



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, February 22, 2017

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. ORDER IMPOSING FINE/LIEN

3. **CEB Case No.:** 16-1140

Respondent: Country Manor Assisted Living

Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/20/2016

Compliance: No

Cited for violation(s) - Section 42-26 Cleanliness of property generally-Duty of owner (c) maintenance of commercial and industrial zoned lots and (f) Garbage, waste, trash, etc. prohibited.

4. **CEB Case No.:** 16-1695

Respondent: Country Manor Assisted Living

Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/20/2016

Compliance: No

Cited for violation(s) - Chapter 16 Miscellaneous Regulations Section 3, Fences and walls (b) General provisions (4) Design and maintenance, (b) (c) and (f) of the City of Port Orange Land Development Code.

5. **CEB Case No.:** 16-1247

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 12/28/2016

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), 4(a)(b)(c) and (d) (Design and Maintenance) and

Section 303 (Swimming Pools, Spas, and Hot Tubs) 303.1 (Swimming Pools) & 303.2 (Enclosures) of the 2015 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances Chapter 14, Article II.

6. **CEB Case No.:** 16-1638

Respondent: George Morgan & Ethel M. Morgan

Address of Violation: 709 Sheldon Circle, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 01/11/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 32, Article II, Section 32-26(d)(f);

Chapter 3, Section 304.1.1 (7 & 8) (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code;

Chapter 3, 304.2 Protective Treatment, Section 304.5 Foundation Walls, 304.6 Exterior walls, 304.7 Roofs and drainage, 304.10 Stairways, decks, porches, and balconies, 304.15 Doors, 304.18 Building Security; and

Chapter 42, Article V, Division 3, Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 16-1498

Respondent: Jaqueline M. & Donald A. Acosta

Address of Violation: 825 Upland Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/19/2016

Compliance: Yes

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools

8. **CEB Case No.:** 16-1457

Respondent: Terri G. Curatolo

Address of Violation: 3640 Scott Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 01/11/2017

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs & Spas), 303.1 (Swimming Pools), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances,

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs & Spas), 303.2 (Enclosures), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

C. PUBLIC COMMENTS

D. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
FEBRUARY 8, 2017

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:01 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector
Deborah Faircloth, Interim Code Enforcement Manager
Robin Fenwick, City Clerk
Fran Gosnell, Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Branch stated that since there were no members of the public at this time, he would dispense with the overview of the Code Enforcement Process.

Consideration of Minutes

Special Magistrate Branch approved the January 25, 2017 meeting minutes as presented with one clarification on the first page, under Standing Order/Approval Regarding Service of Process, second paragraph to read, "Special Magistrate Branch stated that a Standing Order is hereby approved for 2017 authorizing the posting for publication of notice to alleged violators in the event that hand delivery or signed receipt of a certified mailing cannot be accomplished pursuant to Chapter 162.12 F.S."

Oaths

Code Compliance Inspector Amanda Bonin and Interim Code Enforcement Manager Deborah Faircloth were sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1867
Respondent: Deanna Lynn
Address of Violation: 651 Herbert Street, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 12/28/16

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner),

(d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

Deborah Faircloth, Interim Code Enforcement Manager, was sworn in by Special Magistrate Branch and requested the case be dismissed as it is in compliance with the Notice. Special Magistrate Branch granted the request to dismiss.

ORDER IMPOSING FINE/LIEN

4. **CEB Case No.:** 16-1054 (Amended)
 Respondent: Bryon Dickerson
 Address of Violation: 5434 Hibiscus Ave., Port Orange, FL 32127
 Code Officer: Deborah Faircloth
 First Notified: 10/14/2016

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) (f) & (h) and Port Orange Land Development Code, Chapter 16, Section 3 (b)(4)(b)(d) as relates to fencing.

Ms. Faircloth requested an Amended Order to include the \$900.00 fine that had been omitted from the January 25, 2017 hearing testimony, whereas the property had been in violation from January 3, 2017 through January 11, 2017 for nine (9) days at \$100 per day. The abatement and administrative costs were \$450 and \$119, for the combined total of \$569.

Special Magistrate Branch awarded total cost to date of \$569 and fine in the amount of \$900.

5. **CEB Case No.:** 16-1247
 Respondent: James E. Redmond
 Address of Violation: 5400 Turton Lane, Port Orange, FL 32127
 Code Officer: Deborah Faircloth
 First Notified: 08/26/2016

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), 4(a)(b)(c) and (d) (Design and Maintenance) and

Section 303 (Swimming Pools, Spas, and Hot Tubs) 303.1 (Swimming Pools) &

303.2 (Enclosures) of the 2015 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances Chapter 14, Article II.

Motion was made by Ms. Faircloth to continue this case to February 22, 2017. Special Magistrate Branch granted the motion.

6. **CEB Case No.:** 16-1140
 Respondent: Country Manor Assisted Living
 Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129
 Code Officer: Amanda Bonin
 First Notified: 10/20/2016

Compliance: No

Cited for violation(s) - Section 42-26 Cleanliness of property generally - Duty of owner (c) maintenance of commercial and industrial zoned lots and (f) Garbage, waste, trash, etc. prohibited.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Branch. Motion was made by Ms. Bonin to continue this case to February 22, 2017. Special Magistrate Branch granted the motion.

7. **CEB Case No.:** 16-1695
 Respondent: Country Manor Assisted Living
 Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129
 Code Officer: Amanda Bonin
 First Notified: 10/20/2016

Compliance: No

Cited for violation(s) - Chapter 16 Miscellaneous Regulations Section 3, Fences and walls (b) General provisions (4) Design and maintenance, (b) (c) and (f) of the City of Port Orange Land Development Code.

Motion was made by Ms. Bonin to continue this case to February 22, 2017. Special Magistrate Branch granted the motion.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:38 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-1140

Name	Activity	Activity_Date	Status	Cost
Country Manor Assisted Living	Cost to mail Notice of Violation/Notice of Hearings to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	10/21/2016	Green card signed on 10/25/16	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Country Manor Assisted Living	Cost to mail Finding of Fact, Conclusion of Law & Order to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	12/14/2016	Green card signed (undated) by Paul Simondac	\$7.34
Clerk of Court	Cost to Record Order Imposing Fine/Lien	02/22/2017		\$44.00
Country Manor Assisted Living	Cost to mail Order Imposing Fine/Lien to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	02/22/2017		\$7.34

Total: 93.02



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1140

To: Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

Re: 1152 Old Hammock Road
Port Orange, FL 32129
Parcel ID: 6305-04-00-0021

LEGAL DESCRIPTION: W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 18, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Briefly stated, the property is in violation of the following:

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (c) Maintenance of commercial and industrial zoned lots. The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- The entire property needs to be mowed and all high weeds and grass trimmed.
- (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris, and junk.
- The entire property needs to be cleaned up of all garbage, trash, junk, and debris. This also includes down limbs, trees, and branches.

Attachments:



Copy of code



Copy of Deed



Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate December 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as

supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 16100 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 14, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **January 25, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506- 5616 or at abonin@port-orange.org.

DATED this 20th day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: *Amanda Bonin*
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 1152 Old Hammock Road Port Orange, FL 32129, RE: 1152 Old Hammock Road Port Orange, FL 32129, was

- ☐ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 3:47 pm

this 20th day of October, 2016.

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 3101 Archer Avenue Orlando, FL 32833, RE: 1152 Old Hammock Road Port Orange, FL 32129, was

- ☒ Posted at City Hall
☒ Sent via certified and regular

this 21 day of October, 2016.

Christopher Demure
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6305-04-00-0021 2017 Working Tax Roll Last Updated: 10-16-2016

Owner Name and Address

Alternate Key	3585747	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-04-00-0021	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-04-00-0021	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	74 Homes for the Aged		
Ownership Type		Ownership Percent	100
Owner Name	COUNTRY MANOR ASSISTED LIVING		
Owner Name/Address 1	& RETIREMENT HOME LLC		
Owner Address 2	3101 ARCHER AVE		
Owner Address 3	ORLANDO FL		
Owner Zip/Postal Code	32833		
Situs Address	1152 OLD HAMMOCK RD PORT ORANGE 32129		

Legal Description

W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6289	3245	10/2008	Warranty Deed	Qualified Sale	Yes	800,000
3835	2693	06/1993	Warranty Deed	Qualified Sale	Yes	500,000
2893	1087	10/1986	Warranty Deed	Personal property /business	Yes	860,000
2168	0868	05/1980	Warranty Deed	Qualified Sale	Yes	135,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	382,239	122,982	5,537	510,758	510,758	510,758	0	510,758	0	510,758
2015	361,004	120,055	5,533	486,592	486,592	486,592	0	486,592	0	486,592

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
7400	HOMV AGED	0.0	0.0	130680.00	SQUARE_FEET	4.50	100	65	100	100	382,239
Neighborhood C5502 PORT ORANGE- NOVA ROAD											
Total Land Classified											0
Total Land Just											382,239

Building Characteristics

Building Number: 111590 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111590	Commercial	Concrete or Masonry	1432	1976	300	42%	70%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C		
001	9.00	2	1976	0.00	1250 Home for the Aged, Average (74C)				100.00	No	Yes
002	9.00	1	1976	0.00	132 Porch, Open Unfinished (UOP)				0.00	No	No
003	9.00	1	1984	0.00	133 Porch, Open Finished (FOP)				0.00	No	No
004	9.00	1	1976	0.00	8498 Home for the Aged, Average (74C)				100.00	No	No
005	9.00	1	1976	0.00	626 Porch, Screen Unfinished (USP)				0.00	No	No
006	9.00	1	1976	0.00	28 Porch, Open Finished (FOP)				0.00	No	No

10/27/2008 08:49 AM
Doc stamps 5600.00
(Transfer Amt \$ 800000)
Instrument# 2008-210417 # 1
Book : 6289
Page : 3245
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared By:

John B. Crowther
Attorney at Law
279 East Graves Avenue
Orange City, Florida 32763
(863) 775-6179

Property Appraiser's Parcel Identification Number:
31-04-00-0021

RETURN TO 1815053
VOLUSIA TITLE SERVICES
109 WEST BICH AVENUE
DELAND, FL 32720

THIS SPECIAL WARRANTY DEED, executed this 23RD day of October, 2008, by **EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC., a Florida corporation**, 202 Plumosa Road, DelBury, Florida 32713, Grantor, to **COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME, LLC, a Florida Limited Liability Company**, whose post office address is 3101 Archer Avenue, Orlando, Florida 32833, Grantee:

WITNESSETH, that the said Grantor, for and in consideration of the sum of \$10.00, in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee forever, all right, title, interest, claim and demand which the said Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to wit:

The West Three (3) acres of Tract 2 of the replat of the Division of a portion of the Division of Lot 5, Section 5, Township 16 South, Range 33 East, CITY OF PORT ORANGE, Volusia County, Florida, as recorded in Plat Book 34, Pages 13 and 14, Public Records of Volusia County, said West Three (3) acres have also been described as the West Three (3) acres of Lot 2, VOSS SUBDIVISION, as recorded in Deed Book "L", Page 18, Public Records of Volusia County, said property being more particularly described as follows: Begin at the Southwest corner of Government Lot 5, thence North 00°13'35" West a distance of 280.50 feet to the Southwest corner of said Tract 2 and the true Point of Beginning; thence North 00°13'57" West a distance of 589.75 feet; thence North 89°07'09" East a distance of 221.59 feet; thence South 00°13'57" East a distance of 269.75 feet to the Northerly line of a 32 foot utility, ingress and egress easement; thence South 00°13'57" East along the West line of said easement a distance of 32 feet; thence South 00°13'57" East a distance of 290.56 feet; thence South 89°46'53" West a distance of 221.58 feet to the true Point of Beginning.

Subject to the same conditions, reservations and restrictions of record, if any, which previously affected this property and which are in affect at this date, and also subject to zoning and other governmental regulations.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that, except as above noted, at the time of the delivery of this deed the premises were free from all encumbrances made by the Grantor, except taxes accruing subsequent to December 31, 2007, and the Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


John B. Crowther

Elizabeth A. Waiden
STATE OF FLORIDA
COUNTY OF VOLUSIA

EDA INVESTMENT CORPORATION, a/k/a EDA
INVESTMENT CORPORATION, INC.

By:  L.S.
Eleanor B. Ade, as Vice President

I HEREBY CERTIFY that on this day before me, an officer duly authorized to administer oaths and take

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) Purpose and intent. The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) Maintenance of commercial and industrial zoned lots. The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) Maintenance of unimproved residential lots. The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within

ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.

- (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1140

Recorded in the Public Records:
Instrument # 2016 232 770 12/16/16 @ 10:35 a.m.
Book: 7338 Page: 2241

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

COUNTRY MANOR ASSISTED LIVING
1152 Old Hammock Road, Port Orange, FL 32129
PARCEL ID: 6305-04-00-0021

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came for public hearing before the Code Enforcement Special Magistrate on December 14, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent, COUNTRY MANOR ASSISTED LIVING, (hereinafter referred to as "Respondent", whose mailing address is 3101 Archer Avenue, Orlando, FL 32833, is the owner of the property located at 1152 Old Hammock Road, Port Orange, FL 32129, and more particularly described as:

W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 &
14 PER OR 3835 PG 2693 & OR 6289 PG 3245

B. The entire property needs to be mowed and all high weeds and grass trimmed, as well as removing all garbage, trash, junk, and debris from the entire property. This condition was first observed at the real property described above on October 18, 2016; re-inspections were made on November 29, 2016 and December 13, 2016 and confirmed the condition as being the same. Respondent(s) received notice via property posting on October 20, 2016, as well as certified mail and posting at City Hall on October 21, 2016, that the aforesaid conditions constituted a violation of Section 42-26 -Cleanliness of property generally-duty of owner (c) and (f) of the City of Port Orange Code of Ordinances, and was to be corrected immediately as this is a repeat violation.

C. At the time of this hearing, the violations cited above: ☒ continued to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent, by reason of the foregoing, has violated the above referenced code, in that the Respondent failed, on or before the date set in the notice of repeat violation, to remedy the conditions as stated, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

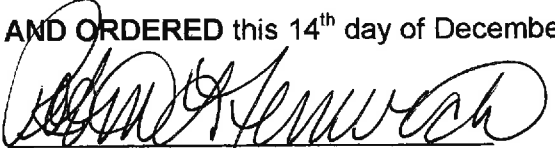
A. Respondent shall correct the aforesaid repeat violation by mowing the entire property and trimming all high weeds and grass and removing all trash and debris on site including lawn/tree debris immediately. If paragraph D. above is checked and the Respondent(s) does not abate the condition immediately, then notice of the violation will be given to the City Council and the City shall have the option to abate the violations. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.68 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 14th day of December, 2016.

Attest:


Secretary, Code Enforcement Special Magistrate

By:


Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

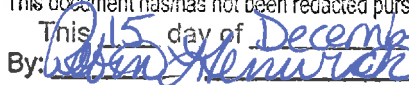

Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), COUNTRY MANOR ASSISTED LIVING, 3101 Archer Avenue, Orlando, FL 32833 by Certified and Regular Mail this 14 day of December, 2016.

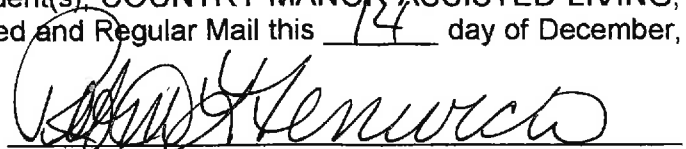
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

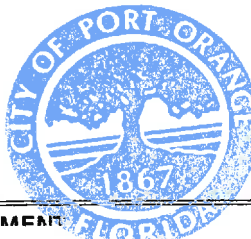
This document has/had not been redacted pursuant to Florida Law.

This 15 day of December, 2016.

By: 

/s/ Robin L. Fenwick


Secretary, Code Enforcement Special Magistrate





CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

January 30, 2017

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

RE: CEB Case Nos.: 16-1695 & 16-1140
Property Address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir/Madam:

You are hereby notified that Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, February 8, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor



February 8, 2017

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE (386) 506-5500
www.port-orange.org

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

RE: CEB Case Nos.: 16-1695 & 16-1140
Property Address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir/Madam:

You are hereby notified that Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, February 22, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor

Case Cost Sheet Log

Case No. 16-1695

Name	Activity	Activity_Date	Status	Cost
Country Manor Assisted Living	Cost to mail Notice of Violation/Notice of Hearings to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	10/21/2016	Green card signed on 10/25/16	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Country Manor Assisted Living	Cost to mail Finding of Fact, Conclusion of Law, & Order to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	12/14/2016	Green card signed (undated) by Paul Simondac	\$7.34
Country Manor Assisted Living	Cost to mail Order Imposing Fine/Lien to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	02/22/2017		\$7.34
Clerk of Court	Fee to record Order Imposing Fine/Lien	02/22/2017		\$44.00

Total: 93.02



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1695

To: Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

Re: 1152 Old Hammock Road
Port Orange, FL 32129

Parcel ID: 6305-04-00-0021

LEGAL DESCRIPTION: W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Volusia County Public Records

Volusia County, FL

An inspection of the premises on October 18, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 10, 2016.

Briefly stated, the property is in violation of the following:

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls (b) (4) (b) (c) and (f)

(b) General provisions.

(4) Design and maintenance.

(b) All fences shall be maintained in their original upright condition.

(c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.

(f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Corrective action: The fence separating this property from the residential neighborhood needs to be replaced as it is rotting and the fence is falling apart. A building permit is required.

Chapter 1, Section 109 Emergency Measures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

[A] **Section 109.1 Imminent Danger** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Corrective action: The Screened enclosure in the rear of the building has been damaged and is deemed an unsafe structure. This enclosure needs to be either removed or repaired. A building permit is required.

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Corrective action: all broken windows on this structure need to be repaired or replaced.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate December 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 10,588 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 14, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **January 25, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506- 5616 or at abonin@port-orange.org.

DATED this 20th day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 1152 Old Hammock Road Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 3:47pm

this 20th day of October, 2016.

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 3101 Archer Avenue Orlando, FL 32833, RE: 1152 Old Hammock Road Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 21 day of October, 2016.

Robert J. Senura
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County Property Appraiser

Morgan D. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6305-04-00-0021 2017 Working Tax Roll Last Updated: 10-16-2016

Owner Name and Address

Alternate Key	3585747	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-04-00-0021	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-04-00-0021	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	74 Homes for the Aged		
Ownership Type		Ownership Percent	100
Owner Name	COUNTRY MANOR ASSISTED LIVING		
Owner Name/Address 1	& RETIREMENT HOME LLC		
Owner Address 2	3101 ARCHER AVE		
Owner Address 3	ORLANDO FL		
Owner Zip/Postal Code	32833		
Situs Address	1152 OLD HAMMOCK RD PORT ORANGE 32129		

Legal Description

W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6289	3245	10/2008	Warranty Deed	Qualified Sale	Yes	800,000
3835	2693	06/1993	Warranty Deed	Qualified Sale	Yes	500,000
2893	1087	10/1986	Warranty Deed	Personal property /business	Yes	860,000
2168	0868	05/1980	Warranty Deed	Qualified Sale	Yes	135,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	382,239	122,982	5,537	510,758	510,758	510,758	0	510,758	0	510,758
2015	361,004	120,055	5,533	486,592	486,592	486,592	0	486,592	0	486,592

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
7400	HOMV AGED	0.0	0.0	130680.00	SQUARE_FEET	4.50	100	65	100	100	382,239
Neighborhood C5502 PORT ORANGE- NOVA ROAD											
Total Land Classified											0
Total Land Just											382,239

Building Characteristics

Building Number: 111590 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111590	Commercial	Concrete or Masonry	1432	1976	300	42%	70%	0%	2999
Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	9.00	2	1976	0.00	1250 Home for the Aged, Average (74C)		100.00	No	Yes
002	9.00	1	1976	0.00	132 Porch, Open Unfinished (UOP)		0.00	No	No
003	9.00	1	1984	0.00	133 Porch, Open Finished (FOP)		0.00	No	No
004	9.00	1	1976	0.00	8498 Home for the Aged, Average (74C)		100.00	No	No
005	9.00	1	1976	0.00	626 Porch, Screen Unfinished (USP)		0.00	No	No
006	9.00	1	1976	0.00	28 Porch, Open Finished (FOP)		0.00	No	No

10/27/2008 08:49 AM
Doc stamps 5600.00
(Transfer Amt \$ 800000)
Instrument# 2008-210417 # 1
Book : 6289
Page : 3245
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared By:

John B. Crowther
Attorney at Law
279 East Graves Avenue
Orange City, Florida 32763
(888) 775-6179

County Appraiser's Parcel Identification Number:
35-04-00-0021

RETURN TO 1813053
VOLUSIA TITLE SERVICES
109 WEST RICH AVENUE
DELAND, FL 32730

THIS SPECIAL WARRANTY DEED, executed this 23RD day of October, 2008, by EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC., a Florida corporation, 202 Plumosa Road, DelBary, Florida 32713, Grantor, to COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME, LLC, a Florida Limited Liability Company, whose post office address is 3101 Archer Avenue, Orlando, Florida 32833, Grantee:

WITNESSETH, that the said Grantor, for and in consideration of the sum of \$10.00, in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee forever, all right, title, interest, claim and demand which the said Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to wit:

The West Three (3) acres of Tract 2 of the replat of the Division of a portion of the Division of Lot 5, Section 5, Township 16 South, Range 33 East, CITY OF PORT ORANGE, Volusia County, Florida, as recorded in Plat Book 34, Pages 13 and 14, Public Records of Volusia County, said West Three (3) acres have also been described as the West Three (3) acres of Lot 2, VOSS SUBDIVISION, as recorded in Deed Book "L", Page 18, Public Records of Volusia County, said property being more particularly described as follows: Begin at the Southwest corner of Government Lot 5, thence North 00°13'35" West a distance of 280.50 feet to the Southwest corner of said Tract 2 and the true Point of Beginning; thence North 00°13'57" West a distance of 589.75 feet; thence North 89°07'09" East a distance of 221.59 feet; thence South 00°13'57" East a distance of 269.75 feet to the Northerly line of a 32 foot utility, ingress and egress easement; thence South 00°13'57" East along the West line of said easement a distance of 32 feet; thence South 00°13'57" East a distance of 290.56 feet; thence South 89°46'53" West a distance of 221.58 feet to the true Point of Beginning.

Subject to the same conditions, reservations and restrictions of record, if any, which previously affected this property and which are in affect at this date, and also subject to zoning and other governmental regulations.

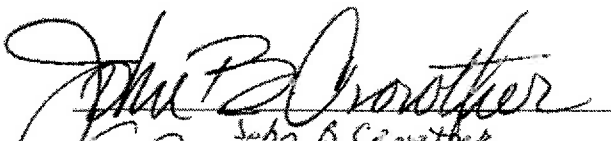
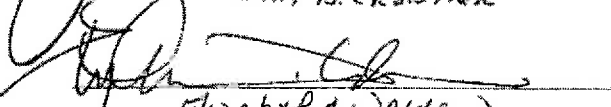
TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that, except as above noted, at the time of the delivery of this deed the premises were free from all encumbrances made by the Grantor, except taxes accruing subsequent to December 31, 2007, and the Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


John B. Crowther

Elizabeth A. Walden
STATE OF FLORIDA
COUNTY OF VOLUSIA

EDA INVESTMENT CORPORATION, a/k/a EDA
INVESTMENT CORPORATION, INC.

By: 
Eleanor B. Ade, as Vice President

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take

Section 3: - Fences and walls.

- (a) In general. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) General provisions.
 - (1) Restrictions.
 - (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
 - (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
 - (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this Code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal

of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.

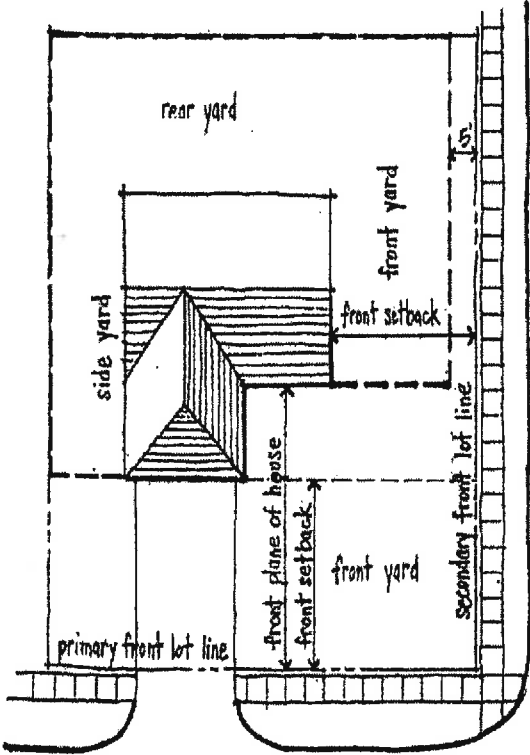
- (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.
- (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

(2) Height.

- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subsection (h) below.
- (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subsections (e), (f) and (g) below.
- (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
- (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
- (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
- (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subsection

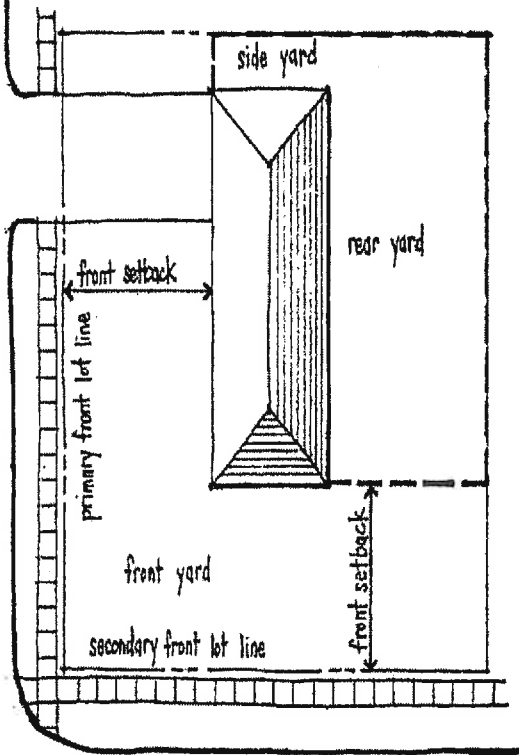
shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure



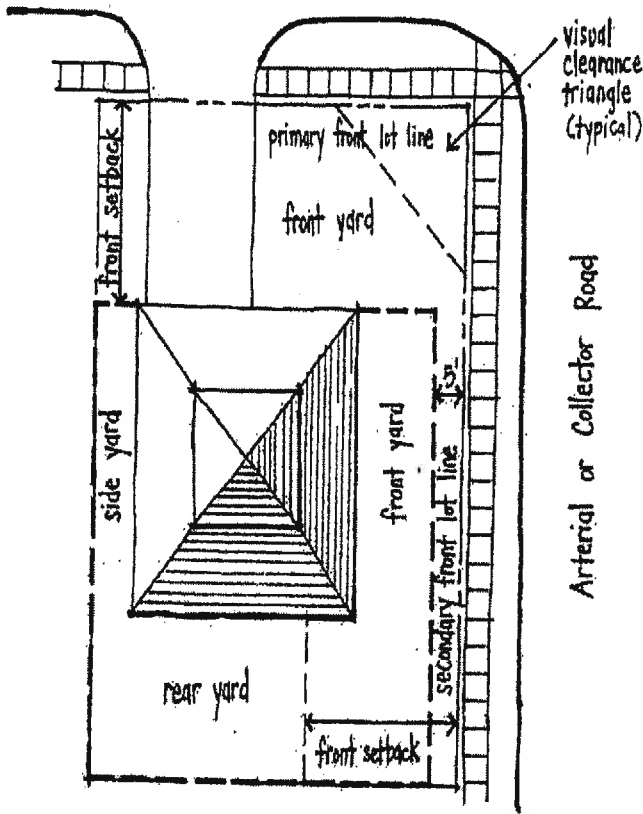
Local Street

Conforming Lot & Structure



Arterial or Collector Road

Local Street



Arterial or Collector Road

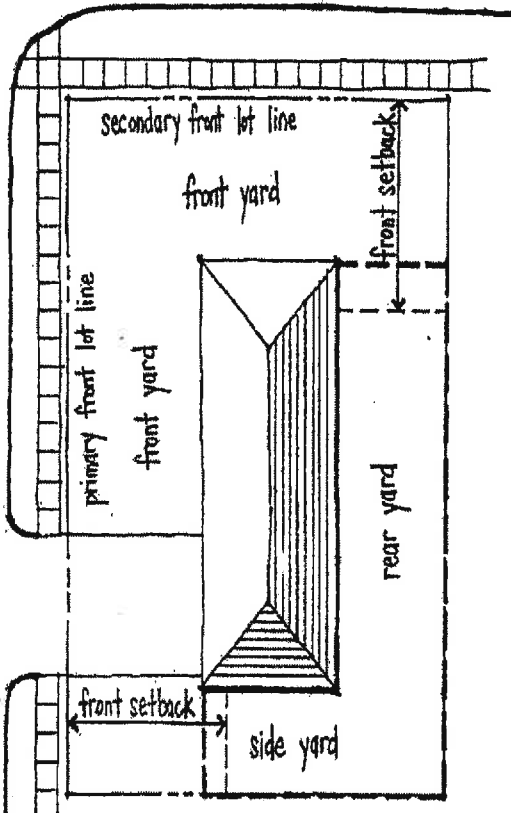


figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
 - (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
 - (i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.
- (3) Location.
- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
 - (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.
- (4) Design and maintenance.
- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
 - (b) All fences shall be maintained in their original upright condition.
 - (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
 - (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
 - (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
 - (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) Exemptions.

(a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.

(b) Reserved.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

GENERAL REQUIREMENTS

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] **108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

[A] **108.2.1 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] **108.3 Notice.** Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

[A] **108.4 Placarding.** Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] **108.4.1 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] **108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] **108.6 Abatement methods.** The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] **108.7 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

[A] **109.1 Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] **109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done,

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1695**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2016 232 768 12/16/16 @ 10:35 a.m.
Book: 7338 Page: 2235

Petitioner,

COUNTRY MANOR ASSISTED LIVING
1152 Old Hammock Road, Port Orange, FL 32129
PARCEL ID: 6305-04-00-0021

Respondent.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on December 14, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), COUNTRY MANOR ASSISTED LIVING, (hereinafter referred to as "Respondent(s)", whose mailing address is 3101 Archer Avenue, Orlando, FL 32833, is/are the owner(s) of the property located at 1152 Old Hammock Road, Port Orange, FL 32129, and more particularly described as:

W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 &
14 PER OR 3835 PG 2693 & OR 6289 PG 3245

B. The fence separating this property from the residential neighborhood needs to be repaired/replaced as it is rotting and the fence is falling apart; the screened enclosure in the rear of the building has been damaged and is deemed an unsafe structure and needs to be removed or repaired; and all broken windows on the structure need to be repaired or replaced. These conditions were first observed at the real property described above on October 18, 2016; re-inspections were made on November 10, 2016, November 29, 2016 and December 13, 2016, and confirmed the condition as being the same. Respondent(s) received notice via property posting on October 20, 2016, as well as certified mail and posting at City Hall on October 21, 2016, that the aforesaid conditions constituted a violation of City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls (b) General provisions (4) Design and maintenance, (b) and (c); Chapter 1, Section 109 Emergency Measures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances [A] Section 109.1 Imminent Danger; and Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.13 Window, Skylight and Door frames, and was to be corrected by November 10, 2016.

C. At the time of this hearing, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

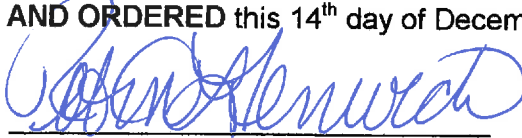
ORDER:

A. Respondent(s) shall correct the aforesaid violation by repairing/replacing the fencing that separates the residential area of Brandy Hills from the assisted living property as it is rotting and the fence is falling apart (a building permit is required); removing/replacing/repairing the screened enclosure in the rear of the building (a building permit is required if replacing); and repairing or replacing the broken and/or missing windows on the building (a building permit is required) on or before December 28, 2016 ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance a notice of the violation will be given to the City Council and the City shall have the option to abate the violations. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.68 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 14th day of December, 2016.

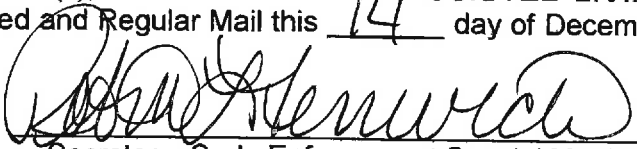
Attest: 
Secretary, Code Enforcement Special Magistrate

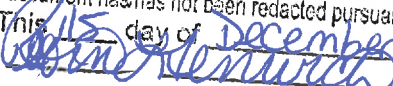
By: 
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), COUNTRY MANOR ASSISTED LIVING, 3101 Archer Avenue, Orlando, FL 32833 by Certified and Regular Mail this 14 day of December, 2016.


Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 15 day of December, 2016.
By: 



/s/ Robin L. Fenwick



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

January 30, 2017

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

RE: CEB Case Nos.: 16-1695 & 16-1140
Property Address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir/Madam:

You are hereby notified that Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, February 8, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor



February 8, 2017

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE (386) 506-5500
www.port-orange.org

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

RE: CEB Case Nos.: 16-1695 & 16-1140
Property Address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir/Madam:

You are hereby notified that Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, February 22, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor

Case Cost Sheet Log

Case No. 16-1247

Name	Activity	Activity_Date	Status	Cost
James E. Redmond (these costs were included in the Order Imposing Fine/Lien dated November 9, 2016)	Costs to mail Notice of Repeat Violation/Notice of Hearings to 5400 Turton Lane, Port Orange, FL 32127	08/29/2016	Certified mail returned "Unclaimed"; regular mail was not returned	\$0.00
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law, and Order	12/14/2016		\$27.00
James E. Redmond	Costs to mail Finding of Fact, Conclusion of Law, & Order to 5400 Turton Lane, Port Orange, FL 32127	12/14/2016		\$7.09
Clerk of Court	Costs to record Order Imposing Fine/Lien	02/22/2017		\$44.00
James E. Redmond	Costs to mail Order Imposing Fine/Lien to 5400 Turton Lane, Port Orange, FL 32127	02/22/2017		\$7.19

Total: 85.28



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. **16-1247**

To: **James E. Redmond**
5400 Turton Lane
Port Orange, FL 32127

Re: **5400 Turton Lane**
Port Orange, FL 32127
Parcel ID: **6314-01-07-0080**

LEGAL DESCRIPTION: **14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496
PG 1933**

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 28, 2016, indicates that certain **repeat** violation(s) of the City of Port Orange Code exists.

Briefly stated, the property is in violation of the following:

1. City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of Property Generally-Duty of Owner) (d), (f)
 - An inspection of the property on July 28, 2016 and subsequent days including August 24, 2016, shows the property as being overgrown, particularly the back and side yards, including vines extending up and over the pool enclosure and side of house. Additionally, vines (undergrowth) cover the stockade fence. Trash and debris is located in the side yard.
2. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), 4(a)(b)(c) and (d) (Design and Maintenance)
 - The stockade fence is falling down or missing in some areas. This fence needs to be repaired or replaced and maintained in its original, upright condition. This fence may be used for a safety barrier for the pool as required by the International Property Maintenance Code listed below.
3. Section 303 (Swimming Pools, Spas, and Hot Tubs) 303.1 (Swimming Pools) & 303.2 (Enclosures) of the 2015 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances Chapter 14, Article II.
 - The swimming pool shall be maintained in a clean and sanitary condition and in good repair and a safety barrier consisting of at least a 48" fence with self-closing and latching gates as described in the attached ordinance is required.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance. A repeat violation does not offer a time frame to bring property into compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 28, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 8.18 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 28, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **November 9, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 26th day of August, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127, RE: 5400 Turton Lane, Port Orange, FL 32127**, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

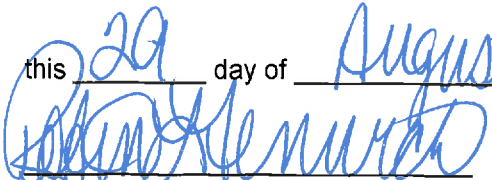
Time: 3:45 pm

this 26th day of August, 2016.

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to, RE: **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127**, RE: **5400 Turton Lane, Port Orange, FL 32127**, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 29 day of August, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6314-01-07-0080 **2016 Preliminary Tax Roll** Last Updated: 08-21-2016

Owner Name and Address

Alternate Key	3629159	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6314-01-07-0080	Mill Group	402 Port Orange
Full Parcel ID	14-16-33-01-07-0080	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	REDMOND JAMES E		
Owner Name/Address 1			
Owner Address 2	5400 TURTON LANE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5400 TURTON LN PORT ORANGE 32127		

Legal Description

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4496	1933	11/1999	Warranty Deed	Qualified Sale	Yes	68,500
4433	4840	05/1999	Warranty Deed	Institutional / bank	Yes	45,000
4378	3711	12/1998	Certificate of Title	Institutional / bank	Yes	100
3151	1080	06/1988	Warranty Deed	Qualified Sale	Yes	62,000
2262	1484	04/1981	Warranty Deed	Qualified Sale	Yes	42,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	19,813	54,679	11,013	85,505	77,058	77,058	25,000	52,058	25,000	27,058
2014	19,813	53,751	7,377	80,941	76,446	76,446	25,000	51,446	25,000	26,446

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	75.0	140.0	75.00	FRONT FEET	245.00	108	100	100	100	19,813
Neighborhood 5771 HARBOUR TOWN VILLAGE											
Total Land Classified											0
Total Land Just											19,813

Building Characteristics

Building Number: 115414 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
115414	Single Family	150	1979	300		23%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	2	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	C B STUCCO	1.0	1979	N	0%	0%	1212 Sq. Feet	
003	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1985	N	0%	0%	168 Sq. Feet	

11/19/1999 09:34
Doc stamps 479.50
(Transfer Amt \$ 68500)
Instrument # 1999-228314
Book: 4496
Page: 1933
Diane M. Matousek
Volusia County, Clerk of Court

Parcel ID Number: 6314-01-07-0080
Grantee #1 TIN: [REDACTED]

Warranty Deed

This Indenture, Made this 16th day of November, 1999 A.D., Between Judith L. Raske, a single woman, and William J. Pearson, a single man,

of the County of Volusia, State of Florida, grantors, and James E. Redmond,

whose address is: 5400 Turton Lane, Port Orange, Florida, 32127

of the County of Volusia, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the County of Volusia State of Florida to wit:

The southerly 15 feet of Lot 7, all of Lot 8, and the ~~North~~ ^{NORTHERLY} 10 feet of Lot 9, Block 7, Harbor Point Subdivision, as per map or plat thereof as recorded in Map Book 11, page 91, Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1999.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.
Signed, sealed and delivered in our presence:

Printed Name: Robert K. T. Corey

Witness as to Both

Printed Name: Janet C. Benton

Witness as to Both

Judith L. Raske (Seal)

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

William J. Pearson (Seal)

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 16th day of November, 1999 by Judith L. Raske, a single woman, and William J. Pearson, a single man,

who are personally known to me or who have produced their Florida driver's licenses as identification.

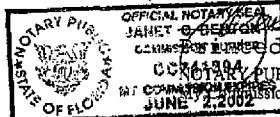
This Document Prepared By:

ROBERT KIT KOREY, ESQ.

JANET C. BENTON, REAL ESTATE ASSIST.

SUITE A 595 WEST GRANADA BLVD.

ORMOND BEACH, FL 32174



Name:

RASKE/REDMOND

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-112**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

V.

James E Redmond
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondent.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on February 26, 2014, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent, James E Redmond, whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is the owner of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7
HARBOR POINT PER OR 4496 PG 1933

B. The entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover. This condition was first observed at the real property described above on January 13, 2014; re-inspections made on February 7, 2014 confirmed the condition as being the same. The most recent inspection was on February 18, 2014 resulting in non-compliance. Respondent, James E Redmond, received notice via certified mail, posted on the property and City Hall on January 23, 2014, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4

(a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and was to be corrected by February 7, 2014.

C. At the time of the hearing on February 26, 2014, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondent, James E Redmond, by reason of the foregoing, has violated the Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, in that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the entire property in need to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent shall correct the aforesaid violation by mowing and weed eating the entire property, repairing the fence to its original and upright condition, removing the inoperable car in the front yard or must be properly parked, registered and licensed/covered with an approved car cover. The pool needs to be maintained in a clean and sanitary condition, the pool enclosure must be maintained in its original condition and any garbage, trash, debris, and outside storage needs to be removed from the property on or before March 10, 2014. In the event that the property is not brought into compliance on or before March 10, 2014, a fine of \$100 per day will be assessed for each day the property is in violation beyond March 10, 2014. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$39.88 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207.

DONE AND ORDERED this 26 day of February, 2014.

Attest: Theresa Dutierrez
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

Instrument# 2014-041031 # 3
Book : 6966
Page : 17
Diane M. Matusek
Volusia County, Clerk of Court

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent James E Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 6 day of March, 2014.

Theresa Dutierrez
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
By: [Signature] 15 day of March, 2014.

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 14-112

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 26th day of February, 2014, at which time Staff and the Respondent, James E Redmond, had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued His order finding that a violation exists which was reduced to writing, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondents in violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) & (f)

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.)

Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36. Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3)

Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, as the same pertains to the entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., needs to be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover, and required Respondent(s) to take certain corrective action no later than March 10, 2014.

An Affidavit of Non-Compliance has been filed with the Special Magistrate by Code Compliance Inspector Amanda Bonin, certifying under oath that the required action has not been taken as ordered by the Board. A true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes (2012), and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$100 per day beginning on the 11th day of March, 2014, is hereby imposed upon the Respondent, James E Redmond., which fine shall continue to accrue thereafter for each and every day the violation exists, shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. Included as part of this lien, the Respondent shall pay all costs incurred by the City of Port Orange in the prosecution of this case before the Magistrate, said costs being in the total amount of \$ 162.30.
3. The Respondent shall notify Code Compliance Inspector Amanda Bonin, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property, said property to include, but not necessarily be limited to that real property described as follows:

Tax Parcel ID: 6314-01-07-0080
Street address: 5400 Turton Lane, Port Orange, Florida.
Legal Description: Volusia County Public Records 14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933, of the Public Records of Volusia County, Florida; and per deed recorded in Book 4496, page 1933, Public Records of Volusia County, Florida.

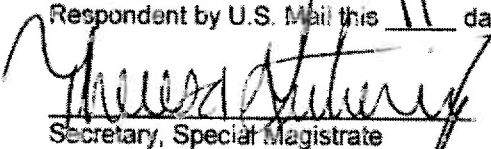
DONE AND ORDERED the 11th day of March, 2015, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 11 day of March 2015.


Secretary, Special Magistrate

Pursuant to Florida Statutes Section 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed. History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note.—Former s. 166.061.

Form Approved by the Board Attorney 08 08.0

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 14-112

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, The undersigned authority, personally appeared; Amanda Bonin, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on February 26, 2014, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondent was to have taken certain corrective action on or before March 10, 2014.
3. That a re-inspection was performed on April 9, 2014.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., needs be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover.

FURTHER AFFIANT SAYETH NOT.

Dated this 5th day of February 2015.

Amanda Bonin
Amanda Bonin
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

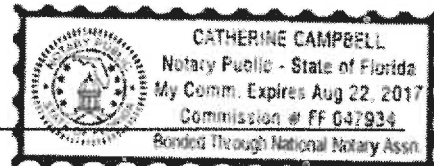
The foregoing instrument was acknowledged before me

This 5 day of January 2015 by
Amanda Bonin who

is personally known to me.

Catherine Campbell
Notary Public
State of Florida at Large

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO: CEB 14-112

CITY OF PORT ORANGE,

Petitioner,

vs.

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080,

Respondent.

Space Reserved for Recording

AFFIDAVIT OF COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared
Deborah Faircloth, Code Compliance Inspector for the City of Port Orange,
Florida, who, after being duly sworn, deposes and says:

1. That on February 26, 2014, the Special Magistrate held a public hearing and issued His Findings of Fact, Conclusions of Law and Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action on or before March 10, 2014.
3. That at the request of the Respondent, a reinspection was performed by the undersigned on April 24, 2014.
4. That the reinspection revealed that the corrective action ordered by the Special Magistrate has been taken.
5. Therefore, daily fines shall not accrue beyond April 24, 2014. However, ANY FINES THAT ACCRUED UP THROUGH AND INCLUDING MARCH 11, 2014, THROUGH APRIL 23, 2014, ARE STILL IN FULL FORCE AND EFFECT.

FURTHER AFFIANT SAYETH NOT.

DATED this 5th day of February, 2015.

Amanda Bonin
Amanda Bonin

STATE OF FLORIDA
COUNTY OF VOLUSIA

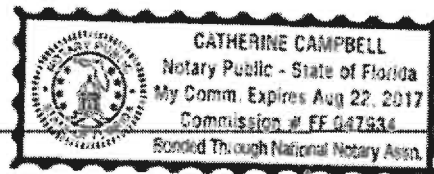
Before me, the undersigned authority, personally appeared Amanda Bonin, the Code Compliance Inspector identified in the foregoing Affidavit of Compliance; who acknowledged before me that she executed the foregoing instrument for the purposes expressed therein.

Sworn to and subscribed before me this 5 day of January, 2015.

Notary to check one:

☒ personally known to me or
☐ has produced _____ as identification.

Catherine Campbell
Notary Public, State of Florida at Large
Printed Name, Stamped Commission Seal and Term Expiration Date



CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Sec. 42-26. Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

- (b) Barbed wire shall be prohibited for commercial and industrial uses, except when installed at [an] eight-foot height or greater.

(2) *Height.*

- (a) For residential uses, no permanent fence or wall shall exceed six feet in height in rear or side yards.
- (b) For residential uses, no permanent fence or wall shall exceed four feet in height in required front or side yards abutting rights-of-way.
- (c) For commercial and industrial uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan.

(3) *Location.*

- (a) No permanent fence or wall shall be located closer than two feet to any right-of-way line, except as described in [subsection (b)](5) below.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with section 6 of this chapter.

(4) *Design and maintenance.*

- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b) All fences shall be maintained in their original upright condition.
- (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) *Exemptions.*

- (a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- (b) Fences required or installed to provide rear lot screening of residential uses shall be exempt from right-of-way setback requirements. However, such fences shall comply with requirements to provide visibility clearance at intersections as described in section 6 of this chapter.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94)



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

October 25, 2016

James E. Redmond
5400 Turton Lane
Port Orange, FL 32127

Re: CEB Case No. 16-1247

Dear Mr. Redmond:

You are hereby notified that the above referenced case has been scheduled for a Code Enforcement Special Magistrate hearing on Wednesday, December 14, 2016 at 9:00 a.m. Items #2 and #3 as listed on the Notice of Repeat Violation and Notice of Hearings will be heard at this time. A copy of said Notice is attached for your convenience.

In addition, please be advised that Item #1 on the attached Notice is still scheduled to be heard on Wednesday, November 9, 2016 at 9:00 a.m. as originally noticed.

Both hearings will be held in City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida

Should you have any questions regarding this, please contact Deborah Faircloth, Code Compliance Inspector at (386) 506-5641.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Chris Hutchison, Code Compliance Supervisor

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1247**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2016 242 592 12/30/16 @ 3:44 p.m.
Book: 7344 Page: 1847

Petitioner,

JAMES E. REDMOND
5400 TURTON LANE, PORT ORANGE, FL 32127
PARCEL ID: 6314-01-07-0080

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on December 14, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), James E. Redmond, (hereinafter referred to as "Respondent(s)", whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is/are the owner(s) of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER
OR 4496 PG 1933

B. The pool needs to be cleaned and sanitized and in working order and the pool enclosure needs to be repaired or rescreened or a new 6' fence is required as a safety barrier. This condition was first observed at the real property described above on July 28, 2016; re-inspections were made on October 26, 2016 and November 12, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified and regular mail on August 29, 2016, via property posting on August 26, 2016, and via City Hall posting on August 29, 2016, that the aforesaid conditions constituted a violation of City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), 4(a)(b)(c) and (d) (Design and Maintenance); and Section 303 (Swimming Pools, Spas, and Hot Tubs) 303.1 (Swimming Pools) & 303.2 (Enclosures) of the 2015 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances Chapter 14, Article II, and was to be corrected immediately as it was a repeat violation.

C. At the time of this hearing, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

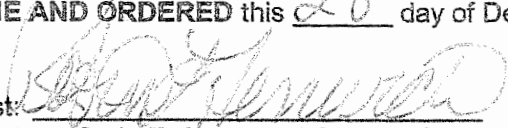
ORDER:

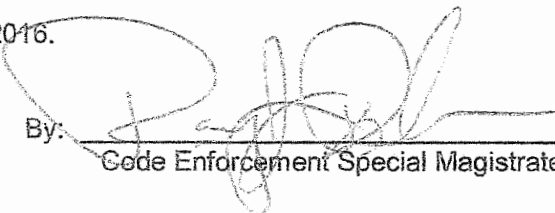
A. Respondent(s) shall correct the aforesaid violation by cleaning and sanitizing the pool and assuring that it is in working order and repairing/rescreening the pool enclosure or covering the pool on or before January 9, 2017. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$34.09 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

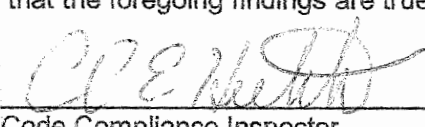
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 25 day of December, 2016.

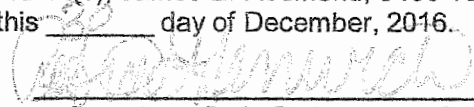
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 25 day of December, 2016.


Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA

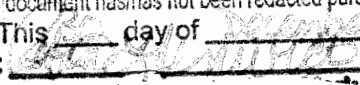
I HEREBY CERTIFY the foregoing is a true copy

CITY OF PORT ORANGE, FLORIDA CODE ENFORCEMENT

of the original filed in this office. Page 2

This document has/has not been redacted pursuant to Florida Law.

This 25 day of December, 2016.

By: 
/s/ Robin L. Fenwick



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

December 21, 2016

James E. Redmond
5400 Turton Lane
Port Orange, FL 32127

Re: CEB Case No. 16-1247

Dear Mr. Redmond:

You are hereby notified that a Code Enforcement Special Magistrate meeting has been scheduled for Wednesday, February 8, 2017 at 9:00 a.m. to hear items #2 and 3 of the code enforcement case against you pursuant to the Notice dated August 26, 2016 previously sent to you and posted at your property. This 2nd public hearing will be conducted so that the Special Magistrate to consider setting the fine/lien against the above referenced case.

Should you have any questions regarding this, please contact Deborah Faircloth, Code Compliance Inspector at (386) 506-5644.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Chris Hutchison, Code Compliance Supervisor



February 8, 2017

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE (386) 506-5500
www.port-orange.org

James E. Redmond
5400 Turton Lane
Port Orange, FL 32127

RE: CEB Case No. 16-1247

Dear Mr. Redmond:

You are hereby notified that Code Enforcement Case No. 16-1247 have been continued. Your case has been rescheduled to Wednesday, February 22, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Deborah Faircloth, Interim at (386) 506-5644.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

CC: Deborah Faircloth, Interim Code Compliance Supervisor

Case Cost Sheet Log

Case No. 16-1638

Name	Activity	Activity_Date	Status	Cost
George Morgan & Ethel M. Morgan	Cost to mail Notice of Violation/Notice of Hearings #1 to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	11/11/2016	Regular mailings for each returned "Deceased, unable to forward" on November 28, 2016	\$14.26
George Morgan & Ethel M. Morgan	Cost to mail Notice of Violation/Notice of Hearings #2 to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	11/11/2016	Certified mailings returned "Deceased, unable to forward"; regular mailings were not returned	\$15.52
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order (x2)	12/14/2016		\$54.00
George Morgan & Ethel M. Morgan	Cost to mail Finding of Fact, Conclusion of Law & Order (x2) to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	12/14/2016		\$15.52
Clerk of Court	Cost to record Order Imposing Fine/Lien	02/22/2017		\$44.00
George Morgan & Ethel M. Morgan	Cost to mail Order Imposing Fine/Lien to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	02/22/2017		\$15.72

Total: 159.02



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. #16-1638

To: George Morgan &
Ethel M. Morgan
709 Sheldon Circle
Port Orange, FL 32127

Re: 709 Sheldon Circle
Port Orange, FL 32127
Parcel ID: 6315-04-11-0660

LEGAL DESCRIPTION: LOT 66 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2479PG 1092

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 30, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by December 5, 2016.

Briefly stated, the property is in violation of the following:

1. City of Port Orange Code of Ordinances, Chapter 32, Article II, Section 32-26 (d)(f)
 - The entire property is overgrown and needs to be mowed will all undergrowth pruned back. All garbage, junk, trash, and debris shall be removed from the yard and properly stored or disposed of.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** December 14, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 14.68 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on December 14, 2016, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on January 25, 2017, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 10th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

By:

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to George Morgan & Ethel M. Morgan, 709 Sheldon Cir., Port Orange, FL 32127, RE: 709 Sheldon Cir., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 1:15 pm

this 10th day of November, 2016.

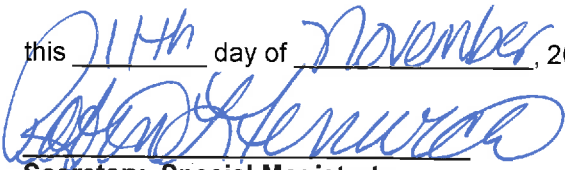
Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to George Morgan & Ethel M. Morgan, 709 Sheldon Cir., Port Orange, FL 32127, RE: 709 Sheldon Cir., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 14th day of November, 2016.


Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

24791092

BOOK PAGE This instrument was prepared by

Warranty Deed

(STATUTORY FORM -- SECTION 689.02 FS)

WALTER E. FOSTER, JR.

Attorney at Law
310 South Beach Street
DAYTONA BEACH, FLORIDA 32014

This Indenture, Made this 15th day of August 1983 Between

JOHN A. STUPRICH and CATHERINE E. STUPRICH, his wife
of the County of Volusia, State of Florida, grantor, and

GEORGE MORGAN and LUEL M. MORGAN, his wife
whose post office address is 709 Sheldon Circle, Port Orange, Florida 32074

of the County of Volusia, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of

TEN AND NO/100----- Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-
lowing described land, situate, lying and being in Volusia County, Florida, to-wit:

Lot Sixty-Six (66), Block Eleven (11), COMMONWEALTH MOBILE HOME ESTATES,
FIRST ADDITION, as per map in Map Book 29, page 47, of the Public Records
of Volusia County, Florida.

Together with Title to 1979 Champion Mobile Home, ID #0400475882.

SUBJECT to taxes for the year 1983 and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims
of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

W. E. Foster
Barbara E. Bennett

Is Paid 54.00 Date AUG 16 1983
County Volusia
Signature of Clerk

John A. Stuprich (Seal)
Catherine E. Stuprich (Seal)
Catherine E. Stuprich (Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared

JOHN A. STUPRICH and CATHERINE E. STUPRICH

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of August
1983.

My commission expires:

Barbara E. Bennett
Notary Public

Notary Public, State of Florida
My Commission Expires April 21, 1984

Sec. 42-26. Cleanliness of property generally—Duty of owner.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) **Purpose and intent.** The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) **Maintenance of commercial and industrial zoned lots.** The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) **Maintenance of improved residential lots.** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) **Maintenance of unimproved residential lots.** The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) **Garbage, waste, trash, etc., prohibited.** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) **No property maintenance permit required; other restrictions and requirements applicable.** No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1638

To:
George Morgan &
Ethel M. Morgan
709 Sheldon Cir.
Port Orange, FL 32127

Re: 709 Sheldon Cir., Port Orange, FL 32127

Port Orange, FL 32127

Parcel ID: 6315-04-11-0660

LEGAL DESCRIPTION: LOT 66 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2479 PG
1092

Volusia County Public Records
Volusia County, FL

**This property has been deemed an unsafe structure by Interim Building Official, Al Tischler.
The relief sought is demolition of the unsafe structure.**

An inspection of the premises on November 7, 2016, indicates that certain violation(s) of the City of Port Orange Code exists. Hurricane Matthew removed the roof, insulation, screen room, etc.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **December 5, 2016**.

Briefly stated, the property is in violation of the following:

1. Chapter 3, Section 304.1.1 (7, & 8)(Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.
 - The mobile home is structurally compromised and is, therefore, considered unsafe and a hazard to the public health, safety and welfare.
2. Additionally, Chapter 3, 304.2 Protective Treatment, Section 304.5 Foundation Walls, 304.6 Exterior walls, 304.7 Roofs and drainage, 304.10 Stairways, decks, porches and balconies, 304.15 Doors, 304.18 Building Security.
 - All of the above structural elements have been affected by Hurricane Matthew and are considered hazardous to the public health, safety, and welfare.
3. Chapter 42, Article V, Division 3. – Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.
 - The Interim Building Official, Al Tischler, has personally inspected the mobile home and deems the mobile home to be unsafe due to the aforementioned damage. Pursuant to the instant ordinance, the unit shall be demolished by either interested party.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate December 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 15.52 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 14, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **January 25, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 10th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

24791092

BOOK PAGE This instrument was prepared by

WALTER E. FOSTER, JR.

Attorney at Law
310 South Beach Street
DAYTONA BEACH, FLORIDA 32014**Warranty Deed** (STATUTORY FORM -- SECTION 689.02 FS)

This Indenture, Made this 15th day of August 1983 Between

JOHN A. STUPRICH and CATHERINE E. STUPRICH, his wife,
of the County of Volusia, State of Florida, Grantor*, and
GEORGE MORGAN and LUEL M. MORGAN, his wife,
Grantor*, and

whose post office address is 709 Sheldon Circle, Port Orange, Florida 32129

of the County of Volusia, State of Florida, grantor*.

Witnesseth. That said grantor, for and in consideration of the sum ofTEN AND NO/100-----Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-
lowing described land, situate, lying and being in Volusia County, Florida, to-wit:Lot Sixty-Six (66), Block Eleven (11), COMMONWEALTH MOBILE HOME ESTATES,
FIRST ADDITION, as per map in Map Book 29, page 47, of the Public Records
of Volusia County, Florida.

Together with Title to 1979 Champion Mobile Home, ID #0400475882.

SUBJECT to taxes for the year 1983 and subsequent years.

IS Paid 54.00 Date AUG 16 1983
County Volusia
Signature of Clerkand said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims
of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:W. E. Foster
Barbara E. Bennett

John A. Stuprich (Seal)

Catherine E. Stuprich (Seal)

(Seal)

Catherine E. Stuprich (Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIAI HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared

JOHN A. STUPRICH and CATHERINE E. STUPRICH

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.WITNESS my hand and official seal in the County and State last aforesaid this 15th day of August
1983.

My commission expires:

Barbara E. Bennett
Notary PublicNotary Public, State of Florida
My Commission Expires April 21, 1984

Sec. 42-26. Cleanliness of property generally—Duty of owner.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) **Purpose and intent.** The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) **Maintenance of commercial and industrial zoned lots.** The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) **Maintenance of improved residential lots.** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) **Maintenance of unimproved residential lots.** The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) **Garbage, waste, trash, etc., prohibited.** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) **No property maintenance permit required; other restrictions and requirements applicable.** No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

GENERAL REQUIREMENTS

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weathertight and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of

DIVISION 3. - ABATEMENT OF UNSAFE STRUCTURES

Sec. 42-106. - Purpose.

The intent and purpose of this division is to protect the health, safety, morals and welfare of all the people of the City of Port Orange by establishing standards governing the abatement of unsafe structures; authorizing and establishing procedures for the demolition of the same and setting forth a procedure for the enforcement of this division by ordering the abatement of structures found unsafe. This division is hereby declared to be remedial and essential to the public interest, and it is intended that this division be liberally construed to effectuate the purposes as stated above.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-107. - Inspections.

The building official, or his or her designee, shall have the authority to inspect any structure for the purpose of determining whether the same is unsafe based on the conditions set forth herein. The building official, or his or her designee, is authorized to utilize the services of private engineers, architects or other professionals in order to determine the condition of the structure in question.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-108. - Unsafe conditions; nuisance.

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- (4)

The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

- (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
- (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
- (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-109. - Notice of violation and notice of hearing.

When the building official, or his or her designee, verifies the existence of a structure which is unsafe, an initial notice of violation and notice of hearing shall be provided to the owner of record and other known interested parties as set forth in section 42-110. Said notice shall describe the condition(s) found by the building official, or his or her designee, and relied upon in determining the structure is unsafe and state the requirements to secure and repair, or demolish the structure within a reasonable period of time along with a notice informing all interested parties of the date, time and location of the hearing before the special magistrate which may result in an order requiring the property owner or city to demolish the structure(s) on the property with any costs therefor being assessed against the property and constituting a lien thereon.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-110. - Manner of serving notice.

- (a) For the purpose of providing notice, interested parties shall be the owner of the property as shown on the county tax rolls, other persons whose names appear on the county tax rolls as having an interest in the property, and the tenant or occupant, if any, of the property, as well as other persons of record interest, which may include the mortgagee, contract purchaser (if known), agent with power of attorney, and any person claiming an interest under a lis pendens.
- (b)

Ten days or more prior to the hearing before the special magistrate, the notice of violation and notice of hearing shall be posted on the front of the property and shall be delivered to the interested parties either:

- (1) By personally delivering a copy thereof to the party to be notified;
- (2) By leaving such copy at such person's usual place of residence with some person of the household above 15 years of age and informing such person of the contents thereof; or
- (3) By standard United States mail and either registered or certified United States mail with return receipt requested.

If the name of any interested party or their place of residence or their post office address cannot be ascertained after diligent search or in the event a notice sent by either registered or certified mail shall be returned undelivered, notice shall be given by publishing a copy thereof two times in a newspaper of general circulation in the city as set forth in subsection (d) of this section and, if the name of such interested party is known, mailing a copy thereof to such person's last known address, if known.

- (c) A copy of such notice of violation and notice of hearing shall be posted in a conspicuous place at city hall.
- (d) If publication of notice is made, a notice of notice of violation and notice of hearing shall be published on two different days in a newspaper of general circulation in the city and the last publication of such notice shall be not less than ten days prior to the date of hearing.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-111. - Hearing and authority to order secure and repair or demolition.

- (a) In any hearing before the special magistrate pursuant to this division, formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of the state. Each interested party shall have the right to appear in person, by legal counsel or by an agent, to call and examine witnesses under oath, to introduce documentary evidence or exhibits, to cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination, to impeach any witness regardless of which party first called him to testify, and to submit rebuttal evidence.

- (b) Upon substantial competent evidence, the special magistrate may render his or her order requiring the owner to secure and repair, or cause to be demolished, the structure(s) which have been established as unsafe within a reasonable period of time not less than 30 days from the date of the order, and provide authority for the city to take the necessary steps to abate the condition(s) in the event the owner fails to do so and charging all expenses of the abatement against the property in accordance with this division. The order may also require vacating of the property if such action is necessary and has not already been accomplished.
- (c) All unsafe structures which have been secured as a result of an order to secure and repair shall be subject to inspection and the owner of the structure shall be assessed a fee for each and every such inspection. For the purpose of ensuring that the vacant and unfit or unsafe structure is locked and/or secured, inspections shall be conducted no less frequently than at 30-day intervals and the following fee collected in the manner provided by this division for each and every inspection conducted.
 - (1) Residential, commercial, institutional and industrial structures, per structure: \$50.00.
 - (2) Other structures (detached garages, accessory buildings, etc.), per structure: \$25.00.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-112. - Appeal procedure.

An aggrieved party, including the city, may appeal a final administrative order of the special magistrate to the circuit court in Volusia County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-113. - Condition of lot after demolition.

A lot from which a structure is demolished shall be properly filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition. The lot shall comply with the established vegetation standards of the city.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-114. - Assessment of cost of demolition; lien on property.

- (a)

Upon expiration of the 30-day right of appeal to the circuit court with no appeal having been taken, or, if appeal is taken, expiration of the 30-day period following the 30-day period for filing a claim of appeal to the district court of appeal, or following an emergency demolition authorized and conducted in accordance with section 42-115, unless otherwise ordered by a court of competent jurisdiction, the city manager or his or her designee, after proceeding under this division, shall assess the entire cost of such vacation, demolition, removal or securing against the real property upon which such cost was incurred by recording a lien. The costs which may be assessed include the cost of rodent extermination where employed, all administrative costs (which shall include all costs related to any hearing before the special magistrate and the lien recording and releasing fee), postal expense, newspaper publication and other costs reasonably and necessarily incurred by the city, including attorney's fees and costs. Such costs when assessed shall constitute a lien upon such property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.

- (b) In those instances where the owner has repaired, secured or demolished a structure or caused such work to be done as the result of having been determined to be in violation of this division, all costs described in subsection (a) of this section reasonably and necessarily incurred by the city shall be assessed against the property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.
- (c) The city shall record a notice of lien in the public records of Volusia County. The notice of lien shall show the nature of such lien, the amount thereof, the names of persons having an ownership or other property interest of record and an accurate legal description of the property, which lien shall date from the date of recording of the notice of lien. Such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.

Sec. 42-115. - Emergency condemnations, authority to take action; lien on property.

- (a) In cases where there is imminent peril to the public safety or general welfare or immediate danger to the life or safety of any person or where the public is endangered by weather conditions, fire, other natural disasters or the particular location of the subject property, unless an unfit or unsafe structure is immediately repaired, demolished, or removed, the city

manager or his or her designee shall promptly cause such structure to be made safe or removed. For this purpose the city manager or his or her designee may at once enter such a structure or land on which it stands, or abutting land or structures, to perform an inspection with such assistance and at such cost as may be deemed necessary.

- (b) Upon inspection, the city manager or his or her designee shall determine whether or not the structure requires immediate emergency demolition in order to maintain the safety and welfare of the owner, tenants, or public. A written report will document results of these inspections. Exterior and interior photographs of the building, structure, or portion thereof will be taken when feasible.
- (c) The city manager or his or her designee may order the vacation of adjacent structures and may require the protection of the public by appropriate fencing or such other means as may be necessary, and for this purpose may close any public or private way.
- (d) If the city manager or his or her designee determines that sufficient time exists, prior to demolition, to reasonably and safely serve a notice of intent to demolish, it will be sent via priority mail or courier delivery and by attempting to telephone the owner or interested parties (if listed in the current phone directory) giving notice of the emergency demolition. This written notification must state the findings of the city manager or his or her designee, documenting cause for demolition or removal. Where the owner or other interested party fails to take immediate corrective action as ordered by the city manager or his or her designee, the city manager or his or her designee shall have the authority to promptly proceed with the abatement of the unsafe structure in accordance with this division. Failure to effect personal notice upon the individual owner or interested parties shall not prevent the city from performing the emergency demolition or removal and assessing a lien on the property. All costs incurred in the evaluation, vacation, securing and emergency demolition are the responsibility of the property owner, and the city manager shall place a lien on the property as set forth in section 42-114.

(Ord. No. 2015-37, § 1, 11-3-2015)



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

January 20, 2017

George & Ethel M. Morgan
709 Sheldon Circle
Port Orange, FL 32127

Re: CEB Case No. 16-1638

Dear Mr. and Mrs. Morgan:

You are hereby notified that the Code Enforcement Special Magistrate meetings scheduled for Wednesday, January 25, 2017 at 9:00 a.m. in the above referenced cases have been continued. Your case has been re-scheduled to Wednesday, February 22, 2017 at 9:00 a.m. in City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have any questions regarding this, please contact Deborah Faircloth, Code Compliance Inspector at (386) 506-5644.

Sincerely,

Robin Fenwick, CMC
City Clerk

Case Cost Sheet Log

Case No. 16-1498

Name	Activity	Activity_Date	Status	Cost
Jaqueline M. & Donald A. Acosta	Cost to mail Notice of Violation/Notice of Hearing to each Respondent via regular and certified mail	09/12/2016	Certified mail returned unclaimed	\$14.68
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	10/19/2016		\$18.50
Jaqueline M. & Donald A. Acosta	Cost to mail Finding of Fact, Conclusion of Law & Order via regular and certified mail	10/19/2016	Regular mailings were not returned; certified mailings were "unclaimed/unable to forward"	\$13.84
Clerk of Court	Fee to record Order Imposing Fine/Lien	02/22/2017		\$44.00
Jaqueline M. & Donald A. Acosta	Cost to mail Order Imposing Fine/Lien to 825 Uplandd Drive, Port Orange, FL 32127 (via regular and certified mail)	02/22/2017		\$14.04

Total: 105.06



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1498

To: Jaqueline M. & Donald A. Acosta

Re: 825 Upland Dr

Port Orange, FL 32127

Parcel ID: 6321-04-00-1150

LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225
PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR
5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Volusia County Public Records

Volusia County, FL

An inspection of the premises on September 8, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

Briefly stated, the property is in repeat violation of the following:

1. Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools.
 - An inspection of the property was conducted on September 8, 2016. I observed an unsanitary pool with a thick layer of green algae covering the top. A violation of the above stated ordinance was previously found in Case # 13-1335. See attached Finding of Fact and Conclusion of Law. To correct the repeat violation, the pool must be cleaned and maintained or properly covered with a hard cover.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondents to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** October 12, 2016 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$14.68 as indicated on the cost sheet submitted into evidence. The respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on October 12, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on December 14, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 10th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL, 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

this 10th day of September, 2016.

Time: 10:30 A.M.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL, 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 12th day of Sept., 2016.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6321-04-00-1150 **2016 Preliminary Tax Roll** Last Updated: 09-04-2016

Owner Name and Address

Alternate Key	3660951	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6321-04-00-1150	Mill Group	402 Port Orange
Full Parcel ID	21-16-33-04-00-1150	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	ACOSTA JACQUELINE M &		
Owner Name/Address 1	DONALD A ACOSTA		
Owner Address 2	825 UPLAND DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	825 UPLAND DR PORT ORANGE 32127		

Legal Description

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5969 2888	12/2006	Warranty Deed	Unqualified Sale	Yes	100
5952 0372	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5947 4351	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5910 1211	09/2006	Personal Rep.	Unqualified Sale	Yes	100
5864 4185	06/2006	Warranty Deed	Affiliated Parties	Yes	15,000
5865 4113	03/2003	Death Certificate	Unqualified Sale	Yes	100
4975 1225	10/2002	Warranty Deed	Qualified Sale	Yes	150,000
2562 1689	05/1984	Warranty Deed	Addition after sale	Yes	53,500
2467 1812	08/1983	Warranty Deed	Unqualified Sale	No	100
2467 1813	07/1983	Warranty Deed	Qualified Sale	No	13,200

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,019	120,281	12,281	147,581	147,581	147,581	0	147,581	0	147,581
2014	15,019	109,167	10,107	134,293	134,293	134,293	0	134,293	0	134,293

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	84.0	167.0	84.00	FRONT FEET	160.00	112	100	100	100	15,019
Neighborhood 5680 DEVONWOOD, HAMLET, HAMLET 1ST											
Total Land Classified											0
Total Land Just											15,019

Building Characteristics

Building Number: 118384 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
118384	Single Family	208	1984	300		19%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	A/C		Yes

Prepared by:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

Return to:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

QUITCLAIM DEED

This Quitclaim Deed made this 13th day of November, 2006, by STEPNIAK & WRENN, P.A. a Corporation, as Grantor, to JACQUELINE M. ACOSTA & DONALD A. ACOSTA, of 5808 Wales Ave. Port Orange, Florida 32127, as Grantee.

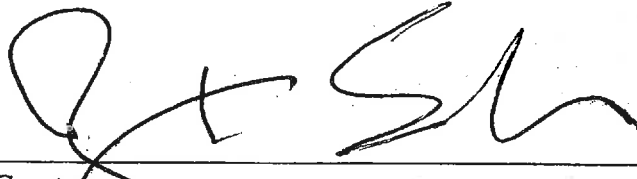
NOW THEREFORE, Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has in and to that real property located in Volusia County, Florida, and more particularly described as follows:

THE FOLLOWING DESCRIBED LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF VOLUSIA STATE OF FLORIDA:

**LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER
OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE**

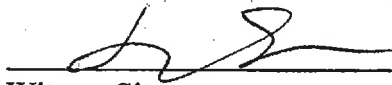
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

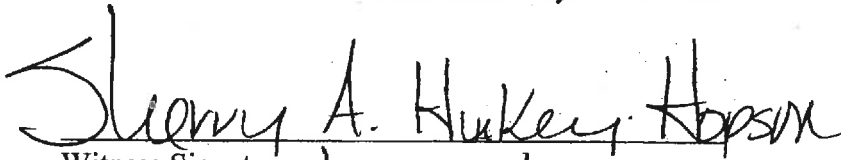


Grantor

WITNESSES:



Witness Signature
Print Name: Jane Stepiak



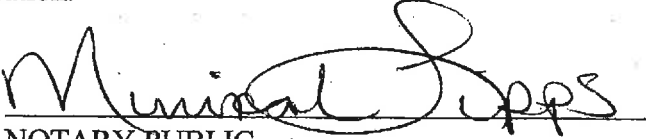
Witness Signature
Print Name: Sherry A. Huskey
Hopsom

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me, this 13th day of November 2006, by Robert F. Stepiak who is personally known to me or who has produced as identification.

NOTARY PUBLIC-STATE OF FLORIDA
 Minokah Lipps
Commission # DD525382
Expires: MAR. 06, 2010
Bonded Thru Atlantic Bonding Co., Inc.



NOTARY PUBLIC

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner of the premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants of a dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit or premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 13-1335**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

v.

Jacqueline & Donald Acosta
825 Upland Drive
Port Orange, FL 32127
6321-04-00-1150

Respondents.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 23, 2013, after due notice to the Respondents, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff, thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, Jacqueline & Donald Acosta, whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is the owners of the property located at 825 Upland Drive, Port Orange, FL 32127, and more particularly described as:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER
OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE

B. The condition of the fence having missing pickets that need to be replaced and the possibility of the need to replace some posts that may be rotten. The swimming pool is green and not being maintained. The Screen enclosure is missing screens and does not prevent access. There needs to be a lock on gate(s) into back yard to prevent access until pool enclosure is repaired, was first observed at the real property described above on May 24, 2013; re-inspections made on September 23, 2013, confirmed the condition as being the same. The most recent inspection was on October 15, 2013 and October 22, 2013 resulting in non-compliance. Respondents, Jacqueline & Donald Acosta, received notice via certified mail on September 20, 2013, that the aforesaid conditions constituted a violation of the CITY OF PORT ORANGE LAND DEVELOPMENT CODE, CHAPTER 16, SECTION 3: FENCES & WALLS,(b) General Provisions, (4) Design and Maintenance,(b)(d)(f). All fencing, wood or chain link, must be maintained in its original upright condition. Any missing or broken pickets must be replaced and all gates and latches must operate as they were designed. 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS, SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS. 303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. 303.2 Enclosures. Private swimming pools...No existing Pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Pool enclosure structure must be repaired and screens installed, and were to be corrected by October 4, 2013.

C. At the time of the hearing on October 23, 2013, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondents, Jacqueline & Donald Acosta, by reason of the foregoing, has violated the CITY OF PORT ORANGE LAND DEVELOPMENT CODE, CHAPTER 16, SECTION 3: FENCES & WALLS, (b) General Provisions, (4) Design and Maintenance, (b)(d)(f). All fencing, wood or chain link, must be maintained in its original upright condition. Any missing or broken pickets must be replaced and all gates and latches must operate as they were designed. 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS, SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS. 303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. 303.2 Enclosures. Private swimming pools... No existing Pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Pool enclosure structure must be repaired and screens installed, in that the respondent failed, on or before the date set in the notice of violation, to remedy the condition of the fence having missing pickets that need to be replaced and the possibility of the need to replace some posts that may be rotten. The swimming pool is green and not being maintained. The Screen enclosure is missing screens and does not prevent access. There needs to be a lock on gate(s) into back yard to prevent access until pool enclosure is repaired, and is therefore subject to the provisions of Chapter 162, Florida Statutes (2011).

ORDER:

A. Respondents shall correct the aforesaid violation by repairing fencing and screened pool enclosure, cleaning/sanitizing pool and maintaining this property in compliance on or before November 8, 2013. In the event that the property is not brought into compliance on or before November 8, 2013, a fine of **\$100.00** per day shall be imposed for each day the violation continues past November 8, 2013 and run until the property is brought into compliance. The City shall have the option to abate the violation and future violations of the same ordinances, as long as the property is legally owned by Jacqueline & Donald Acosta and lien the property for the total cost of the abatement. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$13.02 as indicated on the cost sheet submitted into evidence. The respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

B. In the event that the Respondents complete the requirements listed above, Respondents shall request a re-inspection by the Code Compliance Inspector to determine whether the violation has been brought into compliance.

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Section 162.07, Florida Statutes (2011).

DONE AND ORDERED this 23 day of October, 2013.

Attest: Theresa Gutierrez
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

Deborah Faircloth
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondents Jacqueline & Donald Acosta at 825 Upland Drive, Port Orange, FL 32127, by Certified and Regular U.S. Mail this 24th day of October, 2013.

Theresa Gutierrez
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 24th day of October, 2013.
By: [Signature]

CITY CLERK

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1498

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JAQUELINE M. & DONALD A. ACOSTA
825 UPLAND DRIVE
PORT ORANGE, FL 32127
PARCEL ID #6321-04-00-1150

Recorded in the Public Records:
Instrument #2016 192 109 10-19-16 @ 03:00 p.m.
Book: 7315 Page: 2379

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 19, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Jaqueline M. & Donald A. Acosta, (hereinafter referred to as "Respondent(s)", whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 825 Upland Drive, Port Orange, FL 32127, and more particularly described as:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5852 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

B. The swimming pool is unsanitary with a thick layer of green algae covering the top. This condition was first observed at the real property described above on September 8, 2016. Respondent(s) received notice via posting on the property on September 10, 2016, as well as certified and regular mail and posting at City Hall on September 12, 2016, that the aforesaid conditions constituted a repeat violation of Chapter 3, Section 303, Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools, and was to be corrected by October 12, 2016.

C. At the time of this hearing, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

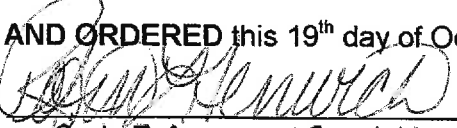
ORDER:

A. Respondent(s) shall correct the aforesaid repeat violation by this ORDER immediately. In the event that the property is not brought into compliance immediately by cleaning and maintaining the pool in a good and sanitary condition or by installing a hard cover, the City shall have the option of abating the repeat violation as this is a health, safety and welfare violation. Notice of the repeat violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$55.52 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

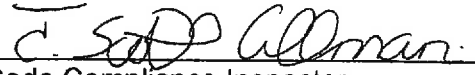
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 19th day of October, 2016.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Jacqueline M. & Donald A. Acosta, 825 Upland Drive, Port Orange, FL 32127 by Certified and Regular Mail this 19 day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.
This 19 day of October, 2016.

By: 
Secretary, Code Enforcement Special Magistrate





CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE (386) 506-5500
www.port-orange.org

February 15, 2017

Jaqueline & Donald Acosta
825 Upland Drive
Port Orange, FL 32127

Re: CEB Case No. 16-1498

Dear Mr. and Mrs. Acosta:

You are hereby notified that the Code Enforcement Special Magistrate meeting scheduled for Wednesday, January 11, 2017 at 9:00 a.m. in the above referenced case has been continued. Your case has been re-scheduled to Wednesday, February 22, 2017 at 9:00 a.m. in City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have any questions regarding this, please contact Scott Allman, Code Compliance Inspector at (386) 506-5641.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor

Case Cost Sheet Log

Case No. 16-1457

Name	Activity	Activity_Date	Status	Cost
Terri G. Curatolo	Cost to mail the Notice of Violation/Notice of Hearings (via certified & regular)	11/30/2016	Regular mail returned unclaimed; Certified mail not returned or signed for	\$7.34
The Bank of New York Mellon	Cost to mail the Notice of Violation/Notice of Hearings (via certified & regular)	11/30/2016	Green card signed on 12/5/16	\$7.34
Clerk of Court	Cost to record Finding of Fact, Conclusion of Law & Order	01/11/2017		\$27.00
Terri G. Curatolo	Cost to mail Finding of Fact, Conclusion of Law & Order (via certified & regular mail)	01/11/2017	Nothing returned	\$7.34
The Bank of New York Mellon	Cost to mail Finding of Fact, Conclusion of Law & Order (regular mail)	01/11/2017		\$0.46
Clerk of Court	Cost to record Order Imposing Fine/Lien	02/22/2017		\$44.00
Terri G. Curatolo	Cost to mail the Order Imposing Fine/Lien	02/22/2017		\$7.44
The Bank of New York Mellon	Cost to mail the Order Imposing Fine/Lien	02/22/2017		\$7.44

Total: 108.36



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1457

To: Terri G. Curatolo
Property Owner
707 Paddock Club Drive
Panama City Beach, FL 32047

Re: 3640 Scott Street
Port Orange, FL 32129
Parcel ID: 6337-07-04-0090
LEGAL DESCRIPTION: LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 31, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on November 15, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by December 14, 2016.

Briefly stated, the property is in violation of the following:

1. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.1 (Swimming Pools), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
 - Inspection revealed that the pool is green and has debris inside it. A cover was placed on the pool at one time but the materials are rotting and the wire meshing is coming up which has caused exposed areas in the cover where someone could fall in. The cover needs to be replaced or repaired with effective materials so that there are no exposed areas.
2. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.2 (Enclosures), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: ...No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
 - Inspection revealed that the enclosure does have locking mechanisms but there are large areas where the screen is out which could be easily accessible by children. The screened areas must be repaired in such a way that a child could not access the pool by climbing through the broken areas and fall through the cover.
3. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

- While on the property, I noticed a lot of yard debris to include fallen limbs and trees and high weeds. The property needs to be cleaned up in its entirety to include mowing of yard, weed eating, and trimming of any and all high weeds and removing all yard debris.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate January 11, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 14.68 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 11, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **February 22, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5645.

DATED this 29th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Terri G. Curatolo, Property Owner, 707 Paddock Club Drive, Panama City Beach, FL 32047, RE: 3640 Scott Street, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 29th day of November, 2016.

Time: approx. 11:35 AM

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Terri G. Curatolo, Property Owner, 707 Paddock Club Drive, Panama City Beach, FL 32047, RE: 3640 Scott Street, Port Orange, FL 32129 and also to the following:

The Bank of New York Mellon, FKA The Bank of New York, as Trustee for the Certificate Holders of CWALT Inc., Alternative Loan Trust 2005-84, Mortgage Pass-Through Certificates, Series 2005-84, 101 Barclay Street-4W, New York, NY 10286 was

☐ Posted at City Hall

☒ Sent via certified and regular

this 30 day of Nov., 2016.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Parcel Information: 6337-07-04-0090 **2017 Working Tax Roll** Last Updated: 11-27-2016

Owner Name and Address

Alternate Key	3683145	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-07-04-0090	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-07-04-0090	2016 Final Mill Rate	20.05190
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	CURATOLO TERRI G		
Owner Name/Address 1			
Owner Address 2	707 PADDOCK CLUB DR		
Owner Address 3	PANAMA CITY BEACH FL		
Owner Zip/Postal Code	32047		
Situs Address	3640 SCOTT ST PORT ORANGE 32129		

Legal Description
LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5128 2097	07/2003	Warranty Deed	Qualified Sale	Yes	146,000
2055 1131	03/1979	Warranty Deed	Qualified Sale	Yes	59,500
1923 1813	08/1977	Warranty Deed	Qualified Sale	Yes	44,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	22,315	98,947	12,252	133,514	133,514	133,514	0	133,514	0	133,514
2015	22,315	90,080	12,085	124,480	124,480	124,480	0	124,480	0	124,480

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	84.0	109.0	84.00	FRONT FEET	279.99	95	100	100	100	22,315
Neighborhood 5276 BEACON WOODS, UNITS 1 THRU 5											
Total Land Classified											0
Total Land Just											22,315

Building Characteristics
Building Number: 120232 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120232	Single Family	194	1977	300		27%	0%	0%	2999
Roof Type	GABLE	Floors		Carpets	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1977	N	0%	0%	1605 Sq. Feet
002	Porch, Open Finished (FOP)	Non-Applicable	1.0	1977	N	0%	0%	116 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1977	N	0%	0%	549 Sq. Feet
004	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1998	N	0%	0%	144 Sq. Feet

Dustin C. Shaffer
Waterside Title Co.
640 Dunlawton Ave.
Port Orange, FL 32127

07/31/2003 08:28 AM
Doc stamps 1022.00
(Transfer Amt \$ 146000)
Instrument# 2003-185114
Book: 5128
Page: 2097
Diane M. Matousek
Volusia County, Clerk of Court

Parcel ID Number: 6337-07-04-0090

Warranty Deed

This Indenture, Made this 21st day of July, 2003 A.D., Between
Lila L. Parks, a single woman

of the County of Volusia, State of Florida, grantor, and
Joseph A. Curatolo and Terri G. Curatolo, husband and wife

whose address is: 3640 Scott St., Port Orange, FL 32129

of the County of Volusia, State of Florida, grantees.

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEEES, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Volusia State of Florida to wit:

Lot 9, Block 4, BEACON WOODS UNIT #3, according to the plat thereof,
recorded in Map Book 34, Page(s) 104 of the Public Records of Volusia
County, Florida.

Subject to restrictions, reservations and easements of record, if any,
and taxes subsequent to 2002.

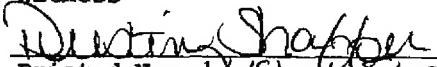
and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Printed Name: Margaret M. Patchett
Witness

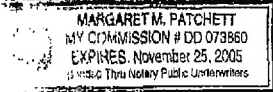

Lila L. Parks (Seal)
P.O. Address: 136 Fairview Ave #505, Daytona Beach, FL 32114

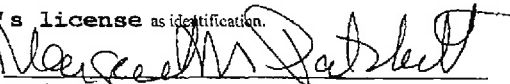

Printed Name: Dustin Shaffer
Witness

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 21st day of July, 2003 by
Lila L. Parks, a single woman

she is personally known to me or she has produced her U.S. driver's license as identification.




Printed Name: Margaret M. Patchett
Notary Public
My Commission Expires:

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

GENERAL REQUIREMENTS

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an Improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

(e)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1457**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Re-recorded to include Page 3: Certification
of a true and correct copy of the Finding
of Fact, Conclusion of Law and Order.

Petitioner,

TERRI G. CURATOLO
3640 SCOTT STREET
PORT ORANGE, FL 32129
PARCEL ID: 6337-07-04-0090

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on January 11, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), TERRI G. CURATOLO, (hereinafter referred to as "Respondent(s)", whose mailing address is 707 Paddock Club Drive, Panama City Beach, FL 32047, is/are the owner(s) of the property located at 3640 Scott Street, Port Orange, FL 32129, and more particularly described as:

LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097

B. The pool needs to be secured with an approved cover in good condition so that there are no exposed areas, or the pool will need to be drained or cleaned with appropriate chemicals. The yard needs to be cleared of all fallen limbs and debris. This condition was first observed at the real property described above on August 31, 2016; re-inspections were made on December 15, 2016 and January 10, 2017 and confirmed the condition as being the same. Respondent(s) received notice via posting on the property on November 29, 2016, posting at City Hall and via certified and regular mailing on November 30, 2016, that the aforesaid conditions constituted a violation of Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.1 (Swimming Pools) and 303.2 (Enclosures) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, as well as Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinance, and was to be corrected by December 14, 2016.

C. At the time of this hearing, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

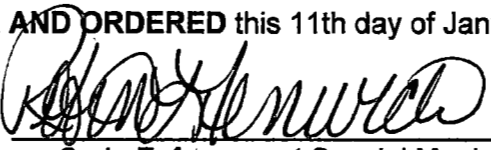
ORDER:

A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before January 21, 2017. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a fine in the amount of \$500.00 will be assessed on the property. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$56.36 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

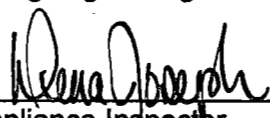
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 11th day of January, 2017.

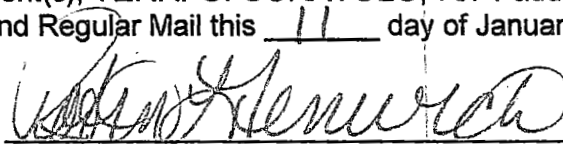
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), TERRI G. CURATOLO, 707 Paddock Club Drive, Panama City Beach, FL 32047 by Certified and Regular Mail this 11 day of January, 2017.



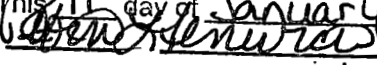
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA

I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 11 day of January, 2017.

By: 

/s/ Robin L. Fenwick

