

**TAB 2**



# City of Palmetto Agenda Item

**Meeting Date**

**3/15/10**

**Presenter:** Bill Strollo/Roger Titus

**Department:** Code Enforcement/Building Department

**Title:**

**Order of Condemnation & Demolition Notice - Rayfus Brumfield, 502 11th Street West**

The house at 502 11th Street West was condemned by the Building Official on September 1, 2009. At the time the house was owner occupied by Mr. Rayfus Brumfield, and had homestead, disability exemption status. Ms. Dorothy Gillyard, a friend and neighbor of Mr. Brumfield, temporarily relocated him in December 2009.

Following receipt of the title search through the office of the City Attorney, a Notice of Violation was issued to Mr. Brumfield on February 22, 2010. This Notice was forwarded certified and regular mail; it was also posted on the property and at City Hall. The Notice directed Mr. Brumfield to obtain a building permit to repair, secure, demolish or remove the unfit structure on or before March 4, 2010.

On March 4, 2010 an Order of Condemnation and Demolition Notice was issued, again identifying the building as unfit for human habitation, structurally unsafe and a menace to public health. This Order notified Mr. Brumfield that the structure meets the criteria for demolition, the structure should be demolished, and demolition is ordered at the expiration of fifteen days. Commencing on March 19, 2010 the City shall vacate, demolish, remove, repair or secure such unfit structure; City Commission may assess the entire cost of remediation to the property owner. The Order was forwarded to Mr. Brumfield, certified and regular mail; it was also posted at City Hall and on the condemned building.

It should be noted that Ms. Gillyard has contacted the CRA on behalf of Mr. Brumfield in an effort to secure funding to rebuild Mr. Brumfield's home on this site, following demolition of the existing structure.

The property owner, Mr. Rayfus Brumfield, has not pursued the remedies ordered by the City. It is recommended City Commission authorize City staff to schedule demolition of this structure through a private vendor and to lien the property owner for all costs incurred.

Of the 3 quotes received, staff has selected G & S Contractors to complete the demolition.

<b>Budgeted Amount:</b>	\$200,000.00	<b>Budget Page No(s):</b>	183	<b>Available Amount:</b>	\$200,000.00	<b>Expenditure Amount:</b>	\$4,125.00
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**Additional Budgetary Information:** The CRA will fund the demolition of this structure from GL account #190-559-3116.

<b>Funding Source(s):</b>	FY10 Budget	<b>Sufficient Funds Available:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Source:</b>	
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> N/A	<b>Consistent With:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
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**Potential Motion/Direction Requested:** Request City Commission authorize City staff to schedule demolition of this structure through a private vendor and to lien the property owner for all costs incurred.

<b>Staff Contact:</b>	Bill Strollo/Roger Titus	Code Enforcement Director/Bldg Officer	3/8/2010
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**Attachments:** Owner & Encumbrance Search Report, Notice of Violation, Order of Condemnation, pictures of the condemned building. 3 quotes for demolition

G & S Construction Services, Inc

5909 28th Avenue Drive East  
Bradenton, FL 34208  
Office 941-746-6027  
Fax 941-747-5412

# Estimate

Date	Estimate #
2/23/2010	43

Name / Address
City of Palmetto 715 4th st West Palmetto Fla 34221

Project
502 11th St West

Description	Qty	Rate	Total
To totally demolish house, Equipment, trucking, dump fees, All permits, add fill dirt and grade to normal elevation.  <i>502</i> Jobsite location: <del>502</del> 11th St West Palmetto, Fla  Attn: Beverly Minnix		4,125.00	4,125.00
<b>Total</b>			\$4,125.00

Abbotts' Back-Hoe Service, Inc.  
 3508 E. Laurel Road  
 Nokomis, FL 34275  
 (941)486-8137 Fax (941)486-1678

	Proposal #
2/23/2010	4744

**Proposal submitted to:**

CITY OF PALMETTO 516 8TH AVE. PALMETTO, FL 34221 ATT DUANE / BEVERLY				Job Name	DEMO		
				Address	502 11TH ST WEST		
				City	PALMETTO	Job No.	PALMETTO
Phone	723-4988	Mobile	DUANE 737-0285	Fax #	721-6736	E-Mail	BMINNIX@PALMETTOSL.ORG

Job Description	Total
DEMOLISH HOUSE AND HAUL TO LANDFILL	3,570.00
DISCONNECT WATER AND SEWER	320.00
INSTALL SILT FENCE IF REQUIRED BY PERMIT	350.00
PERMITTING	420.00
<b>Total</b>	
	\$4,660.00

UTILITIES ARE TO BE REMOVED BY OTHERS.  
 ALL HAZARDOUS MATERIALS AND PERSONAL ITEMS MUST BE REMOVED PRIOR TO ABBOTTS' START.  
 CONCRETE THICKER THAN NORMAL CONSTRUCTION PRACTICES WILL BE AN ADDITIONAL CHARGE.  
 ABBOTTS' NOT RESPONSIBLE FOR ACCESS OR UNDERGROUND DAMAGE. IF LITIGATION BECOMES NECESSARY TO COLLECT FOR DAMAGE CONTRACTOR OR OWNER AGREES TO PAY ALL COLLECTION CHARGES, INCLUDING REASONABLE ATTORNEY'S FEES AND COURT COSTS.  
 All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Alteration or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the proposal. Interest will accrue at 18% per annum on all accounts not paid within 10 days of project completion. All agreements are contingent upon strikes, accidents or delays beyond our control. This proposal subject to acceptance within 30 days and is void thereafter at the option of the undersigned.

No permits will be included unless otherwise specified

Authorized Signature \_\_\_\_\_

ACCEPTANCE OF PROPOSAL

THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE HEREBY ACCEPTED. I AUTHORIZE ABBOTTS' TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

Authorized Signature \_\_\_\_\_



3404 17<sup>th</sup> St. E.  
Palmetto, FL 34221  
Phone: (941) 729-8150  
Fax: (941) 729-7345  
CGC058110

## PROPOSAL

FEBRUARY 25, 2009

TO: CITY OF PALMETTO  
ATTN: BEVERLY MINNIX  
PHONE: (941) 723-4988  
FAX: (941) 723-4704  
RE: 502 11<sup>TH</sup> ST. W. - PALMETTO

### SCOPE OF WORK: COMPLETE DEMOLITION

- Our proposal is based per site visit, no plans or specs available. Our scope of work is listed below and is limited to these items.
- No tree removal is included.
- Protection of surfaces is not included.
- Forristall Enterprises, Inc. will act with due diligence to protect the existing landscaping, but cannot guarantee that this will not be damaged during demolition. In the event that the landscaping is damaged in the process of demolition, Forristall Enterprises, Inc. will be held harmless.

### DEMOLITION NOTES:

- Demolish and remove from site (1) single-story, residential structure at 502 11<sup>th</sup> St. W., including foundation piers, interior and exterior walls, roof and ceiling.
- Demolition permit is included.
- Water and sewer disconnects are included.
- Septic tank, pump, crush and remove is not included, but can be added upon request.

**BASE BID: \$5,600.00**

### STANDARD SPECIFICATIONS/EXCLUSIONS:

- The removal of buried or unforeseen objects is not included.
- Silt fence is not included but can be added upon request. Cost for this work is \$1.25 per lineal foot.
- No asbestos removal or abatement has been included.
- An asbestos survey must be completed for all commercial demolition projects, and a copy must be provided to Forristall, prior to demolition.
- A "notice of demolition" must be filed with the EPA, 10 working days prior to commencement of any work for all commercial projects.
- No removal of rubber tires, fuel tanks or any material considered hazardous or restricted.
- Underground utility, including drainage and irrigation are not included.
- No underground tank removal of any type unless specifically stated above.
- No shoring will be provided or installed by this subcontractor.
- All salvageable items should be removed prior to commencement of demolition, any remaining items to become property of Forristall Enterprises, Inc.
- Bid is based on normal working hours, 8:00 a.m. to 4:00 p.m., Monday – Friday. No nights, holidays or weekends are included.
- One mobilization is included. Add \$300 for each additional.
- Items not listed above are not included.
- All invoices are due within 10 days after invoice date, and considered late thirty days after invoice date. We will begin billing at an additional 1.5% per month thereafter. In the event that we cannot collect within a reasonable amount of time we are entitled to any and all court costs and attorneys fees required to collect this unpaid amount.
- No retainage can be held for more than thirty days after completion of our scope of work.
- This estimate is valid for thirty days from the date above.

If you have any questions, or require additional information, please call Michael Forristall at (941) 729-8150.

Very truly yours,

**FORRISTALL ENTERPRISES, INC.**

**OLD REPUBLIC**  
National Title Insurance Company

6000 Cattlebridge Drive, #104  
Sarasota, FL 34232  
Phone: 941-365-3122  
Fax:

**OWNER & ENCUMBRANCE  
SEARCH REPORT**

Agent File No.: Brumfield O&E  
File No: 10004473

KIRK PINKERTON  
50 CENTRAL AVENUE STE 700  
SARASOTA, FL 34236  
Phone: 941-364-2490

ATTN: Kathy Zampella

THIS TITLE SEARCH IS AN OWNERSHIP AND ENCUMBRANCE SEARCH ONLY AND DOES NOT REFLECT TITLE DEFECTS OR OTHER MATTERS THAT WOULD BE SHOWN BY TITLE INSURANCE.

**Legal Description:**

Lot 9, Block J, T.A. HOWZE SUBDIVISION, in Section 14, Township 34 South, Range 17 East, as per Plat thereof recorded in Plat Book 1, Page 202-A, of the Public Records of Manatee County, Florida.

**Last Record Title Holder:**

Rayfus Brumfield, by virtue of Personal Representative's Deed recorded in Official Records Book 1084, Page 353, of the Public Records of Manatee County, Florida.

**Documents of Record (copies attached):**

1. None

**Period Searched:**

From September 19, 1984 to January 28, 2010 @ 8:00 A.M..

**Tax Information:**

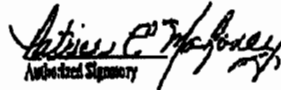
Tax ID Number: 26575.0000/1

2009 Taxes are Paid  
Back Taxes: None

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY has not searched for, nor do we assume any liability as to any, restrictions, easements, reservations, conditions, or limitations of record, further this report does not cover any improvement or special assessments by any county or municipal governmental agency.

**NOTE: The limit of liability under this certificate for the information furnished herein or for any reason whatsoever, whether based on contract or negligence, shall not exceed \$1,000 and shall be confined to the applicant to whom the certificate is addressed.**

**Date: February 1, 2010**

  
Authorized Signatory

**CITY OF PALMETTO  
NOTICE OF VIOLATION**

DATE: February 22, 2010

TO: MR. RAYFUS BRUMFIELD  
502 11<sup>TH</sup> STREET WEST  
PALMETTO, FLORIDA 34221

LOCATION OF DEMOLITION: 502 11<sup>TH</sup> STREET WEST, PALMETTO, FL 34221

**NOTICE OF VIOLATION:**

Pursuant to City of Palmetto Code 1975, § 7-35, and Chapter 162, Florida Statutes, you are notified that a violation of the following Code exists:

Count I. City of Palmetto Code 1975, § 7-35; Sec. 7-153. Unfit or unsafe dwellings or structures declared nuisance.

**DESCRIPTION OF CONDITIONS CONSTITUTING THE VIOLATION:**

- Count 1. The dwelling or other structure on the property is unfit for human habitation, and may imperil the health, safety, welfare and morals of the occupants thereof or of the surrounding areas.
- Count 2. The building continues to be structurally unsafe, inadequately maintained, and in violation of FBC 2007 Sec. 101.3 (Reference Palmetto City Code Sec. 7-153 and 7-155).
- Count 3. The building constitutes a menace to public health, a fire hazard, and is unsafe so as to endanger life and property.

**ORDER TO CORRECT VIOLATION:** You are directed by this notice to make the following corrective actions: Counts 1-3. Obtain a permit to repair, secure, demolish or remove the unfit structure:

**ON OR BEFORE: MARCH 4, 2010**

Such repair, securing, demolition or removal shall be completed within thirty (30) days from the issuance of a permit for same. Failure to undertake to bring the property into compliance within ten (10) days will be grounds for the City to seek relief as provided for in Article 7 of the Palmetto City Code.

**PENALTIES MAY BE IMPOSED:**

Failure to correct the deficiencies by the date specified above, may cause the City to vacate, demolish, remove, repair or secure such unfit dwelling or structure, including accessory buildings, either with city forces or by independent contractor submitting the lowest and best bid. The City Council may assess the entire cost of such vacation, demolition, removal or securing, including any unpaid fees and costs arising out of any appeal hearing, against the real property, upon which such costs was incurred. This assessment, including rodent extermination where employed, all administrative costs, postal expense, newspaper advertising and other similar costs, when made, shall constitute a lien upon the property. Failure to comply with this notice may be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that a violation shall continue to exist shall be considered a separate violation and may be prosecuted as such.



Notice of Violation  
Brumfield 502 11<sup>th</sup> Street West

Bill Stollo  
Director, Code Enforcement  
City of Palmetto  
516 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221

*B. Stollo*

&

Roger Titus, CBO  
Building Official  
City of Palmetto, Building Department  
600 17<sup>th</sup> Street West  
Palmetto, Florida 34221

*Roger Titus*

I hereby CERTIFY that a copy of this Notice was furnished by  Regular Mail,  Certified Mail/Return Receipt Requested,  Hand-Delivery, and by  Posting and mail, pursuant to F.S. section 162.12 and Section 7-156 of the City of Palmetto Code of Ordinances, to the above-named addressee on this 22<sup>nd</sup> day of February 2010.

By: *B. Stollo*

**CITY OF PALMETTO  
ORDER OF CONDEMNATION  
AND DEMOLITION NOTICE**

DATE: March 4, 2010

TO: MR. RAYFUS BRUMFIELD  
502 11<sup>TH</sup> STREET WEST  
PALMETTO, FLORIDA 34221

LOCATION OF DEMOLITION: 502 11<sup>TH</sup> STREET WEST, PALMETTO, FLORIDA 34221

**NOTICE OF CONDEMNATION:**

Pursuant to Palmetto Code of Ordinances 1975, § 7-35, and Chapter 162, Florida Statutes, you were notified on May 29, 2009, June 3, 2009, and again on November 5, 2009 that a violation of the following Code exists:

Counts 1-3. Palmetto Code of Ordinances 1975, § 7-35; Sec. 7-153. Unfit or unsafe dwellings or structures declared nuisance.

Neither you nor any interested parties have obtained a building or demolition permit within the period specified in the Notice of Violation, nor have you in good faith and in due time begun work to comply with the order to repair, demolish, or otherwise dispose of the unfit structure, nor have you advised that you would simply be unable to complete initiated work by the date ordered, and you have not provided the Building Official a written request to the City Council stating the reasons you have been unable to fully comply.

**DESCRIPTION OF CONDITIONS CONSTITUTING THE CRITERIA FOR DEMOLITION:**

- Count 1. The dwelling or other structure on the property is unfit for human habitation, and may imperil the health, safety, welfare and morals of the occupants thereof or of the surrounding areas.
- Count 2. The building continues to be structurally unsafe, inadequately maintained, and in violation of FBC 2007 Sec. 101.3 (Reference Palmetto Code of Ordinances Sec. 7-153 and 7-155).
- Count 3. The building constitutes a menace to public health, a fire hazard, and is unsafe so as to endanger life and property.

ORDER OF DEMOLITION: You are hereby notified that: 1. The structure meets the criteria for demolition; 2. The structure should be demolished; and 3. Demolition is hereby ordered at the expiration of fifteen (15) days from the date hereof, or

**COMMENCING ON: MARCH 19, 2010**

This action is consistent with the authority of the City of Palmetto to adopt and enforce municipal ordinances related to code enforcement and the elimination of dangerous and unsafe buildings and it does not constitute the taking of private property by eminent domain for the purpose of preventing or eliminating nuisance, slum or blight conditions in a manner inconsistent with Chapter 73, Florida Statutes.

**PENALTIES MAY ALSO BE IMPOSED:**

The City shall vacate, demolish, remove, repair or secure such unfit dwelling or structure, including accessory buildings, either with city forces or by independent contractor submitting the lowest and best bid pursuant to Sec. 7-157 of the Code of Ordinances. The City Council may assess the entire cost of such vacation, demolition, removal or securing, including any unpaid fees and costs arising out of any appeal hearing, against the real property, upon which such costs was incurred. This assessment, including rodent extermination where employed, all administrative costs, postal expense, newspaper advertising and other similar costs, when made, shall constitute a lien upon the property. Failure to comply with the Notice of Violation heretofore given may also be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that a violation shall continue to exist shall be considered a separate violation and may be prosecuted as such.

Roger Titus, CBO  
Building Official  
City of Palmetto, Building Department  
600 17<sup>th</sup> Street West  
Palmetto, Florida 34221

*Roger Titus*

&  
Bill Strollo  
Director, Code Enforcement  
516 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221

*B. Strollo*

I hereby CERTIFY that a copy of this Notice was furnished by  Regular Mail,  Certified Mail/Return Receipt Requested,  Hand-Delivery, or by  Delivery at place of residence and/or  Posting and mail, pursuant to F.S. section 162.12 and Section 7-156 of the Palmetto Code of Ordinances of Ordinances, to the above-named addressee on this 4<sup>TH</sup> day of March 2010.

By: *B. Strollo*



502

PRIVATE  
PROPERTY  
NO TRESPASSING

CONDENSED

11/23/2009





502

PRIVATE  
PROPERTY  
NO TRESPASSING

11/23/2009



11/23/2009



02/22/2010





502

02/22/2010



03/04/2010