF 34<sup>TH</sup> STREET WEST; THENCE N66°20'51" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 38.13 FEET TO THE POINT OF BEGINNING,.

LESS THE MAINTAINED RIGHT OF WAY.

including the building and appurtenances located thereon, together with any improvements erected and fixtures attached to the property (if any).

Dated: June 21, 2007

SHUTTS & BOWEN, LLP  
Wachovia Center  
100 S. Ashley Drive, Suite 1500  
Tampa, FL 33602  
Telephone: (813) 227-8122  
Facsimile: (813) 227-8222

By:   
Eric S. Adams  
Florida Bar No. 0090476  
Attorneys for Plaintiff,  
ExxonMobil Oil Corporation

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA

EXXONMOBIL OIL CORPORATION,

Case No. 2007-CA-4171

Plaintiff,

vs.

PAUL EWING, individually and  
CORY F. BABCOCK, individually,

Defendants.

FILED FOR RECORD  
R.B. SHORE  
2010 JAN 25 PM 3:21  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on Jan 13, 2010 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The property described on Exhibit "A" attached hereto is located in Manatee County, Florida, and was sold to ExxonMobil Oil Corporation, a New York corporation, 3225 Gallows Road, Fairfax, Virginia 22037, Attention: Real Estate Manager, as successful bidder at the January 12, 2010 online Foreclosure Sale.

WITNESS my hand and the seal of the Court on

January 25, 2010

(Court Seal)



R.B. "Chips" Shore, Clerk  
Manatee County Circuit Court

By:

[Signature]  
Deputy Clerk

cc: Eric S. Adams, Esquire  
Shutts & Bowen, LLP, 100 S. Ashley Drive, Suite 1500, Tampa, FL 33620

Paul Ewing  
4109 Sandpointe Drive, Bradenton, FL 34205

Cory F. Babcock a/k/a Corey F. Babcock  
7131 Queens Palm Circle, Sarasota, FL 34243

Donald D. Clark, Esquire  
Donald D. Clark, P.A., 8433 Enterprise Circle, Suite 120, Bradenton, FL 34202-4200



**EXHIBIT A**

THAT PROPERTY IDENTIFIED AND DESCRIBED IN THE REAL ESTATE AND MORTGAGE LOAN AGREEMENT RECORDED IN BOOK 2060. PAGE 4993 THROUGH PAGE 4997 (5 PAGES). RECORDED ON SEPTEMBER 21, 2006 IN THE OFFICIAL RECORDS OF MANATEE COUNTY, FLORIDA. MORE COMMONLY KNOWN AS 2701 NORTH US 41. PALMETTO, FLORIDA.

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA

EXXONMOBIL OIL CORPORATION,

Case No. 2007-CA-4171

Plaintiff,

vs.

PAUL EWING, individually and  
CORY F. BABCOCK, individually,

Defendants.

FILED FOR RECORD  
R.B. SHORE  
2010 JAN 25 PM 3:21  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

CERTIFICATE OF DISBURSEMENTS

The undersigned Clerk of the Court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the Order or Final Judgment to the persons and in the amounts as follows:

No money was received,  
no money was disbursed.

Amount: \$ 0.00

Total disbursements: \$ 0.00

Surplus retained by Clerk, if any: \$ 0.00

IF YOU ARE A PERSON CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS. AFTER 60 DAYS, ONLY THE OWNER OF RECORD AS OF THE DATE OF THE LIS PENDENS MAY CLAIM THE SURPLUS.

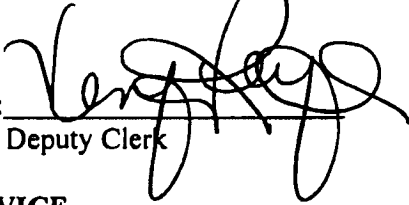
WITNESS my hand and the Seal of the Court on January 25, 2010.







R. B. Shore  
CLERK OF CIRCUIT COURT

By:   
Deputy Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Certificate of Disbursements has been furnished, via U.S. Mail, postage prepaid thereon, on this \_\_\_\_ day of January, 2010, upon the following:

Eric S. Adams, Esquire  
Shutts & Bowen, LLP, 100 S. Ashley Drive, Suite 1500, Tampa, FL 33620  
Attorney for Plaintiff, ExxonMobil Oil Corporation

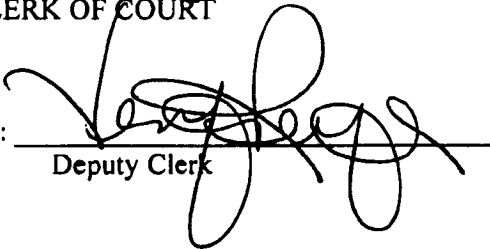
Paul Ewing  
4109 Sandpointe Drive, Bradenton, FL 34205  
Defendant

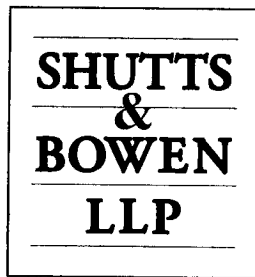
Cory F. Babcock a/k/a Corey F. Babcock  
7131 Queens Palm Circle, Sarasota, FL 34243  
Defendant

Donald D. Clark, Esquire  
Donald D. Clark, P.A., 8433 Enterprise Circle, Suite 120, Bradenton, FL 34202-4200  
Attorney for Cole Contracting Corporation



R. B. Shore  
CLERK OF COURT

By:   
Deputy Clerk



RECEIVED  
NOV 24 2009  
CITY HALL

KAREN CORSI WILLIAMS  
(813) 227-8135 Direct Telephone  
(813) 227-8235 Direct Facsimile

E-MAIL ADDRESS:  
kwilliams@shutts.com

November 23, 2009

Mr. William Strollo  
Code Enforcement Director  
City of Palmetto  
Post Office Box 1209  
Palmetto, Florida 34220-1209

**Re: City of Palmetto vs. Paul Ewing and Corey F. Babcock  
ExxonMobil Oil Corporation vs. Paul Ewing and Corey F. Babcock**

Dear Bill:

This will confirm our telephone conversation of last week and your e-mail of this morning, advising that you have inspected the property located at 2701 Business 41, Palmetto, Florida, and have confirmed that the clean-up has been completed and the property is now in compliance with City of Palmetto codes.

Further, this will confirm that the daily fine imposed by the City of Palmetto against Ewing and Babcock has stopped, effective November 18, 2009. I would appreciate it if you would prepare a short letter back to me, laying out the complete fine and costs to November 18, 2009 so that this firm's client, ExxonMobil, may include this figure in their calculations for our foreclosure of the property.

Thank you for your cooperation in this matter, Bill. Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

SHUTTS & BOWEN LLP

Karen Corsi Williams, CLA, FRP  
Litigation Paralegal

/kcw

cc: Eric S. Adams, Esquire  
Mark C. Hayes, Esquire



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

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

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

Paul Ewing  
Cory F. Babcock  
7131 Queens Palm Circle  
Sarasota, Florida 34243

**Case No. CEB – 09-25**

**Respondents.**

**REPORT OF COMPLIANCE**

This is notice that pursuant to the Administrative Order Imposing Fine of the Code Enforcement Board of the City of Palmetto dated October 27, 2009, the violation of the Palmetto City Code in this matter was corrected effective November 18, 2009.

\_\_\_\_\_  
Director, Code Enforcement

cc: (property owner)

**William Strollo**

---

**From:** William Strollo  
**Sent:** Friday, November 20, 2009 4:28 PM  
**To:** 'kwilliams@Shutts.com'  
**Cc:** Cheryl Miller; Deanna Roberts  
**Subject:** Ewing/Babcock Property @ 2701 Business 41

Karen,

Please be advised the above referenced property is in compliance with City of Palmetto codes. Compliance was achieved effective November 19, 2009; I will stop the daily fine effective November 18, 2009.

Thank you for your assistance in this case.

Bill.

# PALMETTO

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

### CITY OF PALMETTO

A political subdivision of the  
State of Florida

Petitioner,

vs.

Paul Ewing  
4109 Sandpointe Drive  
Bradenton, FL 34205

Corey F. Babcock  
7131 Queen Palm Circle  
Sarasota, FL 34243

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 2 DAY OF November  
A.D., 2009

Case No. CEB 09-25

  
CITY CLERK, CITY OF PALMETTO, FLORIDA

OR BOOK 02317 PAGES 6000 - 6002  
MANATEE COUNTY CLERK COURT  
3 PAGES(S)  
RECORDED; 11/3/2009 11:15:44



Re Property of:

Paul Ewing  
Corey F. Babcock  
2701 Business 41  
Palmetto, FL 34221

### Legal Description:

95.64 FT; TH S 00 DEG 54 MIN 46 SEC, A DIST OF 125.65 FT TO A CURVE OF WHICH THE RAD LIES N 44 DEG 48 MIN 56 SEC W, A RAD DIST OF 1183.49 FT; TH SWLY ALG SD CURVE THROUGH A C/A OF 02 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 THE S 1/2 OF THE NE 1/4 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 88.23 FT; TH N 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 71.11 FT TO THE POB; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 108.21 FT; TH N 00 DEG 10 MIN 07 SEC E, A DIST OF 66.92 FT; TH S 45 DEG 54 MIN 46 SEC E, A DIST OF 19.60 FT; TH N 89 DEG 05 MIN 14 SEC E, A DIST OF 82.94 FT; TH N 44 DEG 05 MIN 14 SEC E, A DIST OF 15.16 FT; TH S 00 DEG 24 MIN 13 SEC E, A DIST OF 63.77 FT TO THE POB; AND COM AT THE CENTER OF SEC 11; TH S 89 DEG 38 MIN 51 SEC E, ALG THE S LN OF THE S 1/2 OF THE NE 1/4 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 88.23 FT; TH N 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 71.11 FT; TH N 00 DEG 24 MIN 13 SEC W, A DIST OF 28.01 FT TO THE POB; TH N 00 DEG 24 MIN 13 SEC W, A DIST OF 24.00 FT; TH N 88 DEG 26 MIN 37 SEC E, A DIST OF 42.33 FT; TH N 89 DEG 05 MIN 14 SEC E, A DIST OF 146.76 FT TO A CURVE OF WHICH THE RAD LIES N 44 DEG 18 MIN 47 SEC W, A RAD DIST OF 1159.49 FT, TH NELY ALG SD CURVE THROUGH A C/A OF 01 DEG 31 MIN 37 SEC, A DIST OF 30.90 FT; TH N 00 DEG 54 MIN 46 SEC W, A DIST OF 164.57 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 40.13 FT; TH S 50 DEG 54 MIN 52 SEC E, A DIST OF 115.02 FT TO A PT WHICH LIES ON THE



WLY R/W/L OF US 41 (STATE RD 45); SD PT LIES ON A CURVE OF WHICH THE RAD LIES N 51 DEG 52 MIN 34 SEC W, A RAD DIST OF 1191.99 FT, TH SWLY ALG SD CURVE THROUGH A C/A OF 02 DEG 15 MIN 35 SEC, A DIST OF 47.01 FT; TH N 51 DEG 32 MIN 17 SEC W, A DIST OF DEG 28 MIN 33 SEC, A DIST OF 51.14 FT; TH S 89 DEG 05 MIN 14 SEC W, A DIST OF 155.75 FT; TH S 88 DEG 26 MIN 37 SEC W, A DIST OF 42.68 FT TO THE POB

Parcel ID #: PI#24222.0015/9

## **ADMINISTRATIVE ORDER IMPOSING FINE**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on October 27, 2009, 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 property, which is the subject of this Code Enforcement action, is located at 2701 Business 41, Palmetto, Florida.
2. The Respondents, Paul Ewing and Corey F. Babcock, are the owners of the subject property and have been given proper notice of the hearing.
3. There exists on the Respondent's property located at 2701 Business 41, untended growth of weeds and brush.

### **CONCLUSIONS OF LAW:**

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. This is a repeat violation as that term is used under Chapter 162, Florida Statutes, and under the Code of Ordinances of the City of Palmetto.
3. Respondents have 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. A fine of \$500.00 per day is hereby imposed, commencing August 24, 2009 and continuing until the property is brought into compliance. Administrative costs incurred by the City in the prosecution of this case in the amount of \$355.00 plus any applicable recording fees are hereby assessed. **Upon recording, such costs shall constitute a lien on the property. Costs assessed pursuant to this Order shall continue with interest accruing.**

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 27<sup>th</sup> day of October, 2009.

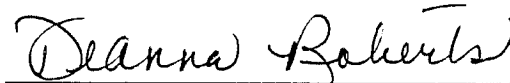
**CITY OF PALMETTO  
CODE ENFORCEMENT BOARD**



Charles W. Leonard, Chairman

Attest:   
By: Diane Ponder, Deputy Clerk-Administration

I hereby certify that a true copy of the foregoing Administrative Order Imposing Fine has been furnished to the Respondents by Certified Mail/ Return/Receipt Requested and by Regular Mail this 29<sup>th</sup> day of October, 2009.



Deanna Roberts, Clerk  
Code Enforcement Board





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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

Monday, November 23, 2009

Paul Ewing  
4109 Sandpointe Dr  
Bradenton, FL 34205


Re: Property Locations: 2701 Business 41  
PID # 2422200159  
Notice of Lien – Code Enforcement CEB 09-25

Dear Sir or Madam:

The City of Palmetto has filed a lien on the above referenced property with the Manatee County Clerk of Circuit Court. Please contact Bill Strollo to resolve the outstanding balance and release this lien. Enclosed you will find a copy for your records.

Please don't hesitate to contact the City at the above number if you have any questions.

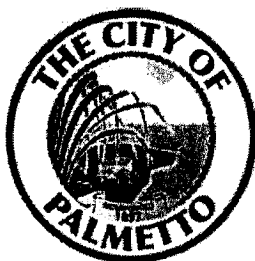
Sincerely;

  
Cheryl A. Miller  
Sr. Account Analyst

Enclosed: Notice of Lien  
Inv #407054709







## LIEN PROCESSING

Utility Acct #

CEB Case # 09-25

Nuisance Abatement

### PROPERTY INFORMATION:

Property Owner: Paul Ewing and Corey F. Babcock

Property Address: 2701 Business 41, Palmetto, FL

Mailing Address: Paul Ewing: 4109 Sandpointe Dr., Bradenton, FL 34205

Property ID#: 24222.0015/9

Legal Description: Attch-AO Imposing Fine

*Corey F. Babcock  
7131 Queen Palm Cr.  
Sarasota, FL 34243*

### LIEN INFORMATION:

Lien Amount (including recording & satisfaction amounts):

Code Violation(s): Attch-AO Imposing Fine

Supporting Documentation (attached): AO Imposing Fine

Lien Amount Recorded in ADG:

Prepared by: Deanna Roberts

*\$35,897.00*

*500.00 pd x 71 days = 35,500.00*

*admin costs 355.00*

*recording 27.00*

*admin fee 15.00*

*35,897.00*

*Nov 2, 2009*

## LIEN SATISFACTION

Utility Acct

CEB Case

Nuisance Abatement

### LIEN SATISFACTION INFORMATION:

Property Owner:

Property Address:

Property ID#:

Legal Description:

Lien Satisfaction Amount:

Lien Release Amount Updated in ADG:

Date Paid:

Prepared by:



# PALMETTO

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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

November 2, 2009

Manatee County Clerk of Circuit Court  
Recording Department  
P.O. Box 25400  
Bradenton, Florida 34206

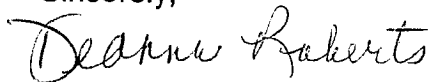
Re: Case No. CEB 09-25/Ewing/Babcock

Dear Sir:

Please record the enclosed Administrative Order Imposing Fine into the public records and bill the City of Palmetto for the associated expenses.

Please contact the undersigned should you have any questions.

Sincerely,



Deanna Roberts  
Clerk of the Board  
Code Enforcement Board

/dr

Enclosure: Administrative Order Imposing Fine



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

**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 09-25**

Paul Ewing  
4109 Sandpointe Drive  
Bradenton, FL 34205

Corey F. Babcock  
7131 Queen Palm Circle  
Sarasota, FL 34243

**Respondents** /

**Re Property of:**

Paul Ewing  
Corey F. Babcock  
2701 Business 41  
Palmetto, FL 34221

**Legal Description:**

95.64 FT; TH S 00 DEG 54 MIN 46 SEC, A DIST OF 125.65 FT TO A CURVE OF WHICH THE RAD LIES N 44 DEG 48 MIN 56 SEC W, A RAD DIST OF 1183.49 FT; TH SWLY ALG SD CURVE THROUGH A C/A OF 02 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 NE 1/4 OF SD SEC 11) TH S 89 DEG 38 MIN 51 SEC E, ALG S LN OF S 1/2 OF NE 1/4 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 THE S 1/2 OF THE NE 1/4 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 88.23 FT; TH N 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 71.11 FT TO THE POB; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 108.21 FT; TH N 00 DEG 10 MIN 07 SEC E, A DIST OF 66.92 FT; TH S 45 DEG 54 MIN 46 SEC E, A DIST OF 19.60 FT; TH N 89 DEG 05 MIN 14 SEC E, A DIST OF 82.94 FT; TH N 44 DEG 05 MIN 14 SEC E, A DIST OF 15.16 FT; TH S 00 DEG 24 MIN 13 SEC E, A DIST OF 63.77 FT TO THE POB; AND COM AT THE CENTER OF SEC 11; TH S 89 DEG 38 MIN 51 SEC E, ALG THE S LN OF THE S 1/2 OF THE NE 1/4 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 88.23 FT; TH N 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 71.11 FT; TH N 00 DEG 24 MIN 13 SEC W, A DIST OF 28.01 FT TO THE POB; TH N 00 DEG 24 MIN 13 SEC W, A DIST OF 24.00 FT; TH N 88 DEG 26 MIN 37 SEC E, A DIST OF 42.33 FT; TH N 89 DEG 05 MIN 14 SEC E, A DIST OF 146.76 FT TO A CURVE OF WHICH THE RAD LIES N 44 DEG 18 MIN 47 SEC W, A RAD DIST OF 1159.49 FT, TH NELY ALG SD CURVE THROUGH A C/A OF 01 DEG 31 MIN 37 SEC, A DIST OF 30.90 FT; TH N 00 DEG 54 MIN 46 SEC W, A DIST OF 164.57 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 40.13 FT; TH S 50 DEG 54 MIN 52 SEC E, A DIST OF 115.02 FT TO A PT WHICH LIES ON THE

WLY R/W/L OF US 41 (STATE RD 45); SD PT LIES ON A CURVE OF WHICH THE RAD LIES N 51 DEG 52 MIN 34 SEC W, A RAD DIST OF 1191.99 FT, TH SWLY ALG SD CURVE THROUGH A C/A OF 02 DEG 15 MIN 35 SEC, A DIST OF 47.01 FT; TH N 51 DEG 32 MIN 17 SEC W, A DIST OF 28 MIN 33 SEC, A DIST OF 51.14 FT; TH S 89 DEG 05 MIN 14 SEC W, A DIST OF 155.75 FT; TH S 88 DEG 26 MIN 37 SEC W, A DIST OF 42.68 FT TO THE POB

Parcel ID #: PI#24222.0015/9

## **ADMINISTRATIVE ORDER IMPOSING FINE**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on October 27, 2009, 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 property, which is the subject of this Code Enforcement action, is located at 2701 Business 41, Palmetto, Florida.
2. The Respondents, Paul Ewing and Corey F. Babcock, are the owners of the subject property and have been given proper notice of the hearing.
3. There exists on the Respondent's property located at 2701 Business 41, untended growth of weeds and brush.

### **CONCLUSIONS OF LAW:**

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. This is a repeat violation as that term is used under Chapter 162, Florida Statutes, and under the Code of Ordinances of the City of Palmetto.
3. Respondents have 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. A fine of \$500.00 per day is hereby imposed, commencing August 24, 2009 and continuing until the property is brought into compliance. Administrative costs incurred by the City in the prosecution of this case in the amount of \$355.00 plus any applicable recording fees are hereby assessed. **Upon recording, such costs shall constitute a lien on the property. Costs assessed pursuant to this Order shall continue with interest accruing.**

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 27<sup>th</sup> day of October, 2009.

**CITY OF PALMETTO  
CODE ENFORCEMENT BOARD**

  
Charles W. Leonard, Chairman

Attest:   
By: Diane Ponder, Deputy Clerk-Administration

I hereby certify that a true copy of the foregoing Administrative Order Imposing Fine has been furnished to the Respondents by Certified Mail/ Return/Receipt Requested and by Regular Mail this 29<sup>th</sup> day of October, 2009.

  
Deanna Roberts, Clerk  
Code Enforcement Board

**MINUTES  
CODE ENFORCEMENT BOARD  
October 27, 2009**

**Board Members Present:**

Charlie Leonard, Chair  
Robert Rotondo, Vice Chair  
Scott Dougherty  
Phil Hoffmann  
Bob Rickey

**Board Members Absent:**

Tom DeVito

**Staff and Others Present:**

Bill Strollo, Code Enforcement Director  
David Persson, Code Enforcement Board Attorney  
Deanna Roberts, Administrative Assistant

Mr. Leonard called the meeting to order at 6:00 pm.

All persons testifying or wishing to address the Code Enforcement Board were sworn in.

**1. APPROVAL OF AGENDA**

**MOTION: Mr. Rickey moved, Mr. Hoffmann seconded and motion carried unanimously to approve the October 27, 2009 agenda.**

**2. APPROVAL OF CONSENT AGENDA**

A. Expenses: Code Enforcement Board legal expenses through September 2009.  
B. Minutes: September 29, 2009

**MOTION: Mr. Rickey moved, Mr. Hoffmann seconded and motion carried unanimously to approve the October 27, 2009 Consent Agenda.**

A representative for EXXONMOBIL was present for the hearing so Case 09-25 was moved up.

**D. Case No. 09-25**

Paul Ewing  
4109 Sandpointe Dr.  
Bradenton, FL 34205

Corey F. Babcock  
7131 Queen Palms Circle  
Sarasota, FL 34243

Violation Location: 2701 Business 41, Palmetto, FL 34221  
Codes 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).

Mr. Strollo said this case involves vacant, overgrown property. The property is in foreclosure. The plaintiff, EXXONMOBIL, will foreclose on the property in December. A prior case resulted in \$275.00 administrative costs imposed and a \$50.00 per day fine from September 30, 2007 to April 30, 2008. The Respondents appealed to City Commission and the lien was released. Mr. Strollo advised the Respondents that a future violation would result in their being charged as repeat violators, and he would recommend the maximum fine.

On August 28, 2009 a Notice of Violation was issued, and on October 8, 2009, a Notice of Hearing/Assessment of Fine was mailed - notice of tonight's hearing. EXXONMOBIL has been apprised of all actions. Karen Williams, representing EXXONMOBIL, testified that they should have control of the property sometime in December 2009, and there won't be any more violations after that.

Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation.

**MOTION: Mr. Rotondo moved, Mr. Rickey seconded, and motion carried unanimously to:**

- 1) Find as a matter of fact that the above noted property contains untended growth of weeds and brush.
- 2) Conclude as a matter of law that the Respondents have violated Sections of the Code of Ordinances of the City of Palmetto, Florida, as read into the record at the October 27, 2009 meeting of the Code Enforcement Board.
- 3) Assess administrative costs incurred by the city in the prosecution of the case in the amount of \$355.00, plus any applicable recording fees.
- 4) Impose a daily fine of \$500.00 commencing August 24, 2009, and continuing until the property is brought into compliance.
- 5) Authorize the Chairman of the Code Enforcement Board to sign the completed Order Imposing Fine handed down by the Board at the October 27, 2009 meeting.

C. Case No. 09-24  
Michael Peffley  
Katherine Peffley  
P.O. Box 14276  
Bradenton, FL 34280

Violation Location: 1306 13<sup>th</sup> Ave. W., Palmetto  
Codes Violated: Palmetto Code of Ordinances, Appendix B Zoning Code, Article I, Section 1.2 Legislative Authority; Section 1.3 Intent and Purpose; Section 1.5 Area of Coverage; Section 1.6 Code Affects ...Structures, Uses and Occupancies; Section 1.7(b) & (h) Code Affects ...Population Density...; Article II, Section 2.1 Establishment of Zoning Districts; Article III, Section 3.2 Definitions of Terms; Article IV Schedule of District Regulations, Section 4.1(a)(4) RS-3; Section 4.2 Schedule of Permitted and Conditional Uses by District.

**Open Public Hearing**

**Close Public Hearing for deliberation after public comment**

Mr. Strollo testified that this is a rental property and it is in foreclosure. The tenant has been operating a rooming house. Previously, the house had been used as a halfway house operated by Transitional Resources. The area is zoned for single family residences.

Mike Peffley, owner of the home at 1306 13<sup>th</sup> Avenue West, appeared before the Board. He stated that it once was a halfway house. He bought it for Transitional Resources. It is no longer a halfway house. He stated he knew he was in violation of codes when he opened it as a halfway house. He will do whatever it takes to bring the property into compliance.

Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation

**MOTION: Mr. Dougherty moved, Mr. Rotondo seconded and motion carried unanimously to:**

<b>Ewing/Babcock</b>	<b>2701 Business 41</b>	<b>CEB 09-25</b>
<b>DATE</b>	<b>ACTIVITY</b>	<b>TIME - MINUTES</b>
08/24/09	Site visit	15
08/25/09	Site visit/pictures	20
08/27/09	Site visit	15
08/28/09	Record search/NOV	120
08/28/09	Site visit/NOV posted/pictures	20
09/04/09	Site visit	15
09/11/09	Site visit	15
09/15/09	Site visit	15
09/18/09	Site visit	15
09/28/09	Site visit	15
09/30/09	Record search/refer for CEB Hearing	30
09/30/09	Site visit	15
10/01/09	Site visit/NOV delivered to EXXON	15
10/09/09	Site visit/NOH posted/pictures	20
10/19/09	Site visit	15
10/21/09	Record Search/Point Paper	120
<b>Total Time</b>	<b>Code Enforcement Officers</b>	<b>8 Hours</b>

**Administrative Costs:**

**Code Enforcement Officers**

8 hours @ \$40.00/hour = \$320.00

**Administration Costs**

1 hour @ \$35.00/hour = 35.00

**Total Costs**

**\$355.00**





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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

**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 – 09-25**

**Paul Ewing**  
**Cory F. Babcock**  
7131 Queens Palm Circle  
Sarasota, Florida 34243  
**Respondent**

**NOTICE OF HEARING/ASSESSMENT OF FINE**

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

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Section 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 October 27, 2009, at 6:00 p.m. in the Commission Chambers at Palmetto City Hall located at 516 8<sup>th</sup> Avenue West, Palmetto, Florida. 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, in order to determine whether to assess a fine against you for the continuing violation of the City's codes. This hearing relates to the Administrative Order of the CEB finding you in violation of the City's codes and entered against you at the CEB Public Hearing conducted on September 25, 2007 and an Order Imposing Fine and Lien entered against you on October 31, 2007.

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; and,
- c. Any previous violations committed by the violator.

You have the right to appear at this hearing and offer evidence and testimony in your favor. Please be advised that if a fine is assessed against you, the Order Imposing Fine may be recorded in the Public Records and thereafter become a lien against any real or personal property owned by you. Assessed fines may not exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and Five Hundred Dollars (\$500.00) per day for a repeat violation.

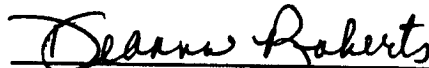
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is 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.**

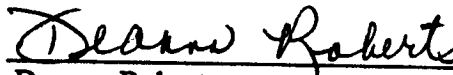
**DATED:** October 8, 2009

**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/Assessment of Fine has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to Paul Ewing and Corey F. Babcock this 8<sup>th</sup> day of October, 2009.



Deanna Roberts  
Clerk of the Board

cc: Mark Barnebey, *Esq.*, City Attorney  
David P. Persson, *Esq.*, Code Enforcement Board Attorney



516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
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**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 – 09-25**

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

**NOTICE OF HEARING/ASSESSMENT OF FINE**

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2701 Business 41  
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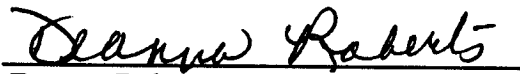
**PLEASE GOVERN YOURSELF ACCORDINGLY.**

**DATED:** October 8, 2009

**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/Assessment of Fine has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to Paul Ewing and Corey F. Babcock this 8<sup>th</sup> day of October, 2009.

  
Deanna Roberts  
Clerk of the Board

cc: Mark Barnebey, *Esq.*, City Attorney  
David P. Persson, *Esq.*, Code Enforcement Board Attorney

# PALMETTO

516 8th Avenue West  
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## CODE ENFORCEMENT

### NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
CERTIFIED MAIL NO.7009 0080 0002 3404 3336, 7009 0080 0002 3404 3343 AND  
REGULAR MAIL

Paul Ewing  
4109 Sandpointe Drive  
Bradenton, Florida 34205

Corey F. Babcock  
7131 Queens Palm Circle  
Sarasota, Florida 34243

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

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

**Legal Description:** 95.64 FT; TH S 00 DEG 54 MIN 46 SEC, A DIST OF 125.65 FT TO A CURVE OF WHICH THE RAD LIES N 44 DEG 48 MIN 56 SEC W, A RAD DIST OF 1183.49 FT; TH SWLY ALG SD CURVE THROUGH A C/A OF 02 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 THE S 1/2 OF THE NE 1/4 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 88.23 FT; TH N 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 71.11 FT TO THE POB; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 108.21 FT; TH N 00 DEG 10 MIN 07 SEC E, A DIST OF 66.92 FT; TH S 45 DEG 54 MIN 46 SEC E, A DIST OF 19.60 FT; TH N 89 DEG 05 MIN 14 SEC E, A DIST OF 82.94 FT; TH N 44 DEG 05 MIN 14 SEC E, A DIST OF 15.16 FT; TH S 00 DEG 24 MIN 13 SEC E, A DIST OF 63.77 FT TO THE POB; AND COM AT THE CENTER OF SEC 11; TH S 89 DEG 38 MIN 51 SEC E, ALG THE S LN OF THE S 1/2 OF THE NE 1/4 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 88.23 FT; TH N 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 71.11 FT; TH N 00 DEG 24 MIN 13 SEC W, A DIST OF 24.00 FT; TH N 88 DEG 26 MIN 37 SEC E, A DIST OF 42.33 FT; TH N 89 DEG 05 MIN 14 SEC E, A DIST OF 146.76 FT TO A CURVE OF WHICH THE RAD LIES N 44 DEG 48 MIN 56 SEC W, A RAD DIST OF 1183.49 FT, TH NELY ALG SD CURVE THROUGH A C/A OF 01 DEG 31 MIN 37 SEC, A DIST OF 30.90 FT; TH N 00 DEG 54 MIN 46 SEC W, A DIST OF 164.57 FT; TH N 89 DEG 05 MIN 11 SEC E, A DIST OF 40.13 FT; TH S 50 DEG 54 MIN 52 SEC E, A DIST OF 115.02 FT TO A PT WHICH LIES ON THE WLY R/WL OF US 41 (STATE RD 45); SD PT LIES ON A CURVE OF WHICH THE RAD LIES N 51 DEG 52 MIN 33 SEC W, A RAD DIST OF 1191.99 FT, TH SWLY ALG SD CURVE THROUGH A C/A OF 02 DEG 15 MIN 35 SEC, A DIST OF 47.01 FT; TH N 51 DEG 32 MIN 17 SEC W, A DIST OF DEG 28 MIN 33 SEC, A DIST OF 51.14 FT; TH S 89 DEG 05 MIN 14 SEC W, A DIST OF 155.75 FT; TH S 88 DEG 26 MIN 37 SEC W, A DIST OF 42.68 FT TO THE POB, PI#24222.0015/9

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.

**THIS IS NOTICE that as a repeat violation your case 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 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 28<sup>th</sup> day of August 2009

**CITY OF PALMETTO, FLORIDA**



---

Bill Stollo  
Code Enforcement Director

CC: EXXONMOBIL OIL CORPORATION, 800 Bell Street, Corp EMB Room 2441Q, Houston, Texas

**EXXONMOBIL OIL CORPORATION**  
**800 Bell Street**  
**Corp EMB Room 2441Q**  
**Houston, Texas 77002**