

TAB 12



City of Palmetto Agenda Item

Meeting Date

5/7/12

Presenter:

Department:

Title: McKinney Lien Reduction Request

The City has been delaing with compliance issue on this property since 2006. In a prior action on January 4, 2010, City Commission approved the demolition of the condemned house at 505 11th Street Drive West owned by Kathryn McKinney. The building was demolished through CRA funding, bringing the property into compliance effective February 16, 2010.

Since that time, Code Enforcement has opened ten cases regarding overgrowth on this property, and the City has abated the violations either through the Parks Department or private vendors. The City Attorney and City Clerk have also reviewed the feasibility of foreclosure on the outstanding City liens.

Pastor G. I. Bradley has purchased the outstanding property tax deed for this property in April 2012 , and he is requesting a reduction of the Code Enforcement fine.

Due to the fact that this property was out of compliane for an extended period of time, the fines and penalties accrued to \$444,078.23, which is obviously much higher than the value of the proerty.

Total hard costs incurred by the City for this propoerty total \$12,812.20 and are detailed on the summary of fines provided in your packet. Hard costs are denoted with a "1" on the worksheet.

Code Enforcement hard costs include prosecuting this case, demolishing the building, and maintaining this property total \$8,656.76. This total includes the administrative costs imposed by the CEB after the initial public hearing on January 31, 2006, CEB attorney fees, CRA funded demolition of the building, code enforcement officer time since the initial public hearing, and property maintenance by the Parks Department and City vendors. In addition, the City incurred \$2,934.18 for attorney fees and \$1,221.26 of unpaid utilities. These two costs added to the Code Enforcement costs total \$12,812.20.

Budgeted Amount:	<input type="text"/>	Budget Page No(s):	<input type="text"/>	Available Amount:	<input type="text" value="0"/>	Expenditure Amount:	<input type="text"/>
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Additional Budgetary Information:

Funding Source(s):	<input type="text"/>	Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Source:	<input type="text"/>
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City Attorney Reviewed:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="text"/>
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Potential Motion/Direction Requested:

Staff Contact:

Attachments:

Code Enforcement
 CEB 06-02 - McKinney
 Summary of Fines
 As of May 3, 2012

Description	Amount
<u>Administrative Order Imposing Lien</u>	
Administrative Fee	250.00
Recording Cost - Book 2114 pg 5203-5208 Recorded 04/05/06 Invoice # 407052623	80.00
①	330.00
Code Enforcement Public Hearing 01/31/2006	130.00
Daily Fines: February 6,2006 thru February 16, 2010	1,453.00 363,250.00
Associated interest is approximately 5% annually	74,950.21
Parks Dept WO2008005422 - 9/05/08	104.41
①	104.41
Total Accrued Fines	438,434.62
Report of Compliance: 02/16/2010	
Parks Dept WO2010003413 - 7/13/10	106.10
Lawn Lizards - Lot Clearing - Inv #407056123 04/30/11	37.25
Lawn Lizards - Lot Clearing - Inv #407056419 09/3/11	37.25
Lawn Lizards - Lot Clearing - Inv #407056310 07/19/11	37.25
Lawn Lizards - Lot Clearing - Inv #407056795 11/07/11	37.25
Lawn Lizards - Lot Clearing - Inv #407057262 04/09/12	37.25
①	292.35
Demolition of Building: CRA	3,800.00
Utility Account # 6861 Book 2247 Page 5478 Recorded 2/21/08	1,221.26
Total Recorded Cost	444,078.23
①	444,078.23
<u>Cost associated with Code Enforcement Case not recorded</u>	
Code Enforcement Officer - \$100 Hours @ 40 per hour	4,000.00
Attorney's Fees	2,934.18
①	6,934.18
Total Cost Associated with case	451,012.41
Hard Cost	12,812.20



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.

Kathryn L. McKinney
505 11th Street Drive West
P.O. Box 94
Palmetto, Florida 34220-0094

Case No. CEB – 06-02

Respondent.

REPORT OF COMPLIANCE

This is notice that pursuant to the Administrative Order and the Order Imposing Fine of the Code Enforcement Board of the City of Palmetto dated January 31, 2006 and March 2, 2006 respectively, the violation of the Palmetto City Code in this matter was corrected February 16, 2010.



Director, Code Enforcement

cc: (property owner)

William Strollo

From: William Strollo
Sent: Friday, February 12, 2010 1:46 PM
To: Beverly Minnix; Bryce Cummings
Cc: Jeff Burton; Whitney Ewing
Subject: RE: Demolition of 505 11th Street Drive West

A letter was written to Kathryn McKinney on January 5, 2010 advising her the demolition would be scheduled the following week and directing her to remove her personal belongings. I spoke with her on January 8, 2010 and directed her to remove her personal belongings; the City pad locks have been open since that date to allow her access to the building.

I telephoned Ms. McKinney this afternoon and again advised her to remove all of the personal possessions she plans to recover.

The demolition should proceed as scheduled. Thank you.

Bill.

From: Beverly Minnix
Sent: Friday, February 12, 2010 11:27 AM
To: William Strollo; Bryce Cummings
Cc: jburton@palmettofl.org
Subject: Demolition of 505 11th Street Drive West

I just wanted to let you all know that I had a conversation with Gary from G & S to advise him that Ms. McKinney has had access to the property to remove her personal items. Demolition is to proceed early Monday morning. I advised Gary that if he should encounter any issue with Ms. McKinney, he should contact Bill Strollo. If this is not the direction he should go, please let me know asap.

Bev

Beverly Minnix
Executive Assistant
City of Palmetto
Community Redevelopment Agency
941-723-4988
BMinnix@PalmettoFL.org





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

January 5, 2010

Ms. Kathryn L. McKinney
P.O. Box 94
Palmetto, Florida 34220 0094

Dear Ms. McKinney:

As you are aware, The City of Palmetto Commissioners heard testimony last evening concerning the demolition of your home at 505 11th Street Drive West, Palmetto, Florida. The City Commissioners voted unanimously to approve the demolition of the structure and to lien your property for all costs incurred by the City.

Please be advised the demolition will be scheduled within the next week, and prior to that you must make arrangements to remove the personal belongings you wish to retain. Anything left in the house will be considered abandoned by you.

If you have any questions, please feel free to contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570, extension 105.

Thank you for your cooperation.

Sincerely,

Bill Strollo
Code Enforcement Director



City of Palmetto Agenda Item

Meeting Date

12/21/09

Presenter: Bill Strollo/Roger Titus

Department: Coed Enforcement/Building Department

Title: Order of Condemnation & Demolition Notice - Ms. Kathryn L. McKinney, 505 11th Street Drive West

This property has been the subject of code enforcement action since 2005. On March 2, 2006 the Code Enforcement Board imposed a fine of \$250.00 per day commencing February 22, 2006 and continuing until the property is brought into compliance - CEB 06-02.

On June 24, 2009 a notice was written to the property owner advising her that the property was condemned, and she was required to either repair it or demolish the structure. The house was confirmed to be vacant and secured with City locks on June 30, 2009.

A title search was conducted by the City Attorney to identify all individuals having an interest in this property. On November 19, 2009 a Notice of Violation was issued identifying the building as unfit for human habitation, structurally unsafe and a menace to public health. This Notice directed Ms. McKinney to obtain a building permit to repair, secure, demolish or remove the unfit structure on or before November 29, 2009. The Notice was forwarded to Ms. McKinney, certified and regular mail, and it was posted at City Hall and on the condemned building. Copies of this Notice were also forwarded certified and regular mail to American General Home Equity, Douglas C. Zahm, and Richard V. Ellis.

On December 2, 2009 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 advised Ms. McKinney 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 December 17, 2009 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 Ms. McKinney, certified and regular mail, and it was posted at City Hall and on the condemned building. Copies of this Order were also forwarded certified and regular mail to American General Home Equity, Douglas C. Zahm, and Richard V. Ellis.

The property owner, Ms. Kathryn L. McKinney, 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. Two quotes have been received for this demolition. Please refer to the expenditure amount below.

Budgeted Amount:	\$200,000.00	Budget Page No(s):	183	Available Amount:	\$200,000.00	Expenditure Amount:	\$4,600.00
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Additional Budgetary Information: The CRA will fund the demolition of this structure.

Funding Source(s):	69055931 16	Sufficient Funds Available:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Source:	
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City Attorney Reviewed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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.

Staff Contact: Bill Strollo Roger Titus

Attachments: Notice of Violation, proofs of service, Order of Condemnation, proofs of service, vendor bids for demolition. Pictures to be provided at meeting.



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

December 15, 2009

Ms. Kathryn L. McKinney
P.O. Box 94
Palmetto, Florida 34220 0094

Dear Ms. McKinney:

Please be advised the City of Palmetto Commissioners will hear testimony regarding the Notice of Violation and the Order of Condemnation and Demolition Notice issued regarding your property at 505 11th Street Drive West, Palmetto, Florida. This hearing is scheduled for Monday, January 4, 2010 at the City of Palmetto Commission Chambers, 516 8th Avenue West, Palmetto, Florida at 7:00pm.

This is notice of that hearing, and you are encouraged to attend to present any pertinent testimony regarding this matter to the City Commissioners.

If you have any questions regarding this hearing, please feel free to contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570, extension 105.

Thank you for your cooperation.

Sincerely,


Bill Strollo
Code Enforcement Director

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

DATE: 12/02/2009

TO: MS. KATHRYN L. MCKINNEY
505 11TH STREET DRIVE WEST
PALMETTO, FLORIDA 34221

LOCATION OF DEMOLITION: 505 11TH STREET DRIVE WEST, PALMETTO, FL 34221

NOTICE OF CONDEMNATION:

Pursuant to Palmetto Code of Ordinances 1975, § 7-35, and Chapter 162, Florida Statutes, you were notified on June 24, 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: DECEMBER 17, 2009

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.

R.T.
Roger Titus, CBO
Building Official
City of Palmetto, Building Department
600 17th Street West
Palmetto, Florida 34221

&
Bill Strollo
Director, Code Enforcement
City of Palmetto
516 8th Avenue West
Palmetto, Florida 34221
BS

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 2nd day of December 2009.

By: B. Strollo

Copy to: American General Home Equity
1670 S. Missouri Ave.
Clearwater, FL 33756

And to: Douglas C. Zahm, PA
18830 US Highway 19 North, Suite 330
Clearwater, FL 33764

And to: Richard V. Ellis, Esq.
Hausberg & Ellis, PA
3202 Tamiami Trail
Sarasota, FL 34234

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

BS

&
Roger Titus, CBO
Building Official
City of Palmetto, Building Department
600 17th Street West
Palmetto, Florida 34221

R.T.

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 City of Palmetto Code of Ordinances, to the above-named addressee on this 19th day of November 2009.

By: *B. Stollo*

Copy to: American General Home Equity
1670 S. Missouri Ave.
Clearwater, FL 33756

And to: Douglas C. Zahm, PA
18830 US Highway 19 North, Suite 330
Clearwater, FL 33764

And to: Richard V. Ellis, Esq.
Hausberg & Ellis, PA
3202 Tamiami Trail
Sarasota, FL 34234

**CITY OF PALMETTO
NOTICE OF VIOLATION**

DATE: 11/19/09

TO: MS. KATHRYN L. MCKINNEY
505 11TH STREET DRIVE WEST
PALMETTO, FLORIDA 34221

LOCATION OF VIOLATION: 505 11TH STREET DRIVE 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 1. 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: NOVEMBER 29, 2009

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.

SCANNED

**CITY OF PALMETTO
NOTICE OF LIEN**

Date: April 3, 2006

TO: Kathryn McKinney
505 11th St. Dr. W.
Palmetto, FL 34221

Owner(s) and to all those claiming
by through or under same.

NOTICE is hereby given that the undersigned CITY OF PALMETTO, County of Manatee, State of Florida, having as its mailing address 516 8th Ave W, P.O. Box 1209, Palmetto, Florida, 34220-1209, claims a lien on real property located in the State of Florida, County of Manatee, and being further described as follows:

LOT 4, E 2 FT OF LOT 5, BLK J T A HOWZE SUB
PID #26570.0000/2

which property is further known for street numbering purposes as:

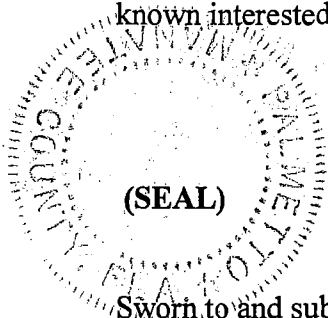
505 11th St. Dr. W., Palmetto, FL

Said lien, as of April 3, 2006, is for the sum of \$10,380.00, plus further amounts accruing and becoming due, and is claimed pursuant to Palmetto Code of Ordinances Chapter 16, Art. II, Nuisances, Sec. 16-26(4) and Section 16-27(a); Chapter 7, Article XI, Section 7-237 (a) (1), (2) and (3), Section 7-238(a) (3), Section 7-239. Awnings (a) Requirements (3), and Section 7-240(b), through Administrative Order CEB 06-02.

I hereby certify that on this date a copy of this Notice of Lien has been sent by ordinary U.S. Mail, postage prepaid, to the Owner(s) at the address listed above as well as to any known interested parties.

THE CITY OF PALMETTO, FLORIDA

By: James R. Freeman
James R. Freeman, City Clerk



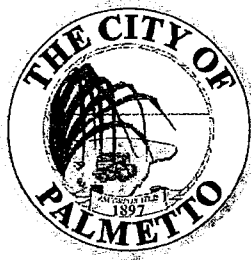
Sworn to and subscribed before me this 3rd day of April, 2006.

Diane Ponder
NOTARY PUBLIC
My commission expires:

OR BOOK 02114 PAGES 5203 - 5208
MANATEE COUNTY CLERK COURT
6 PAGES(S)
RECORDED; 4/5/2006 10:18:46 AM



Personally  Diane Ponder
Commission # DD131477
Expires July 4, 2006
Bonded Thru
Atlantic Bonding Co., Inc.



OR BOOK 02247 PAGES 5478 - 5478
MANATEE COUNTY CLERK COURT
1 PAGE(S)
RECORDED; 2/21/2008 8:05:54 AM



NOTICE OF UTILITY LIEN

DATE: February 18, 2008

PID NO. 2657000002

PROPERTY OWNER(S) KATHRYN L MCKINNEY
and to all those claiming by, through or under same:

MAILING ADDRESS: 505 11th St Dr W, Palmetto, FL 34221

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 for non-payment of utility services, pursuant to Ordinance No. 04-832, Palmetto Code of Ordinances, Chapter 29, Art. II, Sec. 29-42, or as amended from time to time.

LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR ORDINANCE ACCRUING AND BECOMING DUE: \$341.96

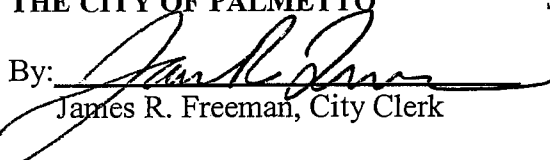
LEGAL DESCRIPTION: LOT 4, E 2 FT OR LOT 5 BLK J T A HOWZE SUB PI#26570.0000/2

PROPERTY ADDRESS: 505 11TH STREET DRIVE WEST

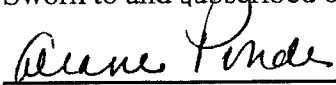
I hereby certify that on this date a copy of this Notice of Lien has been sent by ordinary U.S. Mail, postage prepaid, to the Owner(s) at the address listed above.

THE CITY OF PALMETTO

SEAL

By: 
James R. Freeman, City Clerk

Sworn to and subscribed before me this 18th day of February 18, 2008.



NOTARY PUBLIC

My commission expires:

Personally known

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





505 11TH ST DR W

ID Block

Account#	2657000002
Section	14
Township	34S
Range	17E
Primary Address Location	505 W 11TH ST DR PALMETTO PL
2002 Census Tract	001502
FEMA Zone Caveat	NOT A FEMA DETERMINATION
FEMA Flood Zone	X/O/N/0189 B/100
Hurricane Evacuation Zone	D
Fire District	FD07-NORTH RIVER FD
Exemption Status	Homestead
Zoning	RM6
DOR Use Code	0100
DOR Description	SINGLE FAMILY RESIDENTIAL
Future Land Use	RES10
Neighborhood Name	PALMETTO PT
Neighborhood Number	1130
Neighborhood Group	510
Market Cluster	5
Market Area	05
Zone/Field Reference	1
Route Number	228
Map ID	4B14.4
Acres (If Available)	.1647
Total Under Roof	1614
Size Disclaimer	Sq foot estimates derived from rounded exterior wall measurements
Number of Units	1
Living/Business area	1150
Unit Desc	
Short Legal Desc	LOT 4, E 2 FT OF LOT 5 BLK J T A HOWZE SUB PI#26570.0000/2
Unit #	

ID Subblock

Account#	2657000002
Lot ID	4
Block ID	J
Subdivision Number	2649300
Subdivision Name	HOWZE SUB T A PB1/202
City/County Tax District	0019
Route Number/Suffix	228



Name
Address



505 11TH STREET DR W

City
State
Zip Code
International Postal Code
Country

PALMETTO
FL
34221





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

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

CITY OF PALMETTO
A political subdivision of the
State of Florida

Petitioner

vs.

Case No. CEB 06-02

Kathryn McKinney
505 11th Street Drive West
Palmetto, Florida 34221

Respondent:

ORDER IMPOSING FINE

Re Property of: Kathryn McKinney
505 11th Street Drive West
Palmetto, Florida 34221

Property ID# 26570.0000/2

On January 31, 2006, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regards to the above property. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The above referenced property was found in violation of City of Palmetto Code of Ordinances at a hearing held on January 31, 2006. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".

2. The Order required the property to comply by February 21, 2006. The Order was sent to the property owner by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on February 2, 2006.
3. On February 7, 2006, the property owner was notified by regular U.S. Mail and Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on February 28, 2006, to determine whether the property was in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board hearing scheduled for February 28, 2006, was posted at Palmetto City Hall.
4. At the February 28, 2006, hearing, the City of Palmetto Code Enforcement Director, Bill Strollo, testified that the property owner had not brought the property into compliance as ordered by the Administrative Order dated February 2, 2006. The Code Enforcement Director also reported that no effort had been made to remediate the code violations on this property.

CONCLUSIONS OF LAW

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

ORDER

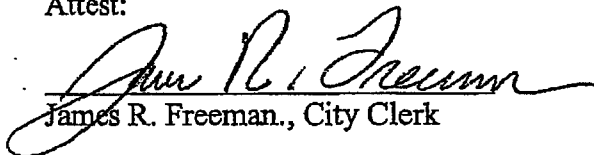
Based on the foregoing, the Code Enforcement Board imposes a fine of \$ 250.00 per day, the fine to begin on February 22, 2006. If the property owner has not complied with this Order by March 29, 2006, a certified copy of this Order shall be recorded in the Public Records of Manatee County, where it shall thereafter constitute a lien against the real property on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court by the City, such Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

Date: March 2, 2006



Charles W. Leonard, Chair
Code Enforcement Board

Attest:



James R. Freeman., City Clerk

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
BY FILE IN MY OFFICE WITNESS MY HAND AND
SEAL OF SAID CITY THIS 4th DAY OF APRIL
A.D., 2006



CITY CLERK, CITY OF PALMETTO, FLORIDA

Exhibit A



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

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

CITY OF PALMETTO
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CEB 06-02

Kathryn McKinney
505 11th Street Drive West
Palmetto, FL 34221

Respondent. /

Re Property of: Kathryn McKinney
505 11th Street Drive West
Palmetto, FL 34221

Legal Description: LOT 4, E 2 FT OF LOT 5 BLK J T A HOWZE SUB

Parcel ID #: 26570.0000/2

ADMINISTRATIVE ORDER

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on January 31, 2006, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The property, which is the subject of this Code Enforcement action, is located at 505 11th Street Drive West.
2. The legal description of the subject property is: LOT 4, E 2 FT OF LOT 5 BLK J T A HOWZE SUB PID # 26570.0000/2.
3. The Respondent, Kathryn McKinney, is the owner of the subject property and has been given proper notice of the hearing.

4. There exists on the Respondent's property, located at 505 11th Street Drive West: Carport deteriorating and in danger of collapsing; house trim and walls need paint; doors and windows boarded over; torn awning; carport roof collapsed.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26 (4) and Section 16-27 (a); Chapter 7, Article XI, Section 7-237 (a) (1), (2) and (3), Section 7-238 (a) (3), Section 7-239. Awnings (a) Requirements (3), and Section 7-240 (b).

ORDER

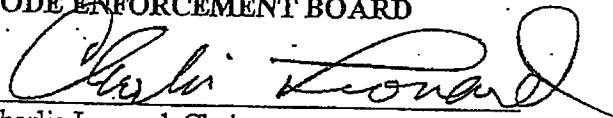
The Respondent, Kathryn McKinney, is found in violation of the Palmetto Code of Ordinances as noticed. Respondent is given until February 21, 2006, to comply with the Sections of the Palmetto Code of Ordinances cited above. If the aforementioned action is not taken by February 21, 2006, a hearing of the Code Enforcement Board will be held and a fine may be assessed. The fine may be up to \$250.00 per day. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. Administrative costs incurred by the city in the prosecution of this case in the amount of \$80.00 are hereby imposed. Upon recording, such costs shall constitute a lien on the property.

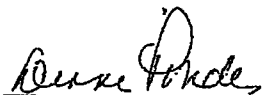
A certified copy of this Administrative Order shall be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the 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.

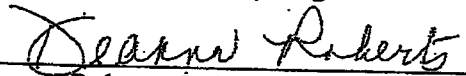
Done and ordered this 31st day of January, 2006.

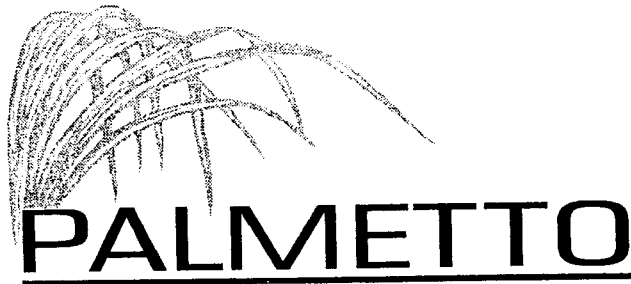
CITY OF PALMETTO
CODE ENFORCEMENT BOARD


Charlie Leonard, Chairman

Attest: 
By: Diane Ponder
Deputy Clerk/Administration

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 2nd day of February, 2006.


Deanna Roberts, Code Enforcement Board Clerk



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. 7001 1940 0004 7280 8825 AND REGULAR MAIL

Kathryn L. McKinney
505 11th Street Drive West
Palmetto, Florida 34221

RE: City of Palmetto, Petitioner, v. Kathryn L. McKinney

Address of Violation: 505 11th Street Drive West, Palmetto, Florida
Legal Description: LOT 4, E 2 FT OF LOT 5 BLK J T A HOWZE SUB
PI#26570.0000/2

Ms. Kathryn L. McKinney:

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(4) and Section 16-27(a); Chapter 7, Article XI, Section 7-237(a)(1),(2) & (3), Section 7-238 (a)(3), Section 7-239. Awnings (a) Requirements (3), and Section 7-240(b).

- Sec.16-26(4). Partition fences, buildings or other structures which have fallen into such a poor state of repair.
- Sec. 16-27(a). Nuisances are hereby prohibited.
- Sec. 7-237(a)(1). All deteriorated or damaged structural and decorative elements visible from a public right-of-way shall be repaired or replaced.
- Sec. 7-237(a)(2). Every part of a structure visible from a public right of way or abutting a street shall be kept structurally sound. Painted surfaces must be maintained without peeling or chalking.
- Sec. 7-237(a)(3). Walls shall be repaired and painted to present a neat and clean appearance.
- Sec. 7-238(a)(3). Window openings shall not be boarded.
- Sec. 7-239(a)(3). Awnings that are torn, badly faded or structurally compromised shall be repaired or replaced.

- Sec. 7-240(b). All roofs and existing gutters and downspouts shall be maintained to prevent damage to the structure and adjoining properties and the public.

DESCRIPTION OF VIOLATION:

- The car port is deteriorated and in danger of collapsing.
- House trim and walls are in need of painting.
- The door and windows at the front of this home are boarded over.
- The awning at the front, west side of this house is torn and dilapidated.
- The car port roof has collapsed, and the roof debris remains where it fell.

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:

- Repair or replace the car port and remove the debris from this area.
- Paint the home as required.
- Remove the plywood from the front door and windows and make the necessary repairs.
- Repair or replace all deteriorated awnings.
- Repair the car port roof.

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.

It is the intent of this Notice to assist you in correcting the violations and avoid the necessity of a hearing before the Code Enforcement Board. If you have any specific questions regarding the violations or the action necessary to remedy or correct the violations, please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 105 or 124.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED, this 23rd day of November, 2005

CITY OF PALMETTO, FLORIDA



Bill Strollo
Code Enforcement Director