

TAB 11



City of Palmetto Agenda Item

Meeting Date

10/18/10

Presenter: Jim Freeman/Bill Strollo

Department: Code Enforcement

Title:

UPDATE: Mark Barnebey and Jeff Burton to provide update at the meeting on 11/1/10.

Palmetto Funding, LLC request for Code Enforcement Lien reduction for property @ 98 US 41 North, Palmetto, Florida.

The property that was the subject of this code enforcement action, CEB08-04, is located at 98 US 41 North, Palmetto, Florida, Parcel ID # 25816.0036/9.

The Respondent at that time was the owner of record, Bella Tramonto I, LLC as identified through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites; all notices were forwarded to the address identified in the Manatee County sites and to the corporate address listed at that time through the State of Florida, Division of Corporations.

The property is an undeveloped parcel in the Riviera Dunes development. The property did not have a current site plan approved by the City of Palmetto and building permits had not been issued for this property; however, the Respondent opened a sales office on the parcel without a building permit in violation of City Ordinance 08-959 that amended Chapter 21, Mobile Homes, Section 21-8. Temporary uses. This Ordinance was approved and adopted by the City Commission of the City of Palmetto on February 18, 2008.

This property also abuts the improved property offered for sale as the Laguna condominiums, and the Respondent's property violated Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26 and 16-26(3) due to overgrowth. As noted previously, the Respondent moved a sales trailer to this property without the requisite building permits, and this violation is addressable by Notice of Nuisance under Chapter 21. Under Chapter 16, the presence of this manufactured home violates Section 16-26(12), any activity or condition that is declared elsewhere in this Code of Ordinances or other applicable law to be a nuisance.

A letter from then Public Works Director Chris Lukowiak was forwarded to Bella Tramonto I, LLC, on June 5, 2007; it detailed violations of City code and directed the owners to contact Public Works within 24 hours to address the violations. A copy of this letter was forwarded to the mortgage holder, Palmetto Funding, LLC. Overgrowth and lot maintenance issues were raised by C&S Condominium Management Services for the Homes of Riviera Dunes and the Riviera Dunes Master Association on March 17, 2008.

On March 20, 2008 a Notice of Violation was issued by Code Enforcement for the overgrowth and the placement of the manufactured home on the lot without a permit. An initial Code Enforcement Board Hearing on these matters, case number CEB 08-04, was held on April 29, 2008. The Respondent was found in violation of City ordinances and directed to bring the property into compliance by May 9, 2008; administrative costs totaling \$275.00 were assessed, and a second public hearing on the case was scheduled for May 27, 2008. On April 29, 2008 Palmetto Funding, LLC initiated foreclosure proceedings against Bella Tramonto I, LLC in the Manatee County Court, case number 2008-CA-003880; the Lis Pendens was recorded on that date.

Bella Tramonto I, LLC failed to meet the date certain established by the City of Palmetto Code Enforcement Board, and at the second hearing on CEB 08-04 on May 27, 2008, the Respondent was fined \$250.00 per day commencing May 9, 2008 and continuing until the property was brought into compliance. The City Code Enforcement Lien reflecting the fines and administrative costs was recorded with the Manatee County Clerk of the Court on July 8, 2008. This lien was filed against any real or personal property owned by the Respondent, Bella Tramonto I, LLC. A lien was also filed in Flagler County on July 30, 2008.

Due to the continuing violations, a Notice of Sanitary Nuisance was issued against Bella Tramonto I, LLC on June 25, 2008, to facilitate City abatement of the violations. On July 11, 2008 Attorney Harry W. Haskins representing Bella Tremonto I, LLC requested thirty days to remediate the violations. The property was brought into compliance effective October 17, 2008.

A certificate of sale for this property was issued on August 29, 2008 by the Manatee County Court on the foreclosure case initiated by Palmetto Funding, LLC. Title of the property was recorded in favor of Palmetto Funding, LLC on September 9, 2008. Overgrowth and debris issues have been addressed with Palmetto Funding, LLC on the following occasions - Letter dated October 16, 2009; Notice of Violation issued November 19, 2009 (brought into compliance December 11, 2009); overgrowth letter dated May 13, 2010 (refer to Comcate case details CE10-198); overgrowth letter dated September 3, 2010 & Notice of Violation dated September 15, 2010 (refer to Comcate case details CE10-552). All of these issues were resolved by the current owners, Palmetto Funding, LLC.

The current code enforcement lien totals \$48,600.43. Palmetto Funding, LLC has offered \$5,000.00 to settle this case.

Budgeted Amount: **Budget Page No(s):** **Available Amount:** **Expenditure Amount:**

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested:

Staff Contact:

Attachments: