



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, August 12, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Consideration of Minutes - July 8, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. CEB Case No.: 15-137

Respondent: Banta Scott Trust

Address of Violation: 5249 Sydney Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 04/27/2015

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 108.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises (2)(3)(6)(7)(8)(10), as adopted by the City of Port Orange Code of Ordinances.

Chapter 14, Article II, Section 14-26 of the City of Port Orange Code of Ordinances.

Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 15-927

Respondent: Donald L. Bailey

Address of Violation: 5035 Palmetto Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 06/18/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26(d)(f)(h) of City of Port Orange Code of Ordinances.

Chapter 42 Article II, Section 42-32 of City of Port Orange Code of Ordinances.

2015 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, 304.7 Roofs and drainage.

6. **CEB Case No.:** 15-785

Respondent: Evelyn C. Stone (Deceased)

Address of Violation: 544 Legume Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/30/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) of the City of port Orange Code of Ordinances.

Chapter 42, Article II, Section 42-32 of the City of port Orange Code of Ordinances.

Chapter 3 (General Requirements), 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.

Chapter 16, Section 3, (4), (b) & (d) of the City of Port Orange Land Development Code.

7. **CEB Case No.:** 15-822

Respondent: Aki Bexhert Rexha

Address of Violation: Mills Road Lane

Code Officer: Scott Allman

First Notified: 07/01/2015

Compliance: No

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.

8. **CEB Case No.:** 15-374

Respondent: Home Depot USA, Inc.

Address of Violation: 1551 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/16/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-314 (d) (1), (2), & (5), 14-315 (a), & 14-318 (d)

9. **CEB Case No.:** 15-316

Respondent: William K. & Balbina A. McDaniels

Address of Violation: 1218 Jeffrey Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/17/2015

Compliance: No

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

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

Chapter 70 Traffic, Article II, Section 70-49 (c), (1) (a) (b), & Restrictions of the City of Port Orange Code of Ordinances.

10. CEB Case No.: 15-122

Respondent: Sara R. Bonner

Address of Violation: 52 Woodfield Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/17/2015

Compliance: No

Cited for violation(s) - 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) of the City of Port Orange Code of Ordinances.

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

Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2015 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 304 (Exterior Structure), 304.13.2 Openable windows of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

11. CEB Case No.: 15-1086

Respondent: Home Depot USA, Inc.

Address of Violation: 1551 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/16/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards Section 14-314 (a) (1) & (2), (d) (1), (2), (3), (4), (5), (6), & (7), 14-315 (a), & 14-318 (d) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

12. CEB Case No.: 15-476

Respondent: Patricia Manos

Address of Violation: 226 Pinerock Place, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/23/2015

Compliance: No

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) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

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

Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances.

13. CEB Case No.: 15-464

Respondent: Michael Viala

Address of Violation: 49 Elda Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/22/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

14. CEB Case No.: 14-2221

Respondent: MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS:

Address of Violation: 403 Herbert Street, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - 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), (c) Maintenance of Commercial and Industrial Zoned Lots.

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) Garbage, Waste, Trash, Etc.

15. CEB Case No.: 14-946

Respondent: NNP, LLC
C/o Nirali Patel

Address of Violation: 5245 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

16. **CEB Case No.:** 14-1036

Respondent: NNP, LLC

C/o Nirali Patel

Address of Violation: 5279 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

D. PUBLIC COMMENTS

E. 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.

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
JULY 8, 2015

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:05 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Chris Hutchison, Code Enforcement Supervisor
Scott Allman, Code Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Oaths

Deborah Faircloth, Code Compliance Inspector; Amanda Bonin, Code Compliance Inspector; and Chris Hutchison, Code Compliance Supervisor, were sworn in by Special Magistrate Branch.

Consideration of Minutes

Special Magistrate Branch approved the June 10, 2015 meeting minutes.

4. **CEB Case No.:** 15-137
Respondent: Banta Scott Trust
Address of Violation: 5249 Sydney Street, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 04/27/2015

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 108.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises (2)(3)(6)(7)(8)(10), as adopted by the City of Port Orange Code of Ordinances.

Chapter 14, Article II, Section 14-26 of the City of Port Orange Code of Ordinances.

Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances.

Ms. Faircloth said this case was scheduled for the May 27, 2015 hearing but was moved to today's hearing on the owner's request. The high weeds and grass and garbage have been abated. Ms. Faircloth request to be dismissed from the violation. The violation was first observed on February 10, 2015. An inspection and stop work order was placed for work without a permit at that time. Ms. Faircloth said she had tried to contact Mr. Banta but could not get a hold of him. The notice was issued on April 27, 2015 by posting the property and City Hall. Additionally, the certified mail was signed for by K. Sherman and received back to the Clerk's Office. The violation was to be corrected by May

18, 2015. The most recent inspection was on June 25, 2015. Mr. Banta met with Allan Tischler, Building Inspector. Mr. Banta received all the criteria to renovate the entire structure.

Ms. Faircloth presented pictures dated February 10, 2015, April 9, 2015, and June 25, 2015. Ms. Faircloth said there had been new structure put under the flooring in the kitchen area. Ms. Faircloth said she has not seen any indication of any work being done. A danger notice and a stop work order was issued for the property. Special Magistrate Branch admitted the photos into evidence.

Scott Banta, respondent, was duly sworn by Special Magistrate Branch. Mr. Banta said he is the Trustee of the Trust. He thought they had sold the property on April 25, 2014. He had no knowledge that there was a permit applied for or even doing work. The ownership of the property is through the beneficiary of the trust. Mr. Banta met with the beneficiary on June 23, 2015. Mr. Banta requested extra time to get the work done. Mr. Banta said he needs about two (2) to three (3) weeks to finish the plans. Ms. Faircloth said once he does obtain a permit, the permit will stay open for 6 months. He would like to get the project completed as soon as possible. Ms. Faircloth would like for Mr. Banta to move forward and start work.

Special Magistrate Branch continued case no. 15-137 until the August 12, 2015 Special Magistrate hearing to give Mr. Banta more time to apply for a permit.

5. **CEB Case No.:** 15-222

Respondent: RRRAC LLC

Address of Violation: 5080 Ridgewood Avenue, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 03/24/2015

Compliance: No

Cited for violation(s) - 2009 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II.

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

City of Port Orange Land Development Code, Chapter 12, Section 6(f)(1), Section 2(b)(3)(a), Section 3(c)

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f)

2010 Florida Building Code as adopted by the City of Port Orange Land Development Code, Chapter 8, Section 1

2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

2011 NFPA 10 and 2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

305.3 The ceiling is falling and there is visible water damage in room #5

304.7 The roof is leaking, collapsing and visibly deteriorated allowing water to enter the building. Fascia and soffit is rotted and needs to be replaced. Roof needs repaired/replaced.

304.14 Window screens are required. Replace all damaged or missing screens.

502.1 Toilets and sinks must be in good working order. Repair.

506.2 Repair sewage line break on back side of motel along Orange Avenue.

507.1 Repair trench on back side of property where ground has eroded from run-off along Orange Avenue. Remove PVC piping along fence that appears to be unused.

602.3, Heat supply during the period from October 15th to March 15th Amendment to IPMC adopted by City of Port Orange Code of Ordinances. Repair all heating units in each tenant space (baseboard, window, etc.).

604.3 All electrical receptacle covers (interior and exterior) shall be installed or replaced if damaged.

702.3 Access/egress must be provided to each door. Back door in room #5 is locked and tenant does not have a key.

704.1 Fire extinguishers must be charged or replaced and maintained in an operable condition according to the International Fire Code.

704.2 All tenant spaces (each rented unit) must have working smoke detectors.

2010 Florida Building Code, Chapter 3, R303.8 Required heating. Every dwelling unit shall be provided with heating facilities. Space heaters do not fulfill this requirement.

2010 FBC Chapter 4, 402.1.2.1 Electric space heating. Space heaters are prohibited.

2012 NFPA 101 – battery operated smoke alarms required in each unit. A log detailing the weekly testing of each room alarm shall be logged and available to the fire inspector upon request.

2011 NFPA 10 and 2012NFPA 101 – Replace missing/out of date fire extinguishers.

Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f) All high weeds and grass along with any undergrowth must be maintained according to code and property shall be kept free of all garbage, waste, trash, etc. (return grocery carts to store).

Chapter 12, Section 6(f)(1).

Chapter 12, Section 2(b)(3)(a).

Chapter 12, Section 3(c).

Ms. Faircloth said this case was continued in order to have an onsite inspection with the owner. This case was first heard on May 27, 2015. Ms. Faircloth said there was an inspection done. During the inspection of the property on June 3, 2015, the discussion turned to the sagging of the roof specifically located over unit no. 5. At that time, Chris Weir, Fire Marshal, remembered there had been a fire at this property a few years ago and he believed it had been in the ceiling and roof located over unit #5. It had not burned through the tile roofing so no damage was visible from the outside. Once Ms. Faircloth returned to the office, Fire Marshal Weir forwarded copies of the report and photos that were taken on December 11, 2010 and was located over unit no. 5. All of the repairs inside made to this unit were done without a building permit. The structural integrity of this roof is now questioned as the trusses were severely charred. Mr. Mangar was instructed by the Building Official at the time of the inspection that a roofer/structural engineer would have to remove the ceiling in unit no. 5 so the repairs that were made could be viewed. Mr. Mangar agreed to those terms as he was concerned about the possibility of the roof collapsing. To date, an inspection to view the room has not been requested.

Ms. Faircloth went over the violations that continue to exist.

Ms. Faircloth presented pictures dated June 3, 2015 of the fire damaged roof. Special Magistrate Branch submitted the photos into evidence.

Chris Weir, Fire Marshal, was duly sworn by Special Magistrate Branch. Fire Marshal Weir said there was a fire at the location on December 11, 2010 around 11:00 p.m. The cause of the fire was intentionally set. The biggest concern was there was significant damage to the roof. The fire report was admitted into evidence.

Kerry Leuzinger, Chief Building Official, was duly sworn by Special Magistrate Branch. Mr. Leuzinger said on June 3, 2015, he conducted an inspection. He said the roof was sagging. Mr. Leuzinger requested Mr. Mangar get a licensed roofing contractor on board. Ms. Faircloth said they need to pull down part of the ceiling to view the roof. Mr. Leuzinger said he has not seen a permit application.

Ms. Faircloth submitted the photos of June 3, 2015 into evidence. Special Magistrate Branch admitted the photos into evidence.

Ram Mangar, respondent, was duly sworn by Special Magistrate Branch. Mr. Mangar said he had contacted a licensed contractor. He disagreed with the violation cited. He would like the roofing contractor determine that.

Ms. Faircloth indicated that Mr. Mangar does not need a permit to pull the ceiling down for City Staff to look at it.

Michael Cochetti, Attorney for Code Enforcement, suggested that unit no. 5 shall not be occupied. Special Magistrate Branch agreed. Mr. Mangar said that unit no. 5 is vacant.

Mr. Mangar requested additional time. He would like the licensed contractor to look at the building before the Magistrate makes any rulings. Special Magistrate Branch adjourned case no. 15-22 until the July 22, 2015 Special Magistrate hearing.

6. **CEB Case No.:** 15-644

Respondent: T & D Rental Investment Group, LLC

Address of Violation: 97 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-644 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-644.

7. **CEB Case No.:** 15-790

Respondent: Kenneth P. Galvis

Address of Violation: 146 West Gate Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/15/2015

Compliance: Yes

Cited for violation(s) - Chapter 70 Traffic, Article II, Section 70-47 (b) (2) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-790 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-790.

8. **CEB Case No.:** 15-594

Respondent: Candace Beach

Address of Violation: 47 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Section 105.1 of the 2010 Florida Building Code.

Ms. Bonin request for case no. 15-594 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-594.

9. **CEB Case No.:** 15-467

Respondent: Theresa A. Evans

Address of Violation: 1300 Harms Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (d) (Maintenance of improved residential lots) & (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-467 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-467.

10. **CEB Case No.:** 15-741

Respondent: Sandra E. Quinlan Estate

Donald J. Trzuskowski

Address of Violation: 145 West Gate Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/15/2015

Compliance: Yes

Cited for violation(s) - Chapter 70 Traffic, Article II, Section 70-47 (b) (2) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-741 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-741.

11. **CEB Case No.:** 15-691

Respondent: Robert J. Kiecksee

Address of Violation: 1108 Little Garden Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II, Section 70-36 (K), (1)(2)(3) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-691 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-691.

12. **CEB Case No.:** 14-2221

Respondent: MELVY D. DOWLING (DECEASED)

UNKNOWN SPOUSE OF MELVY D.

DOWLING IF LIVING, DAVID AARON DOWLING,

HEATHER ANN MOORE, ANY AND ALL

UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS:

Address of Violation: 403 Herbert Street, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - 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), (c) Maintenance of Commercial and Industrial Zoned Lots.

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) Garbage, Waste, Trash, Etc.

Ms. Bonin said the violation was first observed on September 30, 2014. The violator was given Notice of Hearing/Notice of Violation on May 26, 2015 at approximately 3:40 p.m. by property posting. The most recent inspection was on July 1, 2015. The most recent inspection resulted in non-compliance.

Ms. Bonin presented pictures dated May 26, 2015, June 11, 2015, and July 1, 2015. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 14-2221, Ms. Bonin is requesting the Special Magistrate to find that Melvy D. Dowling (Deceased) property owner of 403 Herbert Street, Port Orange, FL 32129, be found 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), (c) & (f).

Special Magistrate Branch found case no. 14-2221 in violation 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), (c) & (f).

Ms. Bonin requested the violation be corrected on or before July 17, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past July 17, 2015. Ms. Bonin also requested the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations. Additionally, as this is a health and safety violation, Ms. Bonin requested the City have the option to abate the violation by mowing and cleaning up the entire property if the respondent does not comply by July 17, 2015.

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 \$69.48 as indicated on this 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.

Special Magistrate Branch ordered Ms. Bonin's recommendation. Additionally, notice to the City Council shall be given due to possible abatement on the property.

13. **CEB Case No.:** 15-792

Respondent: Gloria J. Murch

One West Bank N.A.

Address of Violation: 1217 Jeffrey Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/26/2015

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) & (f) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-792 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-792.

14. **CEB Case No.:** 15-800

Respondent: Ryan C. Williams &

Amber R Mason JTRS

Address of Violation: 1064 York Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/28/2015

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 and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

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

Ms. Bonin request for case no. 15-800 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-800.

15. **CEB Case No.:** 15-371

Respondent: Milan Khanna

Address of Violation: 3813 Birch Mountain Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-371 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-371.

16. **CEB Case No.:** 14-946

Respondent: NNP, LLC

C/o Nirali Patel

Address of Violation: 5245 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

Ms. Bonin said the violation was first observed on May 1, 2014. The violator was given Notice of Violation/Notice of Hearing on May 26, 2015 at approximately 3:45 p.m. The notice was hand delivered to Jay Patel. The violation was to be corrected on July 3, 2015. Upon re-inspection on July 7, 2015, the property resulted in non-compliance.

Ms. Bonin said Jay Patel appeared to be around 17 years of age. She asked for a Nirali Patel. Jay Patel had stated that a "Rocky Patel" was out of town and would not be back until Friday. Special Magistrate Branch asked if they put who the registered agent was. Ms. Bonin said it is Nirali Patel.

Ms. Bonin presented pictures dated July 7, 2015. There are portions of the hedgerows missing and there is garbage. The parking lot striping is faint. Ms. Bonin presented a site plan of the property. There are multiply breaks in the hedgerows. Ms. Bonin said the structural integrity is not harmed. The mulch is not consistent as required by code.

Based on the information presented in case no. 14-946, Ms. Bonin is requesting the Special Magistrate to find that NNP LLC, property owner of 5245 Nova Road, Port Orange, FL 32127, be found in violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d).

Special Magistrate Branch found case no. 14-946 in violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d).

Ms. Bonin requested the violation be corrected on or before July 31, 2015. If the accused does not comply with this Order, a fine of \$250 be imposed for each day the violation continues past July 31, 2015. Ms. Bonin also requested the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

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 \$34.21 as indicated on this 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.

Special Magistrate Branch ordered Ms. Bonin's recommendation.

17. **CEB Case No.:** 14-1036

Respondent: NNP, LLC

C/o Nirali Patel

Address of Violation: 5279 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

Ms. Bonin said the violation was first observed on May 1, 2015. The alleged violator was given Notice of Violation/Notice of Hearing on May 26, 2015 at approximately 3:45 p.m. by hand delivery to Jay Patel. The violation was to be corrected on July 3, 2015 resulting in non-compliance. The most recent inspection was on July 7, 2015 resulting in non-compliance.

Ms. Bonin presented photos taken on July 7, 2015. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 14-1036, Ms. Bonin is requesting the Special Magistrate to find that NNP LLC property owner of 5279 Nova Road, Port Orange, FL 32127, be found in violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d).

Special Magistrate Branch found case no. 14-1036 in violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d).

Ms. Bonin requested the violation be corrected on or before July 31, 2015. If the accused does not comply with this Order, a fine of \$250 be imposed for each day the violation continues past July 31, 2015. Ms. Bonin also requested the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

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 \$34.21 as indicated on this 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.

Special Magistrate Branch ordered Ms. Bonin's recommendations.

C. ORDER IMPOSING FINE/LIEN

18. **CEB Case No.:** 15-678

Respondent: Troy Loprimo & Susan Plebanek

Address of Violation: 5357 Christianity Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 05/04/2015

Compliance: Yes

Cited for violation(s) - Chapter 18 (Businesses), Article II (Local business tax), Section 18-33 (Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty), (b) of the City of Port Orange Code of Ordinances.

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

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-36 (Stopping, standing, or parking), (a)(1)(k) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) of the City of Port Orange Code of Ordinances.

2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (Window, skylight and door frames) as adapted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Ms. Faircloth request for case no. 15-678 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-678.

19. **CEB Case No.:** 15-039

Respondent: Andreas M. Schill

Address of Violation: 5831 Wales Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified:

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d)(f)(h).

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-32 2015.

International Property Maintenance Code, Chapter 3, 302.7 Accessory Structures, as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Ms. Faircloth request for case no. 15-039 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-039.

20. **CEB Case No.:** 15-276

Respondent: Jeffery E. Rivers ETAL

Address of Violation: 98 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/27/2015

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances 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 and (f) Garbage, waste, trash, etc., prohibited.

City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.

Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

This case was brought before the Special Magistrate on May 27, 2015 and was found in violation of the City of Port Orange Code of Ordinances 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 and (f) Garbage, waste, trash, etc., prohibited and the City of Port Orange Code of Ordinances Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. Mr. Rivers was required by June 1, 2015 to mow and maintain the lawn, remove or properly store all outside storage, and remove all trash and debris on site. Upon Inspection on June 12, 2015, this case had not been brought into compliance. The Affidavit of Non-Compliance has been filed with the Board Secretary. Starting June 11, 2015, a \$100 per day shall be imposed until the property is brought into compliance. Costs to date are in the amount of \$85.35.

Special Magistrate Branch ordered a fine of \$100 per day starting on June 11, 2015 be imposed until the property is brought into compliance. Cost in the amount of \$85.35 is ordered.

21. **CEB Case No.:** 15-513

Respondent: Valerie Potter

Address of Violation: 176 Iron Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified:

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises 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, Section 301 General, 301.3 Vacant Structures and Land 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, Section 302 Exterior property areas, 302.8 Motor Vehicles 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, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames 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, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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) & (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2).

Ms. Potter was required by June 10, 2015, to mow the entire property, remove all trash and debris, remove the abandoned, inoperable, and unlicensed vehicle, and obtain a permit to repair the home and or secure the property. Upon inspection on June 12, 2015, this case had not been brought into compliance. The Affidavit of Non-Compliance has been filed with the Board Secretary. Starting June 11, 2015, a \$100 per day fine shall be imposed until the property is brought into compliance. Costs to date are \$85.56. The City has received an abatement cost estimate of \$775. This does not include removing the abandoned, inoperable, unlicensed vehicle.

Special Magistrate Branch ordered a fine of \$100 per day starting on June 11, 2015 be imposed until the property is brought into compliance. Cost in the amount of \$85.56 is ordered.

22. CEB Case No.: 15-270

Respondent: Milton Jesus Corchado

Address of Violation: 5278 Plantation Home Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 04/18/2015

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 and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 15-270 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-270.

23. **CEB Case No.:** 15-464

Respondent: Michael Viala

Address of Violation: 49 Elda Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/22/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

Mr. Hutchison request to continue case no. 15-464 until the August 12, 2015 Special Magistrate hearing. Special Magistrate Branch continued case no. 15-464 until the August 12, 2015 Special Magistrate hearing.

24. **CEB Case No.:** 15-476

Respondent: Patricia Manos

Address of Violation: 226 Pinerock Place, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/23/2015

Compliance: No

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) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

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

Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances.

Mr. Hutchison request to continue case no. 15-476 until the August 12, 2015 Special Magistrate hearing. Special Magistrate Branch continued case no. 15-476 until the August 12, 2015 Special Magistrate hearing.

D. PUBLIC COMMENTS: There were none.

E. ADJOURNMENT: 12:26 p.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-137

Name	Activity	Activity_Date	Status	Cost
Banta Scott Trust	Mailing Notice of Violation/Notice of Hearing to 5249 Sydney Street, Port Orange, FL 32127	04/27/2015	Certified Green Card Signed by K. Sherman and Returned to the City Clerk's Office.	\$6.69
Banta Scott Trust	Mailing Finding of Fact/Conclusion of Law & Order to 5249 Sydney Street, Port Orange, FL 32127	08/12/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. #15-137

To: BANTA SCOTT TR
5249 Sydney PO Trust
P.O. Box 520021
Longwood, FL 32752-002

Re: 5249 Sydney St.
Port Orange, FL 32127
Parcel ID: 6315-07-22-0020

LEGAL DESCRIPTION: LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 TO 106 INC PER
OR 4317 PG 3847 PER OR 6979 PG 0487

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 10, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

The 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 108.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises (2)(3)(6)(7)(8)(10), as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(d)(f)(h).

Briefly stated, the mobile home is unsafe, not fit for human occupancy, and a danger to the public health and safety. The entire property needs to be mowed and all trash and debris removed.

On February 10, 2015, a complaint was entered via the Citizen Connection link on the Port Orange website that work is being performed without an approved permit being displayed, a worker is spending the night in an unsafe structure and work is being done at night. I inspected the property with Building Inspector Mike Green and Officer Mulligan of the Port Orange Police Department on that same date. There was no permit on site. A permit had been applied for but not issued. The permit was for the replacement of sub-flooring in the mobile home. The entire floor in most of the home is rotten (sub-flooring and floor joists) and has been mostly torn out and some replaced. Additionally, Inspector Green found a new electrical panel with the electricity on. FPL does not have an active account at this location. A Stop Work Order was placed on the job and the workers were advised to pack up their tools and leave the job. On February 11, 2015, the owner came in and picked up the permit. On that same date, the permit was cancelled by the Building Official, Kerry Leuzinger. The reason for the cancellation is the use of unlicensed contractors, working beyond the scope of the permit, and starting work before the permit was issued. There has been no work on the property since February 10, 2015, nor will the owner return calls. An inspection on April 13, 2015, showed the structure in the same condition. The entire site remains overgrown with high grass and weeds and trash and debris needs to be removed from site.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by May 18, 2015.

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 May 27, 2015 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 \$ 6.69 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 **May 27, 2015**, 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 **July 8, 2015, 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 27th day of April, 2015.

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 Banta Scott TR, 5249 Sydney PO Trust, P.O. Box 520021, Longwood, FL 32752-002, was

☐ Hand-delivered

☒ Posted at the property (5249 Sydney Street, Port Orange, FL 32127)

Time: 1:15 pm

this 27th day of April, 2015.

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 Banta Scott TR, 5249 Sydney PO Trust, P.O. Box 520021, Longwood, FL 32752-002, was

☒ Posted at City Hall

☐ Sent via certified

this 27 day of April, 2015.

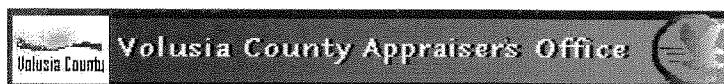
Shirley Stutney
Secretary, Special Magistrate

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-07-2015 Today's Date: 4-13-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		15-16-33-07-22-0020 6315-07-22-0020		Mill Group 402 Port Orange	
Alternate Key		3637704		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 02	
Date Created		31 DEC 1981			
Owner Name		BANTA SCOTT TR		GO TO ADD'L OWNERS	
Owner Name/Address 1		5249 SYDNEY PO TRUST			
Owner Address 2		P O BOX 520021			
Owner Address 3		LONGWOOD FL			
Owner Zip Code		32752-002			
Owner Percentage		100		Ownership Type Trust	
Location Address		5249 SYDNEY ST PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 1

04 TO 106 INC PER OR 4317 PG 3847 PER OR 6979 PG 0487

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6979	0487	4/2014	Tax Deed	Unqualified Sale	Yes	10,200
2	4317	3847	6/1998	Warranty Deed	Qualified Sale	Yes	43,500
3	2343	0839	3/1982	Warranty Deed	Unqualified Sale	Yes	36,000

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	15,514	12,457	0	27,971	27,971	27,971	26,286	0	27,971	27,971	0	26,286
2013	13,724	10,172	0	23,896	23,896	23,896	23,896	0	23,896	23,896	0	23,896

LAND DATA

04/16/2014 08:30 AM
Doc stamps 71.40
(Transfer Amt \$ 10200)
Instrument# 2014-066514 # 1
Book: 6979
Page: 487

DR-506

Tax Deed File No. 15632-11
Property Identification No. [REDACTED]

TAX DEED

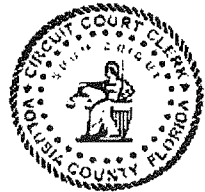
State of Florida
County of Volusia

The following Tax Sale Certificate Numbered 15632-11 issued on 06/01/2011 was filed in the office of the tax collector of this County and application made for the issuance of the tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of the sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on 04/15/2014, offered for sale as required by law for cash to the highest bidder and was sold to SCOTT BANTA, AS TRUSTEE FOR THE 5249 SYDNEY PO TRUST whose address is PO BOX 520021 LONGWOOD, FL 32752-0021 being the highest bidder and having paid the sum of their bid as required by the Laws of Florida.

On this 16TH day of APRIL, 2014, in the County of Volusia, State of Florida, in consideration of the sum of (\$10,200.00) Ten Thousand Two Hundred Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State aforesaid and described as follows:
LOT 2 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104-106 INC PER OR 4317 PG 3847

Diane M. Matousek
Clerk of the Circuit Court of Volusia County

By: D L Ruegger
D L RUEGGER, Deputy Clerk
Volusia County, Florida



Witness:

Bonnie Clark
BONNIE CLARK

Amanda Earnest
AMANDA EARNEST

STATE OF FLORIDA
COUNTY OF VOLUSIA

On this 16TH day of APRIL, 2014 before me LORI DIGGS personally appeared D L RUEGGER Deputy Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instruments, and the acknowledged the execution of this instrument to be their own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

Lori Diggs
LORI DIGGS



(SEAL)

[A] **107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] **107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] **107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] **108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

→ [A] **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] **108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

→ [A] **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] **108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

→ [A] **108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
- 2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- 6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
- 7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- 8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

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.

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

Land development code reference—Landscaping and buffers, ch. 13.

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)

Sec. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a parkage shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the parkage, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26.
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting parkage is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain parkage, for the costs incurred by the city in bringing the property or parkage into

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-137

**Banta Scott TR
5249 Sydney PO Trust
P.O. Box 520021
Longwood, FL 32752-002,**

Respondent.

Property Address: 5249 Sydney Street, Port Orange, FL 32127
Parcel ID: 6315-07-22-0020

**AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5249 Sydney Street, Port Orange, Florida 32127, is owned by Banta Scott TR.
4. That 5249 Sydney Street, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5249 Sydney Street, Port Orange, Florida 32127, at 1:15 a.m.(p.m.) on the 27th day of April, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

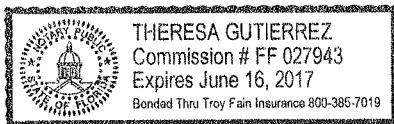
DATED this 27th day of April, 2015.

Deborah Faircloth

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 27 day of April, 2015, by Deborah Faircloth, who is personally known to me.



Theresa Gutierrez
Notary Public, State of Florida

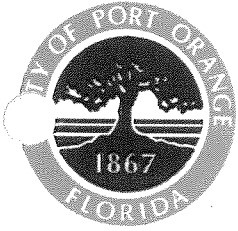
Commission No. _____

Case Cost Sheet Log

Case No. 15-927

Name	Activity	Activity_Date	Status	Cost
Donald L. Bailey	Mailing Notice of Violation/Notice of Hearing to 5035 Palmetto Street, Port Orange, FL 32127	07/19/2015	Certified Mail Returned to the City Clerk's Office marked Notice Left (No Authorized Recipient Available).	\$6.95
Donald L. Bailey	Mailing Finding of Fact/Conclusion of Law & Order to 5035 Palmetto Street, Port Orange, FL 32127	08/12/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$41.16



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-927

To:
Donald L. Bailey
5035 Palmetto St.
Port Orange, FL 32127

Re: 5035 Palmetto St.
Port Orange, FL 32127
Parcel ID: 6310-12-01-0210
LEGAL DESCRIPTION: LOT 21 BLK 1 NORWOOD SUB MB 5 PG 1 PER OR 4181 PG 3814

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 20, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(d)(f)(h) as pertains to high weeds & grass, garbage and debris, and maintenance of parkage.

City of Port Orange Code of Ordinances, Chapter 42 Article II, Section 42-32 as pertains to outside storage.

2015 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, 304.7 Roofs and drainage, as pertains to roofs shall be sound, tight and no have defects that admit rain.

On May 20, 2015, I received a complaint from an adjacent property owner regarding what they believed to be an unsafe accessory structure, garbage, trash, junk, and debris, outside storage, and high weeds, grass, and undergrowth. I inspected the property on May 20, 2015, by viewing it from the adjacent property and noted the violations as described to me plus a hole in the roof of the main house. This property owner has been cited for the same violations previously (except the hole in house roof) and complied but has proceeded to violate the City ordinances again. An inspection from the adjacent property on June 8, 2015, with Chief Building Inspector Allan Tischler determined the accessory structure is not considered unsafe as it appears to be structurally sound. The overgrowth coming from this property on to the City right of way is impeding the line of sight along Palmetto Street. This overgrowth was previously cut back by the City approximately 3 years ago. A Notice of Violation/Notice of Hearings is warranted.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 10, 2015**.

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 July 22, 2015, 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 \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-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 **July 22, 2015**, 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 **August 26, 2015, 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 18th day of June, 2015.

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 Donald L. Bailey, 5035 Palmetto St., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

me: approx. 3:15 pm

this 18th day of June, 2015.

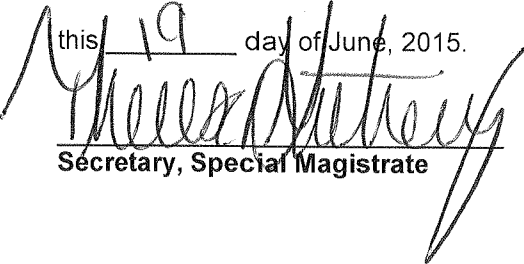
Deborah Faircloth
Deborah Faircloth

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Donald L. Bailey, 5035 Palmetto St., Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified

this 19 day of June, 2015.


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.

#15-927



Volusia County Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 06-02-2015 Today's Date: 6-3-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	10-16-33-12-01-0210	Mill Group	402 Port Orange		
Short Parcel ID	6310-12-01-0210				
Alternate Key	3615841	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	BAILEY DONALD L		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	5035 PALMETTO ST				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	5035 PALMETTO ST PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 21 BLK 1 NORWOOD SUB MB 5 PG 1 PER OR 4181 PG 3814

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4181	3814	2/1997	Quit Claim Deed	Unqualified Sale	Yes	1
2	4153	4895	11/1996	Certificate of Title	Unqualified Sale	Yes	100
3	3957	0240	10/1994	Warranty Deed	Qualified Sale	Yes	52,500

HISTORY OF VALUES

YEAR	LAND	BLDG (\$)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	10,455	38,398	23,855	72,708	72,708	72,708	72,708	25,000	47,708	47,708	22,708	25,000
2013	9,091	51,440	0	60,531	57,818	57,818	57,818	25,000	32,818	32,818	7,818	25,000

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101	IMP PVD THRU .49 AC	50.0	85.0	50.00	FRONT FEET	300.01	91	100	100	100	13,637

Quit Claim Deed

Made this 28th day of February A.D. 19 97
by Don Whitfield and Donna Whitfield, his
wife

hereinafter called the grantor, to
Donald L. Bailey

whose post office address is:

C/O P.O. Box 1401
ORMOND BEACH, FL 32175

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Volusia County, Florida, viz:
Lot 21, Block 1, Norwood Subdivision, as per map in Map Book 5, Page 1, Public Records of Volusia County, Florida.

Parcel Identification Number: 6310-12-01-0210

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Candace Sargent
Name: CANDACE SARGENT

Misty Moore
Name: MISTY MOORE

Don Whitfield
Name & Address: Don Whitfield

Donna Whitfield
Name & Address: Donna Whitfield

Name:

Name & Address:

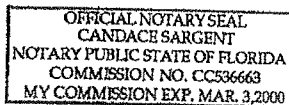
Name:

Name & Address:

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 28th day of February, 19 97, by
Don Whitfield and Donna Whitfield, his wife

who is personally known to me or who has produced personally known as identification.



Candace Sargent

Print Name:
Notary Public
My Commission Expires:

PREPARED BY: Don Whitfield
3788 Emilia Drive
Daytona Beach, FL 32127

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)

Sec. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a parkage shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the parkage, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26.
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting parkage is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain parkage, for the costs incurred by the city in bringing the property or parkage into compliance with section 42-26, plus administrative costs related thereto.
- (d) A hearing may be timely requested, generally within three days, in writing to the city manager for review of any determination made in accordance with section 42-26 or this section.
- (e) The city manager or his designee is hereby authorized to cause any property or parkage in violation of section 42-26, after notice as provided in subsection (a), to be brought into compliance and to lien the property, or abutting real property in the case of a parkage violation, for the expenses and costs thereof. The city manager or his designee shall make the sole and final

administrative determination of the correctness of the lien and the amount thereof.

- (f) The costs and expenses, as set forth in subsection (c), shall be due and payable to the city within 20 days of the mailing of the bill to the owner. Such costs shall include any public records ownership search required to determine the name and address of the record owner of the property where there is reason to believe that the name and address appearing on the latest tax roll is inaccurate. If the costs and expenses provided herein are not paid as and when due, any unpaid balance thereof, together with interest at the rate of 12 percent per annum from the due date, shall be a lien on such lot, piece or parcel of property or abutting real property, in the case of a parkage violation. Such lien shall be superior and paramount to the interest in such lands of any owner, lessee, tenant, mortgagee or other person, except the lien of state, county or municipal taxes, and shall be on a parity with lien of such state, county and municipal taxes. If any such cost, expense or charge is not paid as and when due and is in default for 30 days or more, the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and costs, may be recovered and such liens may be foreclosed by the city in the manner provided by the laws of the state for foreclosure of mortgages or real property.
- (g) The procedures set forth in this section shall be cumulative and supplemental to other procedures and penalties for violation of this Code and violations of section 42-26 may be referred to the code enforcement board as provided in this Code.

(Code 1981, § 10-2)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

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 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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-927

Donald L. Bailey
5035 Palmetto St.
Port Orange, FL 32127,

Respondent.

Property Address: 5035 Palmetto St., Port Orange, FL 32127
Parcel ID: 6310-12-01-0210

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5035 Palmetto St., Port Orange, Florida 32127, is owned by Donald L. Bailey.
4. That 5035 Palmetto St., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5035 Palmetto St., Port Orange, Florida 32127, at 3:15 p.m. on the 18th day of June, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 18th day of June, 2015.



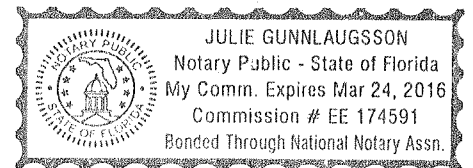
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 18th day of June, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

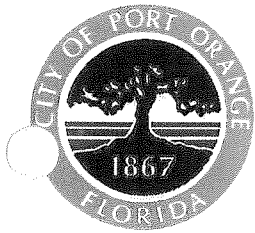


Case Cost Sheet Log

Case No. 15-785

Name	Activity	Activity_Date	Status	Cost
Evelyn C. Stone	Mailing Notice of Violation/Notice of Hearing to 544 Legume Drive, Port Orange, FL 32127	07/02/2015	Certified Mail Returned back to City Clerk's Office marked "Deceased".	\$6.95
Christpher B. Paul Esq. (Probate Attorney)	Mailing Notice of Violation/Notice of Hearing to 142 E. New York Avenue, DeLand, FL 32724	07/02/2015	Certified Green Card Signed on 7-6-15 and Returned to City Clerk's Office.	\$6.95
Evelyn C. Stone	Mailing Finding of Fact/Conclusion of Law & Order to 544 Legume Drive, Port Orange, FL 32127	08/12/2015		\$6.73
Christpher B. Paul Esq. (Probate Attorney)	Mailing Finding of Fact/Conclusion of Law & Order to 142 E. New York Avenue, DeLand, FL 32724			\$0.00
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$47.63



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-785

To: Evelyn C. Stone (Deceased)
544 Legume Dr
Port Orange, FL 32127

Re: 544 Legume Dr
Port Orange, FL 32127
Parcel ID: 6321-03-00-0850
LEGAL DESCRIPTION: LOT 85 HAMLET SUB MB 34 PG 143 PER OR 3359 PG 1625
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 4, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

- 1) Chapter 42, Article II, Section 42-26 (d) of the City of port Orange Code of Ordinances.
- 2) Chapter 42, Article II, Section 42-32 of the City of port Orange Code of Ordinances.
- 3) Chapter 3 (General Requirements), 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.
- 4) Chapter 16, Section 3, (4), (b) & (d) of the City of Port Orange Land Development Code.

An inspection of the property was conducted on May 4, 2015. I observed the following violations; lawn violation, stored items in front of the home, a stockade fence securing an in ground pool is damaged and there are missing pickets and the pool in the backyard is un-sanitary and un-kept. To correct the violations, the lawn needs to be mowed and maintained, all outdoor stored items removed or properly stored, the damaged fence repaired and all missing pickets replaced and the pool in the backyard needs to be cleaned, maintained or covered.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 31, 2015**.

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 August 12, 2015 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 \$ 13.90 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

On the event the **Special Magistrate**, during the hearing on **August 12, 2015** 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 **September 23, 2015, 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 30th day of JUNE, 2015.

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 Evelyn C. Stone (Deceased) 544 Legume Dr, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 3:47 p.m.

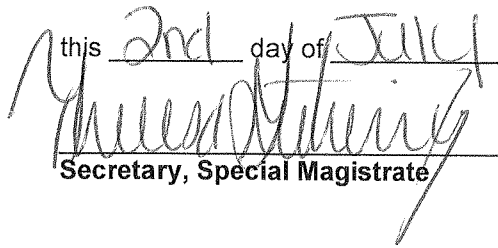
this 30th day of JUNE, 2015.

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, Evelyn C. Stone (Deceased) 544 Legume Dr, Port Orange, FL 32127 and Christopher B. Paul Esquire (Probate Attorney), 142 E. New York Avenue, Deland, FL 32724 was

☒ Posted at City Hall

☒ Sent via certified

this 2nd day of July, 2015.

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 06-30-2015 Today's Date: 6-30-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	21-16-33-03-00-0850	Mill Group	402 Port Orange		
Short Parcel ID	6321-03-00-0850				
Alternate Key	3659384	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	STONE EVELYN C		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	544 LEGUME DR				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	321275958				
Owner Percentage	100	Ownership Type	Estate		
Location Address	544 LEGUME DR PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 85 HAMLET SUB MB 34 PG 143 PER OR 3359 PG 1625

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3359	1625	9/1989	Warranty Deed	Qualified Sale	Yes	90,000
2	2822	1617	5/1986	Warranty Deed	Qualified Sale	Yes	79,900
3	2574	0809	5/1984	Certificate of Title	Unqualified Sale	Yes	1,000

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	14,484	89,418	10,684	114,586	106,855	106,855	106,855	25,000	81,855	81,855	25,000	56,855
2013	14,484	80,109	10,683	105,276	105,276	105,276	105,276	25,000	80,276	80,276	25,000	55,276

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101	IMP PVD THRU .49 AC	92.0	120.0	92.00	FRONT FEET	159.99	98	100	100	100	14,484

NEIGHBORHOOD CODE	5680	DEVONWOOD, HAMLET, HAMLET 1ST
-------------------	------	-------------------------------

BARBARA LEMMON
Adams Cameron Title Services, Inc.
319 North Atlantic Avenue
Daytona Beach, Florida 32118

VOLUSIA CO. FL

This Warranty Deed Made the 8th day of September A.D. 19 89 by

LOUIS M. DeVRIES and TAMARA M. DeVRIES, HUSBAND AND WIFE

hereinafter called the grantor, to

EVELYN C. STONE

Whose social security number is [REDACTED]

whose post office address is:

544 Legume Drive, Port Orange, Florida 32119

hereinafter called the grantee:

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth: That the grantor, for and in consideration of the sum of \$ TEN & NO/100 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

LOT 85, THE HAMLET SUBDIVISION AS PER MAP RECORDED IN MAP BOOK 34, PAGE 143, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SUBJECT TO covenants, restrictions, easements of record, if any, the mention of which herein shall not serve to reimpose same.

SUBJECT TO THAT certain mortgage executed by Louis M. DeVries and Tamara M. DeVries, husband and wife in favor of South Halifax Enterprises, Inc., a Florida Corporation, dated May 19, 1986 and recorded in Official Records Book 2822, page 1618, of the Public Records of Volusia County, Florida in the original principal sum of \$73,000.00 the unpaid principal balance of said mortgage the Grantee herein hereby agrees to assume and pay in full.

REC. FEES \$ 600 REC'D PAYMENT AS
DOCST \$ 49500 INDICATED FOR CLASS
INT. TAX \$ "C" INTANGIBLE & DOC
PENALTY \$ STAMP TAXES SIGNED

Together with all the tenements, hereditaments and appurtenances thereto belonging or to be acquired with appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 88

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first

above written.

Signed, sealed and delivered in our presence:

[Signature]

[Signature]

Louis M. DeVries L.S.

LOUIS M. DEVRIES L.S.

Tamara M. DeVries L.S.

TAMARA M. DEVRIES L.S.

L.S.

L.S.

STATE OF Florida
COUNTY OF Volusia

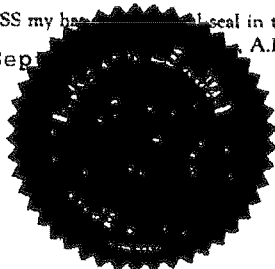
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

LOUIS M. DeVRIES and TAMARA M. DeVRIES, HUSBAND AND WIFE

to me known to be the person(s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and seal in the County and State last aforesaid this 8th day of September A.D. 19 89

Sep 8 1989



[Signature]
Notary Public

Notary Public, State of Florida
My Comm. Exp. 12/31/90
Exp. 12/31/90

5322

121263 tax i.d. parcel no.

FILED IN RECORDS
CLERK CIRCUIT COURT
VOLUSIA CO. FL

89 SEP 11 4 12 PM '89

FILED IN RECORDS
RECORD VERIFIED

121263

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)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

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

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.

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.
- (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) 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)

Hasler
07/02/2015
\$06.73

ZIP 32129

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christopher B. Paul Esq.
142 E. New York Avenue
DeLand, FL 32724
Case #15-785 SM 8/12/2015

2. Article Number
(Transfer from service label)

7014 2870 0000 2137 6716

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

7-6-15

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™
☒ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

CERTIFIED MAIL®



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CITY OF PORT ORANGE FL

Postage	\$.48
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.73

Postmark
Here

Sent To Aki Bexhet Rexha
Street & / or PO Box 23 Struass Street
City, State Staten Island, NY 10305
Case #15-822 SM

PS Form

AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

7014 2870 0000 2137 6730

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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CITY OF PORT ORANGE FL

Postage	\$.48
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.73

Postmark
Here

Sent To Aki Bexhet Rexha
Street & / or PO Box 23 Struass Street
City, State Staten Island, NY 10305
Case #15-822 SM 8/12/2015

PS Form

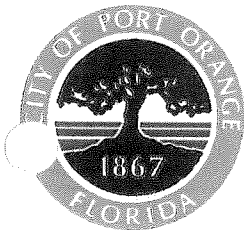
otions

Case Cost Sheet Log

Case No. 15-822

Name	Activity	Activity_Date	Status	Cost
Aki Bexhet Rexha	Mailing Notice of Violation/Notice of Hearing to 23 Strauss St., Staten Island, NY 10305	07/02/2015	No Certified Mail returned to City Clerk's Office.	\$6.73
Aki Bexhet Rexha	Mailing Finding of Fact/Conclusion of Law & Order to 23 Strauss St., Staten Island, NY 10305	08/12/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$40.94



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-822

To: Aki Bexhet Rexha
23 Strauss St
Staten Island, NY 10305

Re: Mill Road Ln
Port Orange, FL 32127
Parcel ID: 6316-03-07-0010

LEGAL DESCRIPTION: **LOT 2 BLK 7 DEEP FOREST VILLAGE MB 33 PGS 98 TO 100 INC PER OR 3704 PG 3001**
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 6, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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.

Inspection of the property was conducted on May 6, 2015. Upon inspection, I observed the property being very overgrown and fallen trees and limbs throughout. Upon re-inspection on June 30, 2015 the condition was the same. To correct the violations, the entire property needs to be mowed and all fallen trees and limbs removed.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 31, 2015**.

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 notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate August 12, 2015 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 \$ 6.73 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 **August 12, 2015** 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 **September 23, 2015, 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 30th day of June, 2015.

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 Aki Bexhet Rexha, Mill Road Ln, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 11:25 AM

this 1st day of July, 2015.

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 Aki Bexhet Rexha, 23 Strauss St, Staten Island, NY 10305 was

☐ Posted at City Hall

☒ Sent via certified

this 2nd day of July, 2015.

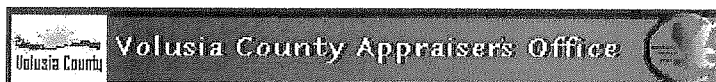
Theresa Gutierrez
Secretary, Special Magistrate

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 06-30-2015 Today's Date: 6-30-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		16-16-33-03-07-0010 6316-03-07-0010		Mill Group 402 Port Orange	
Alternate Key		3643097		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 00	
Date Created		31 DEC 1981			
Owner Name		REXHA AKI BEXHET			GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2		23 STRAUSS ST			
Owner Address 3		STATEN ISLAND NY			
Owner Zip Code		10305			
Owner Percentage		100		Ownership Type	
Location Address		MILL ROAD LN PORT ORANGE 32127			

LEGAL DESCRIPTION	
LOT 1 BLK 7 DEEP FOREST VILLAGE MB 33 PGS 98 TO 100 INC PER	
OR 4488 PG 0193	

SALES HISTORY							GO TO ADD'L SALES
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4488	0193	10/1999	Warranty Deed	Uninformed grantor/grantee	No	29,000
2	4105	4174	5/1996	Warranty Deed	Institutional/bank	No	23,500
3	4059	0876	12/1995	Certificate of Title	Unqualified Sale	No	100

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	20,375	0	0	20,375	20,375	20,375	20,375	0	20,375	20,375	0	20,375
2013	19,932	0	0	19,932	19,932	19,932	19,932	0	19,932	19,932	0	19,932

SOUTHERN TITLE OF CENTRAL FLORIDA, INC.

Prepared By: Janet E. Burkhead
SOUTHERN TITLE OF CENTRAL FLORIDA, INC.
2335 BEVILLE ROAD DAYTONA BEACH, FL 32119
incidental to the issuance of a title insurance policy.
File Number: 01*DB-99-7378
Parcel ID #: 6316-03-07-0010
Grantee(s) SS #: XXXXXXXXXX

10/25/1999 14:04
Doc stamps 203.00
(Transfer Amt \$ 29000)
Instrument # 99210894
Book: 4488
Page: 193
Diane M. Matousek
Volusia County, Clerk of Court

WARRANTY DEED
(INDIVIDUAL)

This WARRANTY DEED, dated 10/22/1999
by
KENNETH L. LOVE and ZULEICA L. LOVE, Husband and Wife
whose post office address is:
986 SOUTH LAKEWOOD TERRACE, PORT ORANGE, FL 32127
hereinafter called the GRANTOR, to
AKI BEXHET REXHA
whose post office address is:
23 STRAUSS STREET, STATEN ISLAND, NY 10305

hereinafter called the GRANTEE:
(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)
WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Volusia County, Florida, viz:

LOT 1, BLOCK 7, DEEP FOREST VILLAGE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 33, PAGES 98, 99 AND 100, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Said property is not the homestead of the Grantor (s) under the laws and constitution of the State of Florida in that neither Grantor (s) or any members of the household of Grantor (s) reside thereon.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 1999 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

TOGETHER with all the tenements, hereditaments and appurtenances thereto 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, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Janet E. Burkhead
Print Name: JANET BURKHEAD

Signature: Kenneth L. Love
Print Name: KENNETH L. LOVE

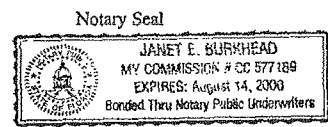
Signature: Diana Drollett
Print Name: DIANA DROLLETT

Signature: Zuleica L. Love
Print Name: ZULEICA L. LOVE

State of FLORIDA
County of VOLUSIA

I am a notary public of the state of FLORIDA and my commission expires: 8-14-2000 THE FOREGOING INSTRUMENT was acknowledged before me on October 20, 1999 by KENNETH L. LOVE and ZULEICA L. LOVE, Husband and Wife

who is personally known to me or who has produced driver's license as identification and who did not take an oath.



Signature: Janet E. Burkhead
Print Name: JANET BURKHEAD
Notary Public

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.

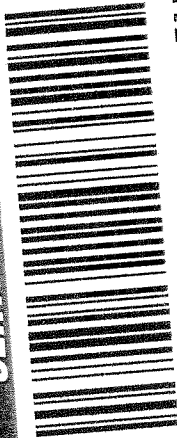
Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (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)

Hasler
07/02/2015
\$06.95

7IP 32129
011011644012

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AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

7014 2870 0000 2137 6716
7014 2870 0000 2137 6716

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Postage	\$.70
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	6.95
Total Postage & Fees	\$ 13.80



Sent To: Christopher B. Paul Esq.
142 E. New York Avenue
Street or PO: DeLand, FL 32724
City, S: Case #15-785 SM 8/12/2015

PS Form 3800, October 2010 Edition

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CHIEF OF POLICE

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Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	6.95
Total Postage & Fees	\$ 13.80

Postmark
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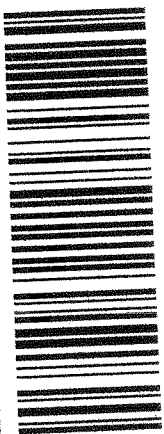
Sent To: Christopher B. Paul Esq.
142 E. New York Avenue
Street or PO: DeLand, FL 32724
City, S: Case #15-785 SM 8/12/2015

PS Form 3800, October 2010 Edition

Hasler
07/02/2015
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AFTER FIVE DAYS RETURN TO
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1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

7014 2870 0000 2137 6747
7014 2870 0000 2137 6747

7014 2870 0000 2137 6747

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Postage	\$.70
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	11.45
Total Postage & Fees	\$15.40

Postmark Here
JUL 02 2015
PORT ORANGE FL
USPS - 32127

Sent To: Evelyn C. Stone
Street or PO: 544 Legume Drive
City, S: Port Orange, FL 32127
Case #15-785 SM 8/12/2015

PS Form 3800, October 2010 Edition

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011011644012

Postage	\$.70
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	11.45
Total Postage & Fees	\$15.40

Postmark Here

Sent To: Evelyn C. Stone
Street or PO: 544 Legume Drive
City, S: Port Orange, FL 32127
Case #15-785 SM 8/12/2015

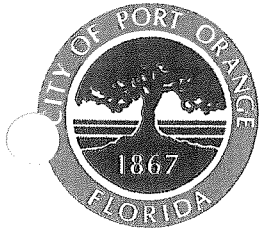
PS Form 3800, October 2010 Edition

Case Cost Sheet Log

Case No. 15-374

Name	Activity	Activity_Date	Status	Cost
Home Depot USA, Inc.	Notice of Violation/Notice of Hearing	07/16/2015	Hand Delivered to Angela Dillon, Associate Support Department Supervisor (ASDS) on 7/16/15.	\$0.00
Home Depot USA, Inc.	Mailing Finding of Fact/Conclusion of Law & Order to 2455 Paces Ferry Rd., Atlanta, GA 30339	08/12/2015		\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$33.73



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-374

To:
Home Depot USA INC
2455 Paces Ferry Rd
Atlanta, GA 30339

Re: 1551 Dunlawton Avenue
Port Orange, FL 32129
Parcel ID: 6317-30-00-0010
LEGAL DESCRIPTION: LOT 1 HOME DEPOT OF PORT ORANGE MB 48 PGS 182-184 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 13, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

**Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances
Section 14-314 (d) (1), (2), & (5), 14-315 (a), & 14-318 (d)**

For the front entranceway at the corner of Dunlawton Avenue and City Center Parkway; all landscape beds and hedgerows need to be mulched and free of any weeds, all palm trees and existing Oleanders need to be pruned, and the dead and missing plant material needs to be replaced.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **August 7, 2015**.

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.**

ursuant 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 August 12, 2015, 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 \$ 0 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.

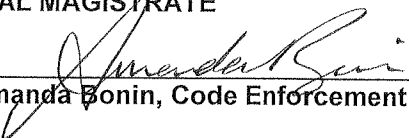
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 12, 2015**, 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 **September 23, 2015, 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.

DATED this 16th day of July, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

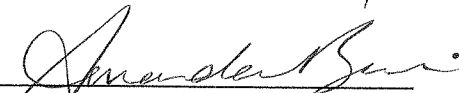
By: 
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Depot USA INC, 1551 Dunlawton Avenue, Port Orange, FL 32129, was

☒ Hand-delivered to: Angela Diller, ASDS
☐ Posted at the property

Time: approx. 10:40 AM

this 16th day of July, 2015.


Amanda Bonin, Code Enforcement Officer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Depot USA INC 2455 Paces Ferry Rd Atlanta, GA 30339, was

☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 07-14-2015 Today's Date: 7-16-2015		Volusia County Property Appraiser's Office			
		Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	17-16-33-30-00-0010	Mill Group	402 Port Orange		
Short Parcel ID	6317-30-00-0010				
Alternate Key	6080453	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	13		
Date Created	05 MAR 2002				
Owner Name	HOME DEPOT USA INC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	2455 PACES FERRY RD				
Owner Address 3	ATLANTA GA				
Owner Zip Code	30339				
Owner Percentage	100	Ownership Type			
Location Address	1551 DUNLAWTON AV PORT ORANGE 32129				

LEGAL DESCRIPTION

LOT 1 HOME DEPOT OF PORT ORANGE MB 48 PGS 182-184 INC

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
NONE							

HISTORY OF VALUES[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	2,719,586	3,054,921	363,162	6,137,669	6,137,669	6,137,669	6,137,669	0	6,137,669	6,137,669	0	6,137,669
2013	2,719,586	2,778,851	370,030	5,868,467	5,868,467	5,868,467	5,868,467	0	5,868,467	5,868,467	0	5,868,467

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
1300	DEPT STORE	No Data	No Data	974762.00	SQUARE FEET	7.75	100	100	40	90	2,719,586
NEIGHBORHOOD CODE	C5540	DUNLAWTON BLVD-NOVA RD TO I-9									
TOTAL LAND CLASSIFIED										0	
TOTAL LAND JUST										2,719,586	

05/14/2001 13:29
Doc stamps 34216.00
(Transfer Amt \$4888000)
Instrument # 2001-096532
Book: 4684
Page: 2942

Instrument Prepared By and
After Recording Return To:
Kritzer & Levick, P.C.
6400 Powers Ferry Road, Suite 200
Atlanta, Georgia 30339
ATTN: W. Daniel Hicks, Jr., Esq.

Property Appraisers Parcel I.D. Number:
Grantee's Federal Tax I.D. Number: [REDACTED]

GENERAL WARRANTY DEED

THIS INDENTURE is made the 14 day of May, 2001, by **JEROME H. UNATIN**, a married man, whose mailing address is c/o Steve Unatin, 767 South Nova Road, Ormond Beach, Florida 32174 (hereinafter called the "Grantor"), to **HOME DEPOT U.S.A., INC.**, a Delaware corporation, whose mailing address is 2455 Paces Ferry Road, Atlanta, Georgia, 30339 (hereinafter called the "Grantee") (wherever used herein the terms "Grantor" and "Grantee" shall include Grantor and Grantee and their respective successors and assigns):

WITNESSETH:

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS (\$10.00), in hand paid at and before execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, conveyed, aliened and confirmed and by these presents does grant, bargain, sell, convey, alien and confirm unto Grantee, its successors and assigns, all that tract or parcel of land situate in Volusia County, Florida, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee forever, in FEE SIMPLE; and subject to the title matters set forth on Exhibit "B" attached hereto.

GRANTOR HEREBY COVENANTS with Grantee that Grantor is lawfully seized of the above-described property in fee simple and that Grantor has good right and lawful authority to sell and convey said property.

GRANTOR HEREBY WARRANTS and will forever defend all right, title and interest in and to the above-described property unto Grantee and the heirs, successors and assigns of Grantee against the lawful claims of all persons whomsoever but always subject to the matters set forth in Exhibit "B" hereto.

This not now nor has it ever been the homestead of the grantor.

W 78-002528
RETURN TO:
COMMONWEALTH LAND
TITLE INSURANCE COMPANY
2233 LEE ROAD, SUITE 204
WINTER PARK, FL 32789

IN WITNESS WHEREOF, the Grantor has caused this quit claim deed to be executed in his name the day and year written above.

Grantor:

Sonia Puentes
Print Name: SONIA Puentes

Jerome H. Unatin (SEAL)
JEROME H. UNATIN

April Hurtado
Print Name: April Hurtado

Marta Valdez
Print Name: Marta Valdez

Maria-Joelle Unatin (SEAL)
Maria-Joelle UNATIN, Spouse of Grantor
consents to the aforementioned grant

Sonia Puentes
Print Name: SONIA Puentes

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by JEROME H. UNATIN. He is personally known to me or has produced _____ as identification.

[NOTARIAL SEAL]

Notary Public

Print Name: _____

My Commission Expires: _____

see attached document

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by _____ UNATIN. She is personally known to me or has produced _____ as identification.

[NOTARIAL SEAL]

Notary Public

Print Name: _____

My Commission Expires: _____

see attached document

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles } ss.

On May 4, 2001, before me, Christine Rubin, Notary Public

personally appeared

Jerome H. Unatin

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

General Warranty Deed

Document Date:

May 4, 2001

Number of Pages:

2

Signer(s) Other Than Named Above:

Marie-Joelle Unatin

Capacity(ies) Claimed by Signer

Signer's Name:

Jerome H. Unatin

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Self

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles } ss.

On May 4, 2001, before me, Christine Rubin, Notary Public,
Date Name and Title of Officer (e.g., Jane Doe, Notary Public)
personally appeared Marie-Joelle Chatin,
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: General Warranty Deed

Document Date: May 4, 2001 Number of Pages: 2

Signer(s) Other Than Named Above: Jerome H. Chatin

Capacity(ies) Claimed by Signer

Signer's Name: Marie-Joelle Chatin

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Self

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

EXHIBIT A

LEGAL DESCRIPTION

A portion of land lying in Section 17, Township 16 South, Range 33 East, said land also being Parcels "A" and "D," Azalea Pointe, as recorded in Map Book 44, Page 28, City of Port Orange, Volusia County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the southeasterly most corner of said Parcel "D," said corner also being the point of intersection of the northerly right-of-way line of Dunlawton Boulevard (State Road 421), a 200 foot width right-of-way as now established, with the westerly right-of-way line of City Center Parkway, a 125 foot right-of-way as now established; thence South $56^{\circ}01'10''$ West, along said northerly right-of-way line, a distance of 1631.45 feet; thence South $89^{\circ}33'02''$ West, departing said Dunlawton Boulevard and along the south line of the northeast quarter of the northwest quarter of said Section 17, a distance of 170.31 feet; thence North $00^{\circ}14'30''$ West along the west line of said Parcels 1114.35 feet to the westerly most corner of Lot 16, of said Azalea Pointe Subdivision; thence easterly along the north lines of said Parcels "A" and "D" also being the southerly lines of Lots 16 through 25 and the south line of Parcel "B," the following courses: South $56^{\circ}31'59''$ East a distance of 159.88 feet; North $74^{\circ}03'08''$ East a distance of 185.49 feet; North $89^{\circ}02'21''$ East a distance of 562.26 feet; thence North $55^{\circ}56'25''$ East a distance of 183.56 feet; thence North $88^{\circ}59'09''$ East a distance of 356.14 feet, to the westerly right-of-way line of City Center Parkway and a point on a curve, said curve being concave easterly and having a radius of 337.00 feet; thence along said curve an arc distance of 159.45 feet, through a central angle of $27^{\circ}06'31''$, said curve being subtended by a chord bearing of South $20^{\circ}25'38''$ East and chord distance of 157.96 feet; thence South $33^{\circ}59'16''$ East a distance of 162.18 feet to the Point of Beginning. Containing 24.44 acres more or less.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2001 and any taxes and assessments levied or assessed subsequent to the date hereof.
2. Easement in favor of Florida Power and Light Company contained in instrument recorded December 31, 1979, in Official Records Book 2133, Page 1769 and as shown on the Plat of Azalea Pointe, according to the Plat thereof as recorded in Map Book 44, Page 28, Public Records of Volusia County, Florida.
3. Subdivision Improvement Agreement by and between the City of Port Orange and Louis Unatin, as contained in instrument recorded in Official Records Book 3271, Page 207, and in Official Records Book 3441, Page 1491 and Official Records Book 3696, Page 365.
4. Easements and setbacks as shown on the Plat of Azalea Pointe, recorded in Map Book 44, Page 28, of the Public Records of Volusia County, Florida, which shows:
 - (a) an easement of 40 feet along the westerly and southerly property line for drainage and maintenance purposes;
 - (b) an easement of 10 feet along the westerly and southerly property lines for Florida Power and Light Company Easement (as to Parcels "A" and "D");
 - (c) a 15 foot by 5 foot Florida Power and Light Company Easement along the southeasterly property line (as to Parcel "D");
 - (d) a conservation easement to the City of Port Orange lying within Parcel "D" as shown on the plat;
 - (e) a 40 foot drainage easement along the northerly lot line (as to Parcel "D");
 - (f) a 10 foot utility easement on the east adjacent to City Center Parkway (as to Parcel "D");
 - (g) a 15 foot utility and bikepath easement on the east adjacent to City Center Parkway and Dunlawton Boulevard (as to Parcel "D");
 - (h) drainage easement as shown on plat abutting the southeasterly lot line of Parcel A (as to Parcel "D");
 - (i) building setback requirements:
 - (1) front - 30 feet;
 - (2) side (r/w on corner) 30 feet;
 - (3) rear - 25 feet.

Utilities shall include but not be limited to sewer, security, telephone, electric, cable tv systems, water and reclaimed water mains. Sanitary sewer and water and reclaimed water mains shall be owned and maintained by the City of Port Orange.

Sec. 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.
- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316.
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.
 - c. Deep root fertilization.
 - (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

- (3) Reasonable growth shall be based on accepted industry standards.
- (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
- (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
- (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
- (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

Sec. 14-315. - Same—Replacement criteria.

- (a) *Landscape plantings.* When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.
- (b) *Buffer plantings.* When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material:
 - (1) Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms).
 - (2) Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms).
 - (3) Replacement shrubs will be no larger than four feet in height.
- (c) *Natural areas.* When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection (b) above shall apply.

(Code 1981, § 6-323)

Sec. 14-318. - Other property improvements; maintenance criteria.

- (a) *Drainage and utility improvements.* All privately owned drainage and utility improvements shall be maintained to provide service as originally designed. This includes facilities in public easements which are not owned by the city. Specifically included in required maintenance are the following activities:
 - (1) Replacement of broken pipes, inlets, curbs and other structures.
 - (2) Cleaning of blocked and clogged drainage structures.
 - (3) Excavation and resodding of silted-in retention areas per St. Johns River Water Management District standards.
- (b) *Signs.* All signs shall be maintained based on chapter 15 of the land development code of the city as follows:
 - (1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the city building code, electrical codes, all other applicable codes, ordinances or requirements.

- (2) All copy shall be maintained so as to be legible and complete.
 - (3) Signs shall be maintained in vertical position unless originally permitted otherwise, and in good and safe condition at all times.
 - (4) Damaged faces or structural members shall be replaced.
 - (5) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.
- (c) *Walls and fences.* All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:
- (1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.
 - (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
 - (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.
- (d) *Trash, litter and debris.* All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.
- (Code 1981, § 6-326)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-374

HOME DEPOT USA INC,

Respondent.

Property Address: 1551 Dunlawton Ave
Port Orange, FL 32129
Parcel ID: 6317-30-00-0010

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

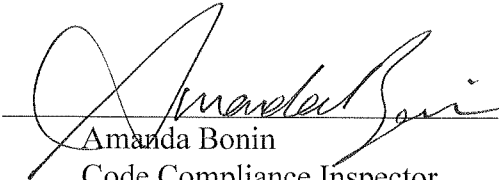
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 1551 Dunlawton Avenue, Port Orange, Florida 32129, is owned by Home Depot USA INC.
4. That 1551 Dunlawton Avenue, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 1551 Dunlawton Avenue, Port Orange, Florida 32129, at 10:40 a.m. on the 16th day of July, 2015, to Angela Dillon, Associate Support Department Supervisor (ASDS), who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 17th day of July, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

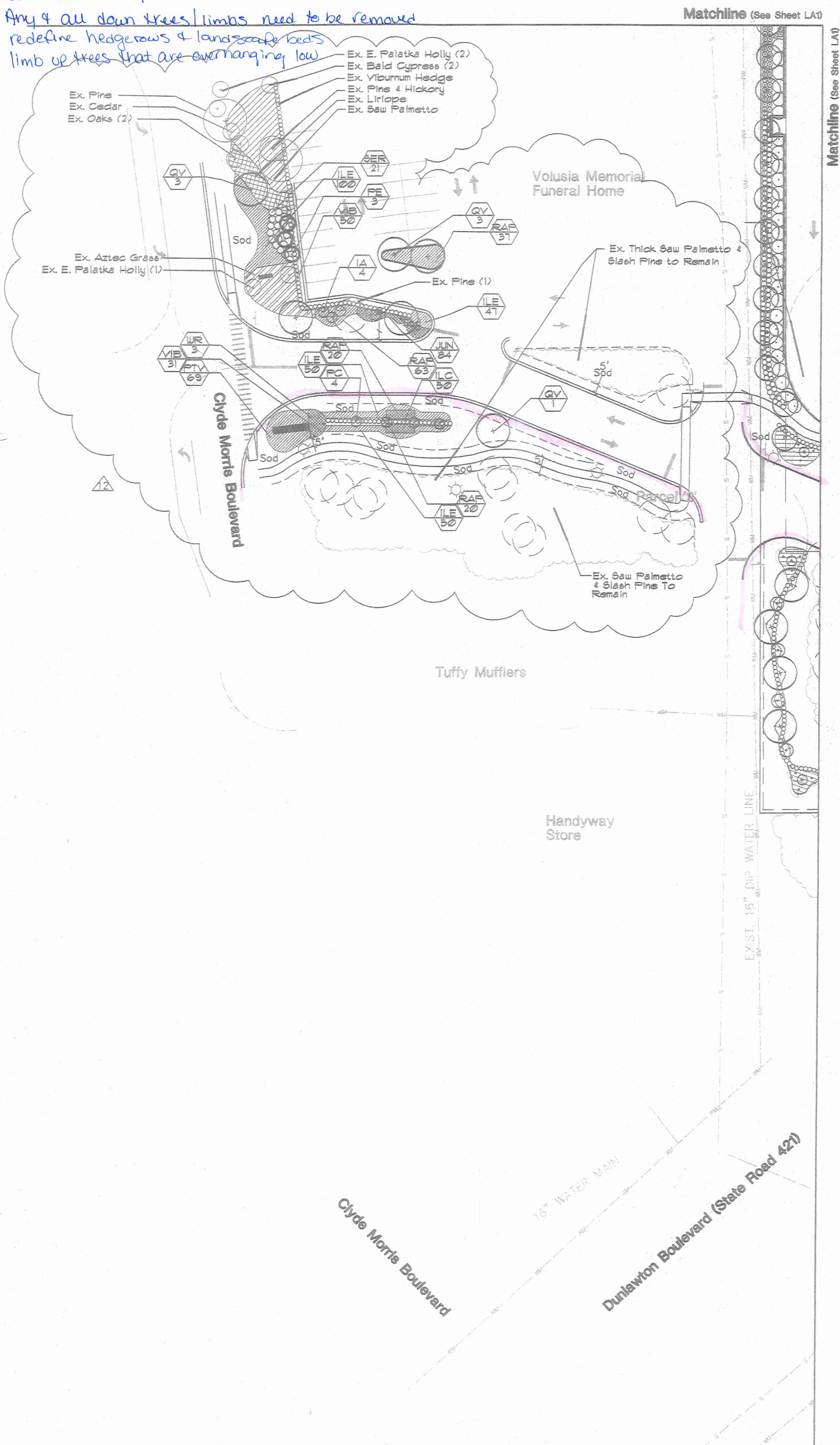
The foregoing instrument was sworn to before me on the 17 day of July, 2015, by Amanda Bonin, who is personally known to me.


Cynthia Dodson
Notary Public, State of Florida

Commission No. 4/22/15



Fertilize
All landscape beds & hedgerows need to be weeded & mulched
All wash if any needs to be removed
Any & all down trees/limbs need to be removed
redefine hedgerows & landscape beds
limb of trees that are overhanging low



Landscape Calculations

The Home Depot Parcel - 2134 AC

	Required	Proposed
North Property Line (75' wide Buffer) 150' If		
Shade Trees (100/100 If)	75	85
Understory Trees (140/100 If)	105	155
Shrubs (20/100 If)	675	671
6' Tall Privacy Wall (Continuous)	Yes	Yes

South Property Line - (Dunlawton Blvd. & adjacent Buffer Area) 150' wide Buffer = 1710 If		
Shade Trees (80/100 If)	151	152 (includes ex. trees to remain (surveyed) plus 15 trees along pond)

Understory Trees (80/100 If)	151	
Shrubs (60/100 If)	1226	1235

East Property Line (10' wide Buffer) = 25 If		
Shade Trees (20/100 If)	5	12 (includes trees along pond)
Understory Trees (20/100 If)	43	5 (includes shrubs along pond)
Shrubs (20/100 If)		

West Property Line (15' wide Buffer) = 100 If		
Shade Trees (40/100 If)	44	50
Understory Trees (40/100 If)	44	110
Shrubs (40/100 If)	433	533
6' Tall Privacy Wall (Continuous)	Yes	Yes

Combined Parcels - 2234 AC

Parking Area Interior Landscaping		
10% of 289,754 sf = 28,975 sf	28,975 sf	41,825 sf
1 tree/300 sf of Required Area	97	115

Minimum Tree Planting		
1 tree per 2500 sf of lot area		
2234 AC = 913,300 sf / 2500 sf = 365 trees	360	440

Building Foundation Planting Calculations

	Required	Proposed
North Facade		
231 If		
Foundation Plants (20/3 If)	158	152
Understory Trees (10/30 If)	5	6 plus 8 palms

South Facade		
169 If		
Foundation Plants (20/3 If)	12	124
Understory Trees (10/30 If)	6	6 plus 4 palms

East Facade		
142 If		
Foundation Plants (20/3 If)	95	126
Understory Trees (10/30 If)	3	6 plus 6 palms

Specimen Tree Calculations

	Preserved	Removed
18' Live Oak	X	
18' Live Oak		X
25' Live Oak		X
12' Cedar	X	
8' Cedar	X	
21' Live Oak	X	
12' Cedar	X	
22' Live Oak	X	
25' Live Oak	X	

Specimen Tree Protection Requirements (Home Depot Site (2134 AC) & Addition! Land (0.80 AC) Only)

The 2234 acre site has a total of nine (9) specimen trees as defined by the Port Orange Land Development Code. This plan proposes to preserve seven (7) of the nine (9) specimen trees, meeting the 80% requirement.

Area Tree Protection Requirements

	Required	Proposed
Tree Preservation Area	15% or 43,962.56 sf	47.65% or 463,686.40 sf

NOTE:

Any vegetation within residential areas that may be disturbed during the development of this site is to be restored to its original state to the extent possible, contractor should document these areas with video, or photographs prior to construction to assist in restoring disturbed areas.

General Notes:

- A site visit by the Landscape Architect and the City shall be performed after completion of the clearing process. At this time, the trees and understory to be saved shall be evaluated for their health, aesthetics, and possibility of their survival. Also, at this time, the trees and understory within the buffer areas shall be evaluated for their density and screening potential. If at this time, the City determines the buffer is insufficient, requirements for mitigation will be requested. A revision to the landscape plan or if minimal changes are proposed, a letter stating the changes must be submitted to the City for approval prior to implementation.
- Existing trees that are to remain on-site are not to have the root zone area disturbed by heavy equipment, fill placed on or around the root zone area, and at no time will fill be allowed to be placed against the trunk. Deviations from the above must be approved by the Landscape Architect and/or the City.
- The contractor shall remove all vines, fallen or dead branches, invasive species, and litter and construction debris from the preservation areas. Bedlines around natural areas are to be edged with smooth, flowing curves. All areas to remain natural shall receive a 2"-3" layer of pine straw mulch (see plan for locations).

Master Plant List

Sym.	Qty.	Botanical Name	Common Name	Size/Remarks
Trees				
IC	25	Ilex cassina	Dahoon Holly	10' hxd' apr, 2 1/2" cal. min, single trunk, straight
LA	25	Ilex attenuata	East Palatka Holly	10' hxd' apr, 2 1/2" cal. min, single trunk, straight
JE	147	Juniperus stricta	Southern Red Cedar	8' ht, 1 1/2" cal. min, full to base, straight
LI	53	Lagerstroemia indica	Crape Myrtle Standard	8' hxd' apr, 1 1/2" cal. min, 3" cl, straight, staked, tree standard
LL	67	Ligustrum lucidum	Tree Ligustrum	8' hxd' apr, multi-trunk, tree form, 5 trunk min, 1 1/2" cal. min
MY	53	Myrica carterii	Wax Myrtle	8' ht x 6' apr, multi-trunk, tree form, 5 trunk min, 1 1/2" cal. min
MG	39	Magnolia grandiflora	Southern Magnolia	10' ht x 4' apr, 2 1/2" cal, straight, single trunk, 4' cl.
MLG	4	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	4-5' ht. x 2-3' apr, single trunk, straight, full, staked, 1 1/2" cal. min
NO	16	Nerium oleander	Pink Oleander Standard	8' hxd' apr, 1 1/2" cal. min, 3" cl, straight, staked
PE	52	Pinus elliotii	Slash Pine	10' hxd' apr, straight, full, single trunk, 2 1/2" cal. min, 4' cl.
PC	4	Prunus caroliniana	Cherry Laurel	8' ht, 1" cal.
QV	97	Quercus virginiana	Live Oak	10' ht x 4' apr, 2 1/2" cal. min, straight, single trunk, 4' cl.
SP	131	Sabal palmetto	Cabbage Palm	14'-18' cl, with boots, straight, hurricane cut, stagger hts.
TD	36	Taxodium distichum	Bald Cypress	10' hxd' apr, straight, full, single trunk, 2 1/2" cal. min, 4' cl.
WR	10	Washingtonia robusta	Washington Palm	16'-22' caln, straight, full, stagger hts. in clusters 10' caln when planted singly

Shrubs And Groundcover

CR	6	Citrus spp.	Citrus Lily	36" apr, full
CTC	12	Cycas revoluta	King Sago Palm	36" apr, full
ELA	630	Elaeagnus pungens	Silverthorn	15, 24" ht, full to base, 48" O.C.
ILE	787	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	15, 18" x 18", full to base, 24" O.C.
JUN	744	Juniperus chinensis 'Parsonii'	Parson's Juniper	15, 18"-24" apr, full, 18" O.C.
LIR	136	Liriodendron tulipifera	Evergreen Giant Liriodendron	15, full 5' bide/pot (min), 18" o.c.
LMA	587	Liriodendron tulipifera 'Variegata'	Variegated Liriodendron	15, full 5' bide/pot (min), 18" O.C.
MYR	210	Myrica carterii	Wax Myrtle	15, 30" x 24" apr, full to base, 48" O.C.
PHI	250	Philodendron sellowii	Philodendron	15, 30" x 24", full, 48" O.C.
POD	80	Podocarpus neriifolius	Podocarpus	15, 30" ht, full to base, 24" o.c.
PTV	236	Pittosporum tobira 'Variegata'	Variegated Pittosporum	15, 18" x 18", full to base, 24" o.c.
RAP	326	Raphiolepis indica 'Alba'	Dwarf White Indian Hawthorn	15, 18" x 18" apr, full to base, 24" O.C.
SER	718	Serenoa repens	Saw Palmetto	15, 12"x18", full to base, 48" o.c.
SPA	842	Spartina bakeri	Sand Cordgrass	15, 18" ht, full 36" O.C.
TCA	90	Taxodium distichum	Dwarf Cypress	15, 12" apr, 24" o.c.
VIB	1480	Viburnum odoratissimum	Sweet Viburnum	15, 24" ht, full to base, 36" O.C.
VIS	224	Viburnum suspensum	Sandbar Viburnum	15, 24" ht, full to base, 36" O.C.

Miscellaneous

SCD	TBD	Stenotaphrum secundatum 'Ponderosa'	St. Augustine Ponderosa Grass	Sod, 100% insect/disease free, laid tight, rolled
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Notes:
Plant list quantities are provided for convenience. In the event of quantity discrepancies, the drawing shall take precedence.

All plantings shall include 3" layer of shredded Grade 'B' Cypress mulch unless otherwise specified.

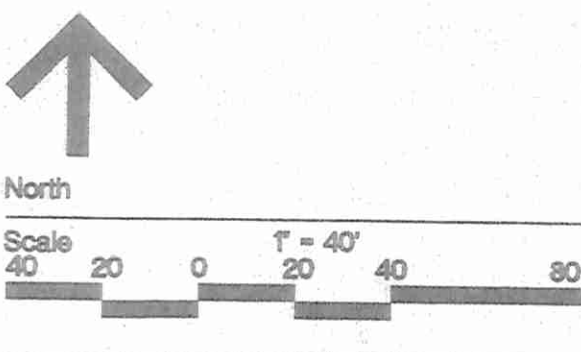
All landscaped areas shall be fully irrigated with an automatic irrigation system.

All landscaping shall be installed according to sound nursery practices and shall be Florida No. 1 or better as given in 'Grades and Standards for Nursery Plants, Parts I and II', State of Florida, Department of Agriculture.

No substitutions shall be made without written authorization from the L.A. or owner.

Contractor Please Note:

- The minimum height and caliper (if applicable) must be met and the container size (if specified) is only a minimum. undersized plant material will be required to be replaced if installed in the field.
- Any variation from the city approved landscape plan will require the approval of the landscape architect and the city prior to installation. Failure to do so may require replacement or mitigation.



Kimley-Horn
and Associates, Inc.

Engineering
Planning
and
Environmental
Consultants

Suite 108
1080 Woodcock Road
Orlando, Florida
32803
Phone: (407) 898-1511
Fax: (407) 894-4791

David T. Woodward, L.A.
FLA # 1165
2/13/02

DATE	BY	REVISION
12FEB02	DTW	1. Per City Comments
08OCT00	DTW	2. Per City Comments
27SEP00	DTW	3. Per City Comments/Coordination
20JUN00	DTW	4. Add Fountain Specs and Detail
	DTW	5. Per City Comments/Coordination
	DTW	6. Per City Comments/Coordination
	DTW	7. Per City Comments/Coordination
	DTW	8. Per City Comments

JOB NO.	DATE
047027046	12FEB02
DRAWN BY	CHECKED BY
URG	DTW
APPROVED BY	FILENAME
DTW	270461-1-VIEW3

LANDSCAPE AS-BUILT PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE
1" = 40'

SHEET NO.

LA-3

Note:
See Conceptual City Center Parkway Landscape Plan
For Improvements in This Area.

Note:
Where existing landscape area, in ROW, is being modified, contractor
shall ensure that disturbed ground is backfilled, graded and
sodded so that the new sod is flush with adjacent grade.
Also if existing irrigation is present, contractor shall be
responsible to keep system operational during construction
and adjust to irrigate new median configuration to
provide 100% coverage.

CONTRACTOR USE EXTREME CAUTION
Contractor shall use extreme caution when removing the oak trees
in this area due to proximity of existing water main.

4 - Ex. Live Oak Trees
to be Removed

Parcel B
(Storm Water
Retention)

Wet Detention
Pond Area
(See Specifications & Detail
This Sheet)

Floating Fountain
(See Specifications & Detail
This Sheet)

Sod Temporary Spreader Swale
as necessary with Argentine Bahia Grass

Out Parcel 2

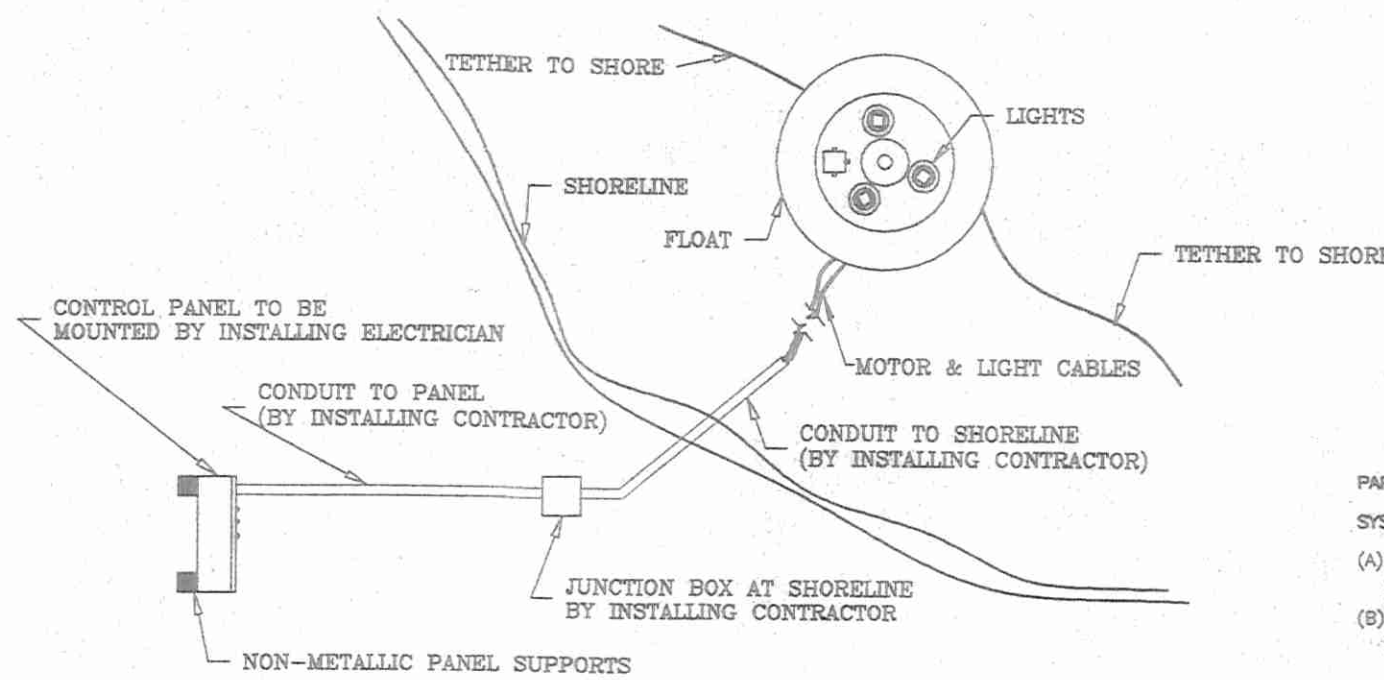
Undisturbed
Turf Area

Fine Straw
Mulch

Hatch Area Depicts
Conservation Easement

Remove & replace
dead vegetation

replace dead
ligustrum



Fountain Detail
N.T.S.

Fountain Specifications

PART ONE: GENERAL SYSTEM DESCRIPTION

(A)Design Requirements: The fountain described in this section shall be a fully automated, self
contained floating feature. The fountain shall be made up of one (1) Geyser display including
lights.
(B)Performance Requirements: The Geyser fountain shall have one nozzle operating at a display
height of 28'-30'. The fountain shall perform at a minimum pumping rate of 340 GPM @
135' TDH.

SUBMITTALS

(A)Product Data: All manufacturers' data on individual components listed in Part 2: Products, or
pre approved equal where allowed, shall be submitted to the project engineers and fountain
consultant, prior to approval. Manufacturers requesting prior approval shall submit to the
project engineers, at least ten (10) business days prior to the bid date, all data on all individual
components listed in Part 2: Products for review with the architect and fountain consultant.
All approvals will be issued in an addendum prior to the bid date.
(B)Shop Drawings: A complete plan and section shall accompany the submittal data on all
components to ensure compliance with the intended design as specified.
(C)Field Reports: The manufacturer shall provide a field test report in the control package. This
report, which includes information on the field voltage, current, and resistance for all
electrical components, must be filed out by the installing electrical contractor and submitted to
the manufacturer and the engineer of record for approval.
(D)Operations and Maintenance: All manuals pertaining to the operations and maintenance of
the fountain shall be submitted by the manufacturer prior to final approval.

MANUFACTURER

The floating fountain described in this section shall be supplied by Delta Fountains, Jacksonville,
Florida (904)886-9200, FAX (904)886-9200. All other manufacturers requesting approval must
comply with the requirements listed in the SUBMITTALS section under the Product Data.

MATERIALS

The specifications of the materials described in the COMPONENTS portion of this section shall
be strictly adhered to.

PART TWO: PRODUCTS

COMPONENTS

The major components of the floating fountains are as follows:

MECHANICAL COMPONENTS

1. Geyser Fountain (1 Each)

(A)One 80" floating fountain unit constructed of fiberglass and having closed cell
foam flotation for ballast as well as float on all surfaces exposed to sunlight. Polymer
floats and or any type utilizing air as the ballast will not be accepted.
(B)One (80"-90") Geyser nozzle with 1" outlet and 1" girth. The nozzle shall be of cast bronze
construction and capable of a display height of 28'-30'.
(C)One 15 HP submersible pump. The motor shall be 480V, three phase, 3450 RPM. The
pump shall be capable of producing 340 GPM @ 135' TDH minimum.
(D)One combination stainless steel/ poly-fiber motor and pump mounting assembly with pump
weather, screws and adjusting rods.
(E)One plumbing assembly with standard flow inducer sleeves and suction strainer capable of
field removal without disturbing the pump.

ELECTRICAL COMPONENTS

1. Geyser Fountain (1 Each)

(A)Six (6) 500W underwater lights with angular adjustability and a long life
quartz halogen lamp. Units include 500W, 120V Per 50' long, clear lens, stainless steel facing
ring and race guard and heat sensing low water cut-off. Fixture supplied with 9 1/2' cord.
(B)One (600W-400) heavy duty bronze constructed junction box with potting compound and cord
seals.
(C)One 150' length of #12/4 SOWA submersible cable connected to the motor.
(D)One 150' length of #12/3 SOWA submersible cable connected to the lights.
(E)One 150' length of #12/3 SOWA submersible cable connected to the lights. The panel shall
include but not be limited to GFI breakers for motor, lighting and controls circuits, fully
enclosed load center for all circuit breakers, two (2) channel digital control dials to operate
the main pump and light circuits separately provided with a minimum 9 hour battery backup,
motor starter/contactor for all motor and lighting circuits with compliant compensating bi-
metallic overload system, 800V lighting arrester, and key H.O.A. devices. The panel shall
have all covered wireways, a power distribution block and 30 degree output terminals and
ground bars. Also includes with this control panel shall be a transformer to accommodate
all lighting and control functions of the fountain system.
The entire control system shall bear a U.L. 508 certified label "Industrialized control panel enclosure"
without the U.L. 508 certified label will not be accepted. Panels which are not listed as an
assembly will not be accepted.

PART THREE: EXECUTION

INSTALLATION

All equipment furnished under this section shall be installed in full conformity with the drawings,
specifications, engineering data, instructions, and recommendations of the equipment
manufacturer.

WARRANTY

The manufacturer shall deem the fountain equipment as provided in PART TWO: PRODUCTS
of these specifications, free of defects in material and workmanship for a period of one (1) year
from delivery.

QUALITY ASSURANCE

CERTIFICATION

The fountain manufacturer shall provide a comprehensive electrical package. This package must
include a power diagram, logic diagram, panel layout, component schedule and out sheets on all
individual components in the control panel. If necessary, the manufacturer shall provide evidence
that the building department has been contacted to assure that local compliance and exceptions to
the National Electric Code have been addressed.

TRADES MEETINGS

The equipment manufacturer shall be present for a minimum of 1 trades coordination meeting,
which includes the review of plans and shop drawings with the electrical contractor. The
manufacturer must be available at the jobsite within a 24 hour notice.

START UP

The equipment manufacturer shall be present for the initial start up of the fountain system.

Matchline (See Sheet LA1)



Kimley-Horn
and Associates, Inc.

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Phone: (407) 898-1511
Fax: (407) 894-4791

David T. Woodward, L.A.
1/13/02
FL LA # 1168

DATE	BY	REVISION
12FEB02	DTW	21FEB02
06OCT00	DTW	07MAR00
21SEP00	DTW	20MAR00
	DTW	27MAR00
	DTW	19APR00
	DTW	02MAY00
	DTW	17MAY00
	DTW	30MAY00

NO.	DATE	REVISION
1	04/07/2004	Per City Comments
2	04/07/2004	Per City Comments
3	04/07/2004	Per City Comments
4	04/07/2004	Per City Comments
5	04/07/2004	Per City Comments
6	04/07/2004	Per City Comments
7	04/07/2004	Per City Comments
8	04/07/2004	Per City Comments

LANDSCAPE AS-BUILT PLAN
THE HOME DEPOT
PORT ORANGE, FLORIDA

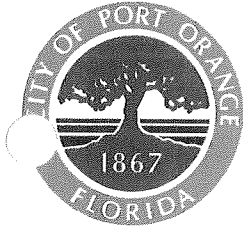
SCALE 1" = 40'
SHEET NO.
LA-2

Case Cost Sheet Log

Case No. 15-316

Name	Activity	Activity_Date	Status	Cost
William K. McDaniels & Balbina A. McDaniels	Notice of Violation/Notice of Hearing	07/17/2015	Hand Delivered to Balina A. McDaniels on 7/17/15 at 2:10 p.m.	\$0.00
William K. McDaniels	Mailing Finding of Fact/Conclusion of Law & Order to 1218 Jeffrey Drive, Port Orange, FL 32129	08/12/2015		\$7.21
Balbina A. McDaniels	Mailing Finding of Fact/Conclusion of Law & Order to 1218 Jeffrey Drive, Port Orange, FL 32129	08/12/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$41.42



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-316

To:
William K & Balbina A McDaniels
1218 Jeffery Drive
Port Orange, FL 32129

Re: 1218 Jeffrey Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-1050

LEGAL DESCRIPTION: LOT 105 WILLOW RUN UNIT 2 MB 36 PGS 16 TO 18 INC PER OR 4592 PG 2514

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 6, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

The City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

The City of Port Orange's Code of Ordinances Chapter 70 Traffic, Article II, Section 70-36 (K), (1) (2) (3) Stopping, standing or parking prohibited in specified places:

(k) On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:

1. Concrete or paved materials;
2. Non-paved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
3. Concrete paver strips, paver blocks, or other semi-pervious materials.

The City of Port Orange's Code of Ordinances Chapter 70 Traffic, Article II, Section 70-49 (c), (1) (a) (b), & Restrictions.

(1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:

- a. Within a completely enclosed garage; or
- b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.

The trailer parked in the yard needs to be parked in the driveway, the green mustang in the driveway needs to be parked in the garage, covered with an approved car cover or properly licensed and operable, and all outside storage needs to be cleaned up and properly stored in an enclosed building.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 27, 2015**.

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** August 12, 2015 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 \$ 0 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 August 12, 2015, 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 September 23, 2015, 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.

DATED this 17th day of July, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amahda Bonin
Amahda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to William K & Balbina A McDaniels 1218 Jeffery Drive, Port Orange, FL 32129, was

☒ Hand-delivered to Balbina McDaniels
☐ Posted at the property

Time: approx. 2:10 pm

this 17th day of July, 2015.

Amahda Bonin
Amahda Bonin

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to William K & Balbina A McDaniels 1218 Jeffery Drive, Port Orange, FL 32129, was

☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

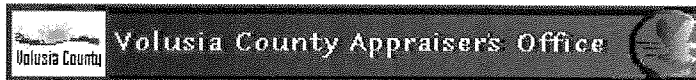
Secretary, Special Magistrate

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 07-14-2015 Today's Date: 7-17-2015		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		07-16-33-03-00-1050 6307-03-00-1050	Mill Group		402 Port Orange
Alternate Key		3594754	2014 Final Millage Rate		21.15960
Parcel Status		Active Parcel	PC Code		01
Date Created		30 DEC 1981			
Owner Name		MCDANIELS WILLIAM K &		GO TO ADD'L OWNERS	
Owner Name/Address 1		BALBINA A MCDANIELS			
Owner Address 2		1218 JEFFERY DR			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		321194087			
Owner Percentage		100	Ownership Type		
Location Address		1218 JEFFERY DR PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 105 WILLOW RUN UNIT 2 MB 36 PGS 16 TO 18 INC PER OR
4592 PG 2514

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4592	2514	9/2000	Warranty Deed	Qualified Sale	Yes	84,000
2	3491	1912	7/1990	Warranty Deed	Qualified Sale	Yes	64,000
3	2419	1640	1/1983	Warranty Deed	Qualified Sale	Yes	55,000

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	16,553	72,031	0	88,584	77,800	77,800	77,800	25,000	52,800	52,800	25,000	27,800
2013	16,553	65,184	0	81,737	76,650	76,650	76,650	25,000	51,650	51,650	25,000	26,650

LAND DATA

Prepared By: J. Leigh Crumbley
Professional Title Agency, Inc.
141 Sagebrush Trail, Suite C
Ormond Beach FL 32174
incidental to the issuance of a title insurance policy.
File Number: 04192
Parcel ID# [REDACTED]
Grantee(s) SS# [REDACTED]

09/18/2000 08:58
Doc stamps 588.00
(Transfer Amt \$ 84000)
Instrument # 2000-166743
Book: 4592
Page: 2514
Diane M. Matousek
Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated 09/08/2000 by

Mary Ellen Savidge, a single person
whose post office address is:

101 S. Bent Tree Drive, Apt. 50, Daytona Beach FL 32114
hereinafter called the GRANTOR, to

William K. McDaniels and Balbina A. McDaniels, Single Persons
whose post office address is:

1218 Jeffery Drive, Port Orange, FL 32119
hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Volusia County, Florida, viz:

Lot 105, WILLOW RUN - UNIT 2, according to the plat thereof, recorded in Map Book 36, Pages 16 through 18, inclusive of the Public Records of Volusia County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2000 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

TOGETHER with all the tenements, hereditaments and appurtenances thereto 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, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: [Signature of J. Leigh Crumbley]
Print Name: J. LEIGH CRUMBLEY
Signature: [Signature of Diane S. Kirwin]
Print Name: DIANE S. KIRWIN

Signature: [Signature of Mary Ellen Savidge]
Print Name: Mary Ellen Savidge

State of Florida
County of Volusia

I am a notary public of the state of Florida and my commission expires: 2/15/04
THE FOREGOING INSTRUMENT was acknowledged before me on 09/08/2000 by:

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

Sec. 70-36. - Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(1) Stop, stand or park a motor vehicle or trailer:

- a. On the roadway side of any motor vehicle stopped or parked at the edge of a curb of a street (i.e., double parked).
- b. Within an intersection.
- c. On any sidewalk or on a crosswalk.
- d. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless the division of road operations of the state department of transportation indicates it differently by signs or markings.
- e. Alongside or opposite any street excavation, obstruction or vehicle when stopping, standing or parking would obstruct traffic.
- f. Upon any bridge or elevated structure upon a highway, road or street where parking is not provided for thereon.
- g. On any railroad tracks.
- h. At any place where official traffic control devices prohibit stopping.
- i. In any area containing the raised or painted traffic separator or median.
- j. On parkage, except for private passenger vehicles, by or with authority of the owner or resident of the private property immediately adjoining such parkage, which authority shall be implied in the absence of a written complaint made by such owner or the duly authorized agent of such owner.
- k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:
 1. Concrete or paved materials;
 2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
 3. Concrete paver strips, paver blocks, or other semi-pervious materials.

(2) Within the public right-of-way, stand or park a motor vehicle or trailer, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. Alongside any yellow curb.
- b. In front of a public or private driveway.
- c. Within 15 feet of a fire hydrant.
- d. Within 20 feet of a crosswalk at an intersection.
- e. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
- f. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance (when proper sign posted).
- g. At any place where official traffic control devices prohibit standing.

(3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of

merchandise or passengers:

- a. Within 50 feet of the nearest rail of a railroad crossing or bridge.
 - b. At any place where official signs prohibit parking.
- (b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.

- (d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-316

WILLIAM K & BALBINA A MCDANIELS,

Respondent.

Property Address: 1218 Jeffery Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-1050

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

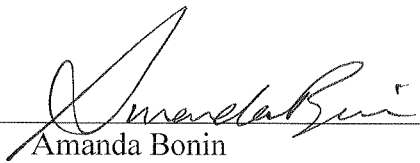
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 1218 Jeffery Drive, Port Orange, Florida 32129, is owned by William K & Balbina A McDaniels.
4. That 1218 Jeffery Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 1218 Jeffery Drive, Port Orange, Florida 32129, at 2:10 p.m. on the 17th day of July, 2015, to Balbina A McDaniels, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 17th day of July, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 17 day of July, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. 4/22/15

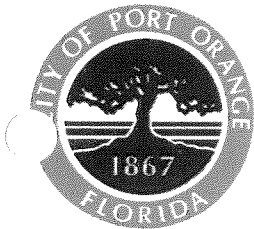


Case Cost Sheet Log

Case No. 15-122

Name	Activity	Activity_Date	Status	Cost
Sara R. Bonner	Notice of Violation/Notice of Hearing	07/17/2015	Hand Delivered to William McMichael on 7/17/15.	\$0.00
Sara R. Bonner	Mailing Finding of Fact/Conclusion of Law & Order to 52 Woodfield Drive, Port Orange, FL 32129	08/12/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$34.21



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-122

To:
Sara R Bonner
52 Woodfield Drive
Port Orange, FL 32129

Re: 52 Woodfield Drive
Port Orange, FL 32129
Parcel ID: 6307-01-00-0520

LEGAL DESCRIPTION: LOT 52 RAVENWOOD SUB MB 33 PGS 170-171 INC PER OR 4187 PG 0728 PER UNREC D/C
PER D/C 5960 PG 2457

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 4, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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) 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 (10) inches.

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) 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.

Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight and

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13.2 Openable windows of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 27, 2015**.

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 eversible 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** August 12, 2015, 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 \$ 0 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 August 12, 2015, 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 September 23, 2015, 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.

DATED this 17th day of July, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sara R Bonner 52 Woodfield Drive, Port Orange, FL 32129, was

☒ Hand-delivered to William McMichael
☐ Posted at the property

this 17th day of July, 2015.

Time: approx. 2:05 pm

Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sara R Bonner 52 Woodfield Drive, Port Orange, FL 32129, was

☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

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 Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 07-14-2015 Today's Date: 7-17-2015	Volusia County Property Appraiser's Office		
	<u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser		
Full Parcel ID Short Parcel ID	07-16-33-01-00-0520 6307-01-00-0520	Mill Group	402 Port Orange
Alternate Key	3592271	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	01
Date Created	30 DEC 1981		
Owner Name	BONNER SARA R		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	52 WOODFIELD DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage		Ownership Type	
Location Address	52 WOODFIELD DR PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 52 RAVENWOOD SUB MB 33 PGS 170-171 INC PER OR 4187 PG 07

28 PER UNREC D/C PER D/C 5960 PG 2457

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4187	0728	3/1997	Warranty Deed	Affiliated Parties	Yes	10
2	4173	0144	1/1997	Warranty Deed	Affiliated Parties	Yes	1
3	3598	1736	3/1991	Warranty Deed	Qualified Sale	Yes	67,000

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	12,883	88,185	0	101,068	96,654	96,654	96,654	25,500	71,154	71,154	25,000	46,154
2013	15,745	82,537	0	98,282	95,226	95,226	95,226	25,500	69,726	69,726	25,000	44,726

LAND DATA

Prepared By: **JOYCE A. PRATER**
PROFESSIONAL TITLE AGENCY, INC.
2763 S. RIDGEWOOD AVENUE, SUITE C SOUTH DAYTONA, FL 32119
incidental to the issuance of a title insurance policy.
File No.: **0463*P6092**
el ID # **6307-01-00-0520**
Grantee(s) SS # ,

03/24/1997 16:12
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 97048018
Book: 4187
Page: 728
Diane M. Matousek
Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated March 18, 1997
by
ROBERT E. BONNER

whose post office address is
862 Terrace Avenue, Daytona Beach, Florida 32114
hereinafter called the GRANTOR, to
WILLIAM R. BONNER and SARA R. BONNER, Husband and Wife

whose post office address is
52 WOODFIELD DRIVE, PORT ORANGE, FL 32119
hereinafter called the GRANTEE:

(Wherever used herein the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in **VOLUSIA** County, Florida, viz:

LOT 52, RAVENWOOD SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 33, PAGES 170 AND 171 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Grantor hereby warrants that the property described in this instrument is not his constitutional homestead as provided by the Florida Constitution.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 1997 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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

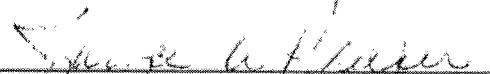
TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:


ROBERT E. BONNER

Signature: 
Print Name: **JOYCE A. PRATER**

Signature: 
Print Name: **YVONNE S. SCHWAB**

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)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

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 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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-122

SARA R BONNER,

Respondent.

Property Address: 52 Woodfield Drive
Port Orange, FL 32129
Parcel ID: 6307-01-00-0520

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

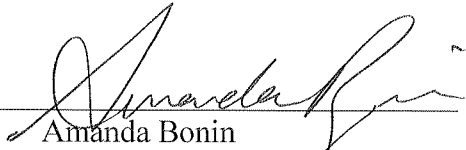
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 52 Woodfield Drive, Port Orange, Florida 32129, is owned by Sara R Bonner.
4. That 52 Woodfield Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 52 Woodfield Drive, Port Orange, Florida 32129, at 2:05 p.m. on the 17th day of July, 2015, to William McMichael, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 17th day of July, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 17 day of July, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. 4/22/15

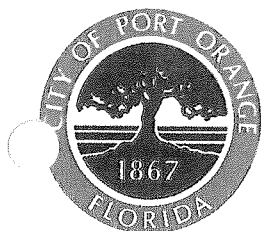


Case Cost Sheet Log

Case No. 15-1086

Name	Activity	Activity_Date	Status	Cost
Home Depot USA, Inc.	Notice of Violation/Notice of Hearing	07/16/2015	Hand Delivered to Angela Dillon, Associate Support Department Supervisor, on 7/16/15 at 10:40 a.m.	\$0.00
Home Depot USA, Inc.	Mailing Finding of Fact/Conclusion of Law & Order to 2455 Paces Ferry Rd., Atlanta, GA 30339	08/12/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1086

To:
Home Depot USA INC
2455 Paces Ferry Rd
Atlanta, GA 30339

Re: 1551 Dunlawton Avenue
Port Orange, FL 32129
Parcel ID: 6317-30-00-0010

LEGAL DESCRIPTION: LOT 1 HOME DEPOT OF PORT ORANGE MB 48 PGS 182-184 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 13, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

**Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances
Section 14-314 (a) (1) & (2), (d) (1), (2), (3), (4), (5), (6), & (7), 14-315 (a), & 14-318 (d)**

The reclaimed water meter has been replaced by the City of Port Orange on June 23, 2015. Our records indicated that the reclaimed water has not been in use since 2006, thus the irrigation system at this location has not been operating and the vegetation is dying. In order for the new vegetation to survive the irrigation needs to be in operating order. Home Depot is required to maintain, the entrance way to Azalea Point, the entrance/exit onto Clyde Morris Blvd, the back driveway leading to City Center Parkway, the pond area next to this driveway on the South side, the Dunlawton buffer from City Center Parkway West to Home Depot's property line, as well as the Home Depot's main property. There are plants and trees missing that need to be replaced, dead plant/tree material that needs to be removed and replaced, landscape beds and hedgerows that need to be weeded, hedgerows that need to be re-defined, a scummy pond in need of cleaning and maintenance, trash and debris that needs to be removed, fallen trees and limbs that need to be removed, and hedgerows that need to be cleaned up and pruned as they are becoming overgrown. A site plan is attached for your review.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **August 7, 2015**.

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 August 12, 2015, 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 \$ 0 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.

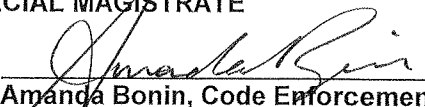
NOTICE OF HEARING SETTING FINE AND LIEN

On the event the **Special Magistrate**, during the hearing on **August 12, 2015**, 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 **September 23, 2015, 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.

DATED this 16th day of July, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Depot USA INC 1551 Dunlawton Avenue, Port Orange, FL 32129, was
☒ Hand-delivered to: Angela Dillon, ASDS
☐ Posted at the property

Time: approx. 10:40 am

this 16th day of July, 2015.


Amanda Bonin, Code Enforcement Officer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Depot USA INC 2455 Paces Ferry Rd Atlanta, GA 30339, was
☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 07-14-2015 Today's Date: 7-16-2015		Volusia County Property Appraiser's Office			
		Property Record Card (PRC)			
		Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.			
		Property Appraiser			
Full Parcel ID	17-16-33-30-00-0010	Mill Group	402 Port Orange		
Short Parcel ID	6317-30-00-0010				
Alternate Key	6080453	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	13		
Date Created	05 MAR 2002				
Owner Name	HOME DEPOT USA INC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	2455 PACES FERRY RD				
Owner Address 3	ATLANTA GA				
Owner Zip Code	30339				
Owner Percentage	100	Ownership Type			
Location Address	1551 DUNLAWTON AV PORT ORANGE 32129				

LEGAL DESCRIPTION

LOT 1 HOME DEPOT OF PORT ORANGE MB 48 PGS 182-184 INC

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
NONE							

HISTORY OF VALUES[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	2,719,586	3,054,921	363,162	6,137,669	6,137,669	6,137,669	6,137,669	0	6,137,669	6,137,669	0	6,137,669
2013	2,719,586	2,778,851	370,030	5,868,467	5,868,467	5,868,467	5,868,467	0	5,868,467	5,868,467	0	5,868,467

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
1300	DEPT STORE	No Data	No Data	974762.00	SQUARE FEET	7.75	100	100	40	90	2,719,586

NEIGHBORHOOD CODE	C5540	DUNLAWTON BLVD-NOVA RD TO I-9
--------------------------	-------	-------------------------------

TOTAL LAND CLASSIFIED 0**TOTAL LAND JUST** 2,719,586**BUILDING CHARACTERISTICS****BUILDING 1 OF 1**[GO TO BLDG SKETCH](#)

05/14/2001 13:29
Doc stamps 34216.00
(Transfer Amt \$4888000)
Instrument # 2001-096532
Book: 4684
Page: 2942

Instrument Prepared By and
After Recording Return To:
Kritzer & Leveck, P.C.
6400 Powers Ferry Road, Suite 200
Atlanta, Georgia 30339
ATTN: W. Daniel Hicks, Jr., Esq.

Property Appraisers Parcel I.D. Number:
Grantee's Federal Tax I.D. Number: [REDACTED]

GENERAL WARRANTY DEED

THIS INDENTURE is made the 4 day of May, 2001, by JEROME H. UNATIN, a married man, whose mailing address is c/o Steve Unatin, 767 South Nova Road, Ormond Beach, Florida 32174 (hereinafter called the "Grantor"), to HOME DEPOT U.S.A., INC., a Delaware corporation, whose mailing address is 2455 Paces Ferry Road, Atlanta, Georgia, 30339 (hereinafter called the "Grantee") (wherever used herein the terms "Grantor" and "Grantee" shall include Grantor and Grantee and their respective successors and assigns):

WITNESSETH:

FOR AND IN CONSIDERATION OF the sum of TEN AND NO/100 DOLLARS (\$10.00), in hand paid at and before execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, conveyed, aliened and confirmed and by these presents does grant, bargain, sell, convey, alien and confirm unto Grantee, its successors and assigns, all that tract or parcel of land situate in Volusia County, Florida, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee forever, in FEE SIMPLE; and subject to the title matters set forth on Exhibit "B" attached hereto.

GRANTOR HEREBY COVENANTS with Grantee that Grantor is lawfully seized of the above-described property in fee simple and that Grantor has good right and lawful authority to sell and convey said property.

GRANTOR HEREBY WARRANTS and will forever defend all right, title and interest in and to the above-described property unto Grantee and the heirs, successors and assigns of Grantee against the lawful claims of all persons whomsoever but always subject to the matters set forth in Exhibit "B" hereto.

This not now nor has it ever been the homestead of the grantor.

RETURN TO:
COMMONWEALTH LAND
TITLE INSURANCE COMPANY
2233 LEE ROAD, SUITE 204
WINTER PARK, FL 32789

W 78-0102528

IN WITNESS WHEREOF, the Grantor has caused this quit claim deed to be executed in his name the day and year written above.

Grantor:

Sonia Fdez
Print Name: SONIA FUENTES

[Signature] (SEAL)
JEROME H. UNATIN

April Hurtado
Print Name: April Hurtado

[Signature]
Print Name: MARIBEL VADEZ
Sonia Fdez
Print Name: SONIA FUENTES

[Signature] (SEAL)
Maria-Joelle UNATIN, Spouse of Grantor
consents to the aforementioned grant

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by JEROME H. UNATIN. He is personally known to me or has produced _____ as identification.

[NOTARIAL SEAL]

Notary Public

Print Name: _____

My Commission Expires: _____

see attached document

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by _____ UNATIN. She is personally known to me or has produced _____ as identification.

[NOTARIAL SEAL]

Notary Public

Print Name: _____

My Commission Expires: _____

see attached document

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles } ss.

On

May 4, 2001

Date

before me,

Christine Rubin, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

Jerome H. Unatin

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

General Warranty Deed

Document Date:

May 4, 2001

Number of Pages:

2

Signer(s) Other Than Named Above:

Marie Joelle Unatin

Capacity(ies) Claimed by Signer

Signer's Name:

Jerome H. Unatin

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Self

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles } ss.

On

May 4, 2001

Date

before me, Christine Rubin, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

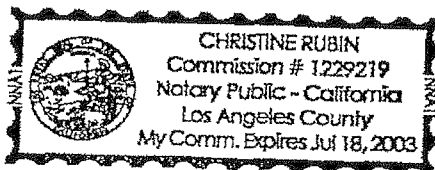
personally appeared

Marie-Joelle Ulatin

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Signer(s) Other Than Named Above:

Jerome H. Ulatin

Capacity(ies) Claimed by Signer

Signer's Name:

Marie-Joelle Ulatin

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:

Self

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

EXHIBIT A

LEGAL DESCRIPTION

A portion of land lying in Section 17, Township 16 South, Range 33 East, said land also being Parcels "A" and "D," Azalea Pointe, as recorded in Map Book 44, Page 28, City of Port Orange, Volusia County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the southeasterly most corner of said Parcel "D," said corner also being the point of intersection of the northerly right-of-way line of Dunlawton Boulevard (State Road 421), a 200 foot width right-of-way as now established, with the westerly right-of-way line of City Center Parkway, a 125 foot right-of-way as now established; thence South $56^{\circ}01'10''$ West, along said northerly right-of-way line, a distance of 1631.45 feet; thence South $89^{\circ}33'02''$ West, departing said Dunlawton Boulevard and along the south line of the northeast quarter of the northwest quarter of said Section 17, a distance of 170.31 feet; thence North $00^{\circ}14'30''$ West along the west line of said Parcels 1114.35 feet to the westerly most corner of Lot 16, of said Azalea Pointe Subdivision; thence easterly along the north lines of said Parcels "A" and "D" also being the southerly lines of Lots 16 through 25 and the south line of Parcel "B," the following courses: South $56^{\circ}31'59''$ East a distance of 159.88 feet; North $74^{\circ}03'08''$ East a distance of 185.49 feet; North $89^{\circ}02'21''$ East a distance of 562.26 feet; thence North $55^{\circ}56'25''$ East a distance of 183.56 feet; thence North $88^{\circ}59'09''$ East a distance of 356.14 feet, to the westerly right-of-way line of City Center Parkway and a point on a curve, said curve being concave easterly and having a radius of 337.00 feet; thence along said curve an arc distance of 159.45 feet, through a central angle of $27^{\circ}06'31''$, said curve being subtended by a chord bearing of South $20^{\circ}25'38''$ East and chord distance of 157.96 feet; thence South $33^{\circ}59'16''$ East a distance of 162.18 feet to the Point of Beginning. Containing 24.44 acres more or less.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2001 and any taxes and assessments levied or assessed subsequent to the date hereof.
2. Easement in favor of Florida Power and Light Company contained in instrument recorded December 31, 1979, in Official Records Book 2133, Page 1769 and as shown on the Plat of Azalea Pointe, according to the Plat thereof as recorded in Map Book 44, Page 28, Public Records of Volusia County, Florida.
3. Subdivision Improvement Agreement by and between the City of Port Orange and Louis Unatin, as contained in instrument recorded in Official Records Book 3271, Page 207, and in Official Records Book 3441, Page 1491 and Official Records Book 3696, Page 365.
4. Easements and setbacks as shown on the Plat of Azalea Pointe, recorded in Map Book 44, Page 28, of the Public Records of Volusia County, Florida, which shows:
 - (a) an easement of 40 feet along the westerly and southerly property line for drainage and maintenance purposes;
 - (b) an easement of 10 feet along the westerly and southerly property lines for Florida Power and Light Company Easement (as to Parcels "A" and "D");
 - (c) a 15 foot by 5 foot Florida Power and Light Company Easement along the southeasterly property line (as to Parcel "D");
 - (d) a conservation easement to the City of Port Orange lying within Parcel "D" as shown on the plat;
 - (e) a 40 foot drainage easement along the northerly lot line (as to Parcel "D");
 - (f) a 10 foot utility easement on the east adjacent to City Center Parkway (as to Parcel "D");
 - (g) a 15 foot utility and bikepath easement on the east adjacent to City Center Parkway and Dunlawton Boulevard (as to Parcel "D");
 - (h) drainage easement as shown on plat abutting the southeasterly lot line of Parcel A (as to Parcel "D");
 - (i) building setback requirements:
 - (1) front - 30 feet;
 - (2) side (r/w on corner) 30 feet;
 - (3) rear - 25 feet.

Utilities shall include but not be limited to sewer, security, telephone, electric, cable tv systems, water and reclaimed water mains. Sanitary sewer and water and reclaimed water mains shall be owned and maintained by the City of Port Orange.

Sec. 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.
- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316.
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.
 - c. Deep root fertilization.
 - (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

- (3) Reasonable growth shall be based on accepted industry standards.
- (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
- (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
- (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
- (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

Sec. 14-315. - Same—Replacement criteria.

- (a) *Landscape plantings*. When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.
- (b) *Buffer plantings*. When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material:
 - (1) Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms).
 - (2) Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms).
 - (3) Replacement shrubs will be no larger than four feet in height.
- (c) *Natural areas*. When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection (b) above shall apply.

(Code 1981, § 6-323)

Sec. 14-318. - Other property improvements; maintenance criteria.

- (a) *Drainage and utility improvements*. All privately owned drainage and utility improvements shall be maintained to provide service as originally designed. This includes facilities in public easements which are not owned by the city. Specifically included in required maintenance are the following activities:
 - (1) Replacement of broken pipes, inlets, curbs and other structures.
 - (2) Cleaning of blocked and clogged drainage structures.
 - (3) Excavation and resodding of silted-in retention areas per St. Johns River Water Management District standards.
- (b) *Signs*. All signs shall be maintained based on chapter 15 of the land development code of the city as follows:
 - (1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the city building code, electrical codes, all other applicable codes, ordinances or requirements.

- (2) All copy shall be maintained so as to be legible and complete.
 - (3) Signs shall be maintained in vertical position unless originally permitted otherwise, and in good and safe condition at all times.
 - (4) Damaged faces or structural members shall be replaced.
 - (5) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.
- (c) *Walls and fences.* All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:
- (1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.
 - (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
 - (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.
- (d) *Trash, litter and debris.* All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.

(Code 1981, § 6-326)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1086

HOME DEPOT USA INC,

Respondent.

Property Address: 1551 Dunlawton Ave
Port Orange, FL 32129
Parcel ID: 6317-30-00-0010

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

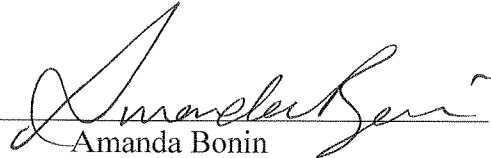
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 1551 Dunlawton Avenue, Port Orange, Florida 32129, is owned by Home Depot USA INC.
4. That 1551 Dunlawton Avenue, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 1551 Dunlawton Avenue, Port Orange, Florida 32129, at 10:40 a.m. on the 16th day of July, 2015, to Angela Dillon, Associate Support Department Supervisor (ASDS), who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 17th day of July, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

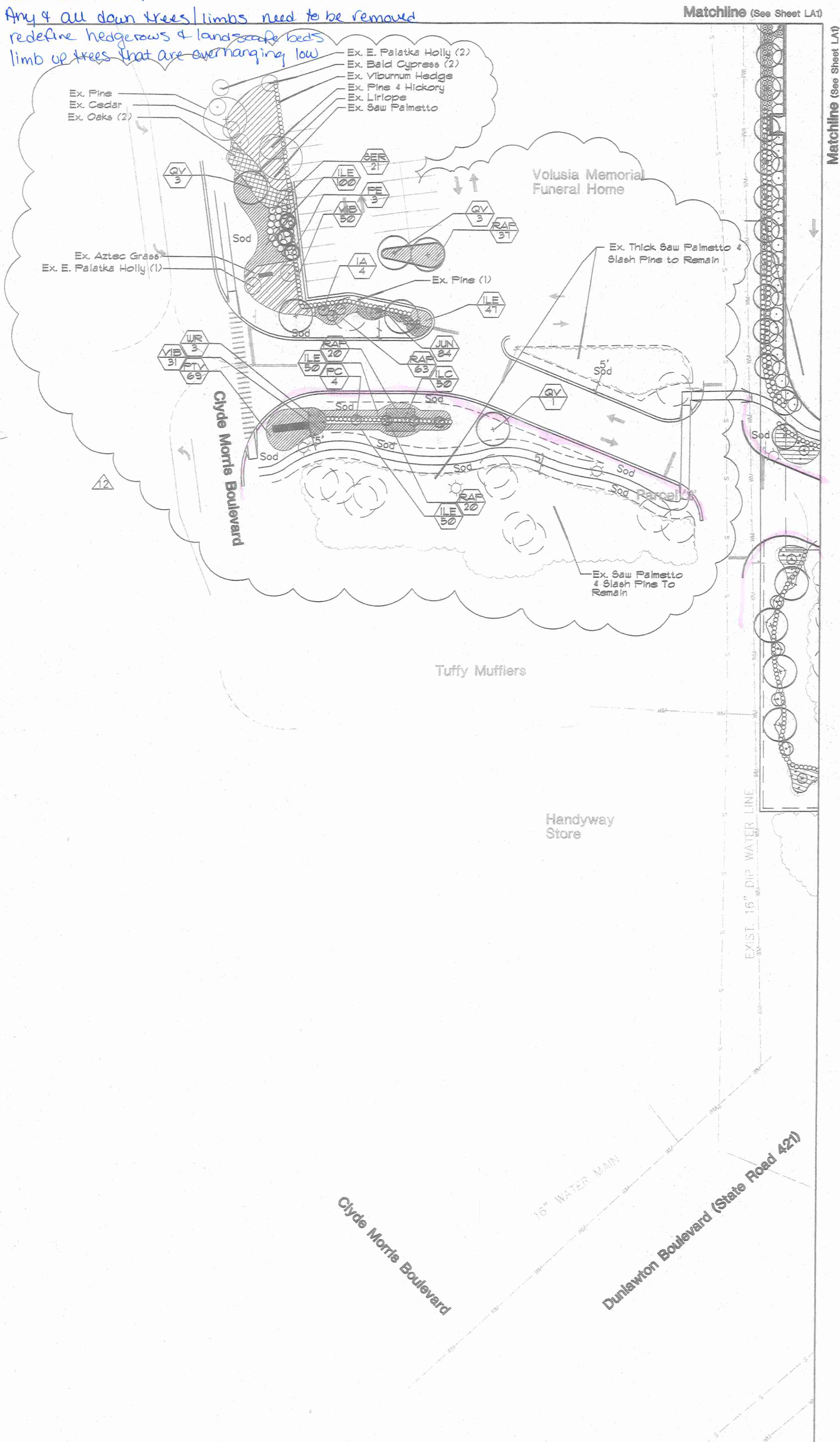
The foregoing instrument was sworn to before me on the 17 day of July, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. 4/22/15



Fertilize
All landscape beds & hedgerows need to be weeded & mulched
All trash if any needs to be removed
Any & all down trees/limbs need to be removed
redefine hedgerows & landscape beds
limb of trees that are overhanging low



Landscape Calculations

The Home Depot Parcel - 2134 AC

	Required	Proposed
North Property Line (75' wide Buffer) 150' IF		
Shade Trees (100/100 IF)	75	85
Understory Trees (140/100 IF)	105	155
Shrubs (20/100 IF)	675	671
6' Tall Privacy Wall (Continuous)	Yes	Yes

South Property Line - (Dunlawton Blvd. & adjacent Buffer Area)
150' wide Buffer = 1710 IF
Shade Trees (80/100 IF)

	Required	Proposed
Understory Trees (80/100 IF)	157	152 (includes ex. trees to remain (surveyed) plus 15 trees along pond)
Shrubs (60/100 IF)	1276	1235
East Property Line (10' wide Buffer) = 25 IF		
Shade Trees (20/100 IF)	5	12 (includes trees along pond)
Understory Trees (20/100 IF)	43	5 (includes shrubs along pond)
Shrubs (20/100 IF)		

	Required	Proposed
West Property Line (15' wide Buffer) = 100 IF		
Shade Trees (40/100 IF)	44	50
Understory Trees (40/100 IF)	44	110
Shrubs (40/100 IF)	433	533
6' Tall Privacy Wall (Continuous)	Yes	Yes

Combined Parcel - 2234 AC

Parking Area Interior Landscaping
10% of 289,754 sf = 28,975 sf
1 tree/300 sf of Required Area

	Required	Proposed
Minimum Tree Planting 1 tree per 2500 sf of lot area 2234 AC = 973,300 sf / 2500 sf = 390 trees	390	440

Building Foundation Planting Calculations

	Required	Proposed
North Facade 237 IF		
Foundation Plants (20/3 IF)	15	152
Understory Trees (10/30 IF)	5	6 plus 8 palms
South Facade 169 IF		
Foundation Plants (20/3 IF)	12	124
Understory Trees (10/30 IF)	6	6 plus 4 palms
East Facade 142 IF		
Foundation Plants (20/3 IF)	35	126
Understory Trees (10/30 IF)	3	6 plus 6 palms

Specimen Tree Calculations

	Preserved	Removed
18' Live Oak	X	
18' Live Oak		X
25' Live Oak		X
12' Cedar	X	
8' Cedar	X	
21' Live Oak	X	
12' Cedar	X	
22' Live Oak	X	
25' Live Oak	X	

Specimen Tree Protection Requirements (Home Depot Site (2134 AC) & Addition! Land (0.80 AC) Only)
The 2234 acre site has a total of nine (9) specimen trees as defined by the Port Orange Land Development Code. This plan proposes to preserve seven (7) of the nine (9) specimen trees, meeting the 80% requirement.

Area Tree Protection Requirements

	Required	Proposed
Tree Preservation Area	15% or 43,962.56 sf	47.65% or 463,686.40 sf

NOTE:

Any vegetation within residential areas that may be disturbed during the development of this site is to be restored to its original state to the extent possible, contractor should document these areas with video, or photographs prior to construction to assist in restoring disturbed areas.

General Notes:

- A site visit by the Landscape Architect and the City shall be performed after completion of the clearing process. At this time, the trees and understory to be saved shall be evaluated for their health, aesthetics, and possibility of their survival. Also, at this time, the trees and understory within the buffer areas shall be evaluated for their density and screening potential. If at this time, the City determines the buffer is insufficient, requirements for mitigation will be requested. A revision to the landscape plan or if minimal changes are proposed, a letter stating the changes must be submitted to the City for approval prior to implementation.
- Existing trees that are to remain on-site are not to have the root zone area disturbed by heavy equipment, fill placed on or around the root zone area, and at no time will fill be allowed to be placed against the trunk. Deviations from the above must be approved by the Landscape Architect and/or the City.
- The contractor shall remove all vines, fallen or dead branches, invasive species, and litter and construction debris from the preservation areas. Bedlines around natural areas are to be edged with smooth, flowing curves. All areas to remain natural shall receive a 2"-3" layer of pine straw mulch (see plan for locations).

Master Plant List

Sym.	Qty.	Botanical Name	Common Name	Size/Remarks
Trees				
IC	25	Ilex cassina	Dahoon Holly	10' hxd' apr, 2 1/2" cal. min, single trunk, straight
LA	25	Ilex attenuata	East Palatka Holly	10' hxd' apr, 2 1/2" cal. min, single trunk, straight
JE	147	Juniperus stricta	Southern Red Cedar	8' ht, 1 1/2" cal. min, full to base, straight
LI	53	Lagerstroemia indica	Crape Myrtle Standard	8' hxd' apr, 1 1/2" cal. min, 3" cl, straight, staked, tree standard
LL	67	Ligustrum lucidum	Tree Ligustrum	8' hxd' apr, multi-trunk, tree form, 5 trunk min, 1 1/2" cal. min
MC	53	Myrica carterii	Wax Myrtle	8' ht x 6' apr, multi-trunk, tree form, 5 trunk min, 1 1/2" cal. min
MG	39	Magnolia grandiflora	Southern Magnolia	10' ht x 4' apr, 2 1/2" cal, straight, single trunk, 4' cl.
MLG	4	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	4-5' ht x 2-3' apr, single trunk, straight, full, staked, 1 1/2" cal. min
NO	16	Nerium oleander	Pink Oleander Standard	8' hxd' apr, 1 1/2" cal. min, 3" cl, straight, staked
PE	52	Pinus elliotii	Slash Pine	10' hxd' apr, straight, full, single trunk, 2 1/2" cal. min, 4' cl.
PC	4	Prunus caroliniana	Cherry Laurel	8' ht, 1" cal.
QV	97	Quercus virginiana	Live Oak	10' ht x 4' apr, 2 1/2" cal. min, straight, single trunk, 4' cl.
SP	137	Sabal palmetto	Cabbage Palm	14'-18' cl, with boots, straight, hurricane cut, stagger hts.
TD	36	Taxodium distichum	Bald Cypress	10' hxd' apr, straight, full, single trunk, 2 1/2" cal. min, 4' cl.
WR	19	Washingtonia robusta	Washington Palm	16'-22' cal, straight, full, stagger hts. in clusters 10' cal. when planted singly

Shrubs And Groundcover

CR	6	Citrus spp.	Citrus Lily	36" apr, full
CTC	12	Cycas revoluta	King Sago Palm	36" apr, full
ELA	630	Elaeagnus pungens	Silverthorn	15, 24" ht, full to base, 48" O.C.
ILE	787	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	15, 18" x 18", full to base, 24" O.C.
JUN	744	Juniperus chinensis 'Parsonii'	Parson's Juniper	15, 18"-24" apr, full, 18" O.C.
LIR	136	Liriodendron tulipifera	Evergreen Giant Liriodendron	15, full 5' bide/pot (min), 18" o.c.
LMA	587	Liriodendron tulipifera 'Variegata'	Variegated Liriodendron	15, full 5' bide/pot (min), 18" O.C.
MYR	210	Myrica carterii	Wax Myrtle	15, 30" x 24" apr, full to base, 48" O.C.
PHI	250	Philodendron sellowii	Philodendron	15, 30" x 24", full, 48" O.C.
POD	80	Podocarpus neriifolius	Podocarpus	15, 30" ht, full to base, 24" o.c.
PTY	236	Pittosporum tobira 'Variegata'	Variegated Pittosporum	15, 18" x 18", full to base, 24" o.c.
RAP	326	Raphiophloeos indica 'Alba'	Dwarf White Indian Hawthorn	15, 18" x 18" apr, full to base, 24" O.C.
SER	718	Serenoa repens	Saw Palmetto	15, 12"x18", full to base, 48" o.c.
SPA	842	Spartina bakeri	Sand Cordgrass	15, 18" ht, full 36" O.C.
TCA	90	Taxodium distichum	Dwarf Cypress	15, 12" apr, 24" o.c.
VIB	1480	Viburnum odoratissimum	Sweet Viburnum	15, 24" ht, full to base, 36" O.C.
VIS	224	Viburnum suspensum	Sandbar Viburnum	15, 24" ht, full to base, 36" O.C.

Miscellaneous

SCD	TBD	Stenotaphrum secundatum 'Ponderosa'	St. Augustine Ponderosa Grass	800, 100% insect/disease free, laid light, rolled
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Notes:

Plant list quantities are provided for convenience. In the event of quantity discrepancies, the drawing shall take precedence.

All plantings shall include 3" layer of shredded Grade 'B' Cypress mulch unless otherwise specified.

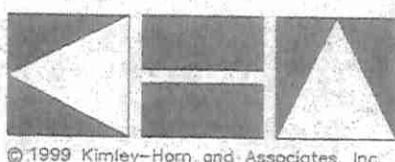
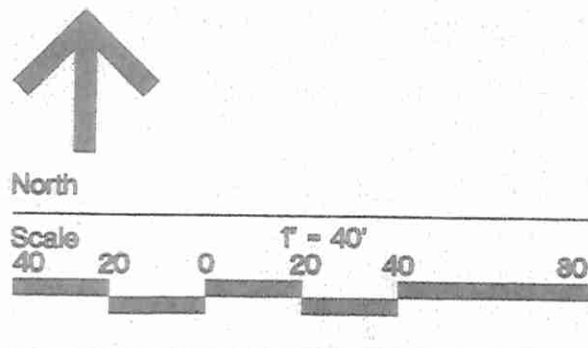
All landscaped areas shall be fully irrigated with an automatic irrigation system.

All landscaping shall be installed according to sound nursery practices and shall be Florida No. 1 or better as given in 'Grades and Standards for Nursery Plants, Parts I and II', State of Florida, Department of Agriculture.

No substitutions shall be made without written authorization from the L.A. or owner.

Contractor Please Note:

- The minimum height and caliper (if applicable) must be met and the container size (if specified) is only a minimum. undersized plant material will be required to be replaced if installed in the field.
- Any variation from the city approved landscape plan will require the approval of the landscape architect and the city prior to installation. Failure to do so may require replacement or mitigation.



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David T. Woodward, L.A.
FLA # 1165
2/13/02

NO.	DATE	BY	REVISION
1	12FEB02	DTW	Per City Comments
2	08OCT00	DTW	Per City Comments
3	27SEP00	DTW	Per City Comments
4	20JUN00	DTW	Per City Comments
5	27MAR00	DTW	Per City Comments
6	19APR00	DTW	Per City Comments
7	02MAY00	DTW	Per City Comments
8	30MAY00	DTW	Per City Comments

LANDSCAPE AS-BUILT PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE
1" = 40'

SHEET NO.

LA-3

Note:
See Conceptual City Center Parkway Landscape Plan
For Improvements in This Area.

Note:
Where existing landscape area, in ROW, is being modified, contractor
shall ensure that disturbed ground is backfilled, graded and
sodded so that the new sod is flush with adjacent grade.
Also if existing irrigation is present, contractor shall be
responsible to keep system operational during construction
and adjust to irrigate new median configuration to
provide 100% coverage.

CONTRACTOR USE EXTREME CAUTION
Contractor shall use extreme caution when removing the oak trees
in this area due to proximity of existing water main.

4 - Ex. Live Oak Trees
to be Removed

Parcel B
(Storm Water
Retention)

Wet Detention
Pond Area
(See Specifications & Detail
This Sheet)

Ex. 18" Live Oak
to Remain

Parcel B
(Storm Water Retention)
(0.48 Acres)

Landscape Conservation Area
Per BCS, Inc.
Scrub Jay Management Plan

Fine Straw
Mulch

Undisturbed
Turf Area

Out Parcel 2

Fine Straw
Mulch

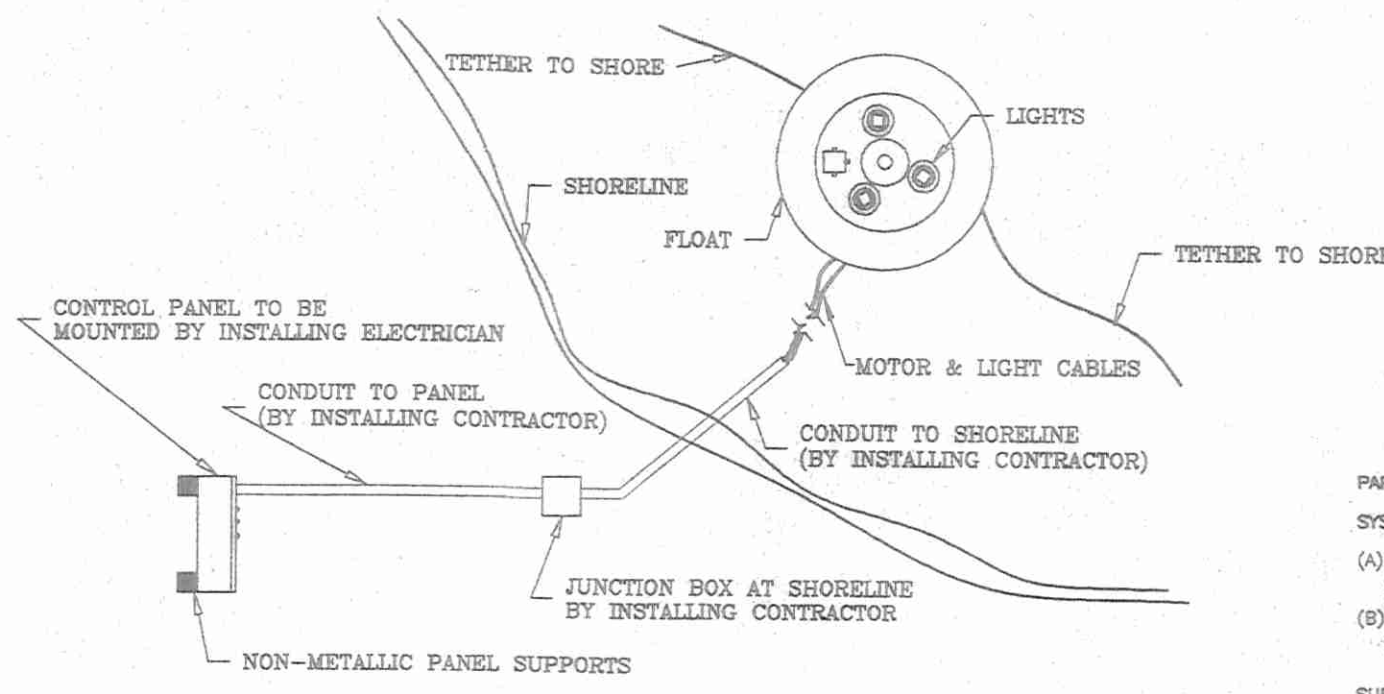
Undisturbed
Turf Area

Sod Temporary Spreader Swale
as necessary with Argentine Bahia Grass

Hatch Area Depicts
Conservation Easement

Remove & replace
dead vegetation

replace dead
ligustrum



Fountain Detail
N.T.S.

Fountain Specifications

PART ONE: GENERAL SYSTEM DESCRIPTION

(A)Design Requirements: The fountain described in this section shall be a fully automated, self
contained floating feature. The fountain shall be made up of one (1) Geyser display including
lights.

(B)Performance Requirements: The Geyser fountain shall have one nozzle operating at a display
height of 28'-30'. The fountain shall perform at a minimum pumping rate of 340 GPM @
135' TDH.

SUBMITTALS

(A)Product Data: All manufacturers' data on individual components listed in Part 2: Products, or
pre approved equal where allowed, shall be submitted to the project engineers and fountain
consultant, prior to approval. Manufacturers requesting prior approval shall submit to the
project engineers, at least ten (10) business days prior to the bid date, all data on all individual
components listed in Part 2: Products for review with the architect and fountain consultant.
All approvals will be issued in an addendum prior to the bid date.

(B)Shop Drawings: A complete plan and section shall accompany the submittal data on all
components to ensure compliance with the intended design as specified.
(C)Quality Control Statement: Test Reports: A manufacturer's test report must be included in
the submittal data on all components. This report shall include results of tests on both
the control panel information package. The report shall include results of tests on both
the control panel information package.

(D)Field Reports: The manufacturer shall provide a field test report in the control package. This
report, which includes information on the field voltage, current, and resistance for all
electrical components, must be filed out by the installing electrical contractor and submitted to
the manufacturer and the engineer of record for approval.

(E)Operations and Maintenance: All manuals pertaining to the operations and maintenance of
the fountain shall be submitted by the manufacturer prior to final approval.

MANUFACTURER

The floating fountain described in this section shall be supplied by Delta Fountains, Jacksonville,
Florida (904)886-9200, FAX (904)886-9200. All other manufacturers requesting approval must
comply with the requirements listed in the SUBMITTALS section under the Product Data.

MATERIALS

The specifications of the materials described in the COMPONENTS portion of this section shall
be strictly adhered to.

PART TWO: PRODUCTS

COMPONENTS

The major components of the floating fountains are as follows:

MECHANICAL COMPONENTS

1. Geyser Fountain (1 Each)
(A)One 80" floating fountain unit constructed of fiberglass and having closed cell
foam flotation for ballast as well as float on all surfaces exposed to sunlight. Polymer
floats and or any type utilizing air as the ballast will not be accepted.
(B)One (80"-90") Geyser nozzle with 1" outlet and 1" girth. The nozzle shall be of cast bronze
construction and capable of a display height of 28'-30'.
(C)One 15 HP submersible pump. The motor shall be 480V, three phase, 3450 RPM. The
pump shall be capable of producing 340 GPM @ 135' TDH minimum.
(D)One combination stainless steel/ poly-fiber motor and pump mounting assembly with pump
weather, screws and adjusting rods.
(E)One plumbing assembly with standard flow inducer sleeves and suction strainer capable of
field removal without disturbing the pump.

ELECTRICAL COMPONENTS

1. Geyser Fountain (1 Each)
(A)Six (6) 500W underwater lights with angular adjustability and a long life
quartz halogen lamp. Units include 500W, 120V Per 50 lamp, clear lens, stainless steel facing
ring and race guard and heat sensing low water cut-off. Fixture supplied with 9 1/2' cord.
(B)One (600W-400) heavy duty bronze constructed junction box with potting compound and cord
seals.
(C)One 150' length of #12/4 SOWA submersible cable connected to the motor.
(D)One 150' length of #12/3 SOWA submersible cable connected to the lights.
(E)One 150' length of #12/3 SOWA submersible cable connected to the lights. The panel shall
include but not be limited to GFI breakers for motor, lighting and controls circuits, fully
enclosed load center for all circuit breakers, two (2) channel digital control dials to operate
the main pump and light circuits separately provided with a minimum 9 hour battery backup,
motor starter/contactor for all motor and lighting circuits with compliant compensating bi-
metallic overload system, 800V lighting arrester, and key H.O.A. devices. The panel shall
have all covered wireways, a power distribution block and 30 degree output terminals and
ground bars. Also includes with this control panel shall be a transformer to accommodate
all lighting and control functions of the fountain system.
The entire control system shall bear a U.L. 508 certified label "Industrialized control panel enclosure"
without the U.L. 508 certified label will not be accepted. Panels which are not listed as an
assembly will not be accepted.

PART THREE: EXECUTION

INSTALLATION

All equipment furnished under this section shall be installed in full conformity with the drawings,
specifications, engineering data, instructions, and recommendations of the equipment
manufacturer.

WARRANTY

The manufacturer shall deem the fountain equipment as provided in PART TWO: PRODUCTS
of these specifications, free of defects in material and workmanship for a period of one (1) year
from delivery.

QUALITY ASSURANCE

CERTIFICATION

The fountain manufacturer shall provide a comprehensive electrical package. This package must
include a power diagram, logic diagram, panel layout, component schedule and out sheets on all
individual components in the control panel. If necessary, the manufacturer shall provide evidence
that the building department has been contacted to assure that local compliance and exceptions to
the National Electric Code have been addressed.

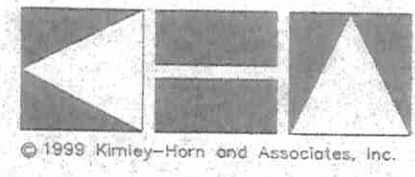
TRADES MEETINGS

The equipment manufacturer shall be present for a minimum of 1 trades coordination meeting,
which includes the review of plans and shop drawings with the electrical contractor. The
manufacturer must be available at the jobsite within a 24 hour notice.

START UP

The equipment manufacturer shall be present for the initial start up of the fountain system.

Matchline (See Sheet LA1)



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David T. Woodward, L.A.
1/13/02
FL LA # 1168

DATE	BY	REVISION
12FEB02	DTW	21FEB02
06OCT00	DTW	07MAR00
21SEP00	DTW	20MAR00
	DTW	27MAR00
	DTW	19APR00
	DTW	02MAY00
	DTW	17MAY00
	DTW	30MAY00

JOE NO.	DRAWN BY	CHECKED BY	APPROVED BY	FILENAME	DATE
047027046	URG	DTW	DTW	27046LA1-VIEW2	12FEB02

LANDSCAPE AS-BUILT PLAN
THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'
SHEET NO.
LA-2

As-Built Master Plant List

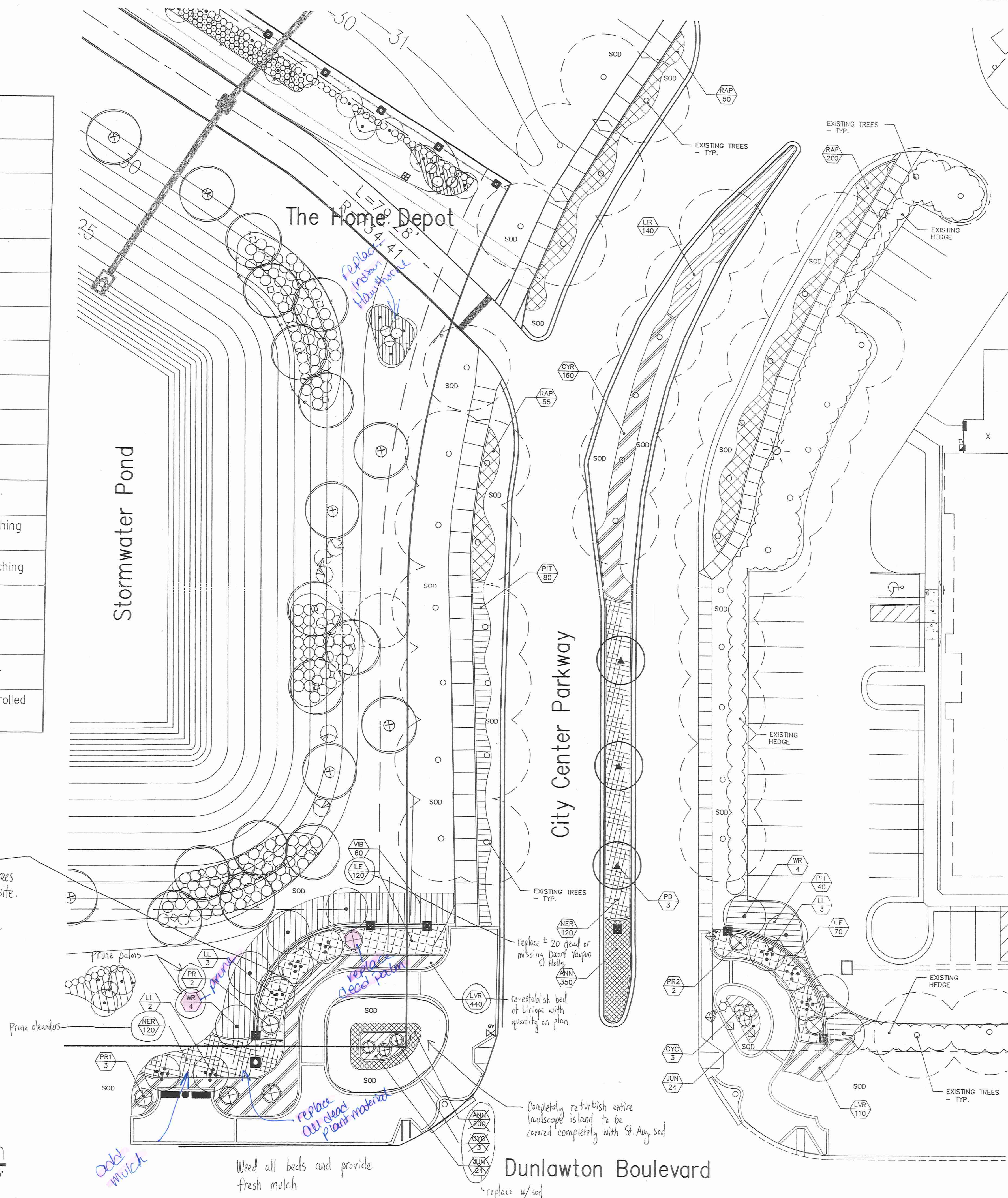
Sym.	Qty.	Botanical Name	Common Name	Size/Remarks
Trees				
LL	8	Ligustrum lucidum	Tree Ligustrum	8' ht.x6'spr., multi-trunk, tree form, 5 trunk min., 1 1/2" cal. min.
WR	8	Washingtonia robusta	Washington Palm	20' ht., straight, matching, full
Shrubs And Groundcover				
ANN	550	Annuals	Bronze Leaf Begonia	6" pots, 12" O.C.
CYC	6	Cycas revoluta	King Sago Palm	36" spr., full
CYR	160	Cyrtomium falcatum	Holly Fern	18" x 18", full to base, 30" O.C.
ILE	190	Ilex vomitoria "Nana"	Dwarf Yaupon Holly	18" x 18", full to base, 24" O.C.
JUN	48	Juniperus chinensis 'Parsonii'	Parson's Juniper	10"x16", full, 24" o.c.
LIR	140	Liriope muscari "Evergreen Giant"	Evergreen Giant Liriope	#1, full 5 bibs/pot (min.), 18" o.c.
LVR	550	Liriope muscari "Var. Evgrn Giant"	Mexican Aztec Grass	#1, full 5 bibs/pot (min.), 18" o.c.
NER	240	Nerium oleander 'Dwarf'	Dwarf Pink Oleander	#3, 20" x 20", full to base, 24" O.C.
PR1	3	Phoenix roebelinii	Pygmy Date Palm	5'- 6' O.A.H., full, triple trunk, matching
PR2	4	Phoenix roebelinii	Pygmy Date Palm	4'- 5' O.A.H., full, single trunk, matching
PIT	120	Pittosporum tobira	Green Pittosporum	#3, 20" x 20", full to base, 30" O.C.
VIB	60	Viburnum odoratissimum	Sweet Viburnum	#7, 3' x 3', full to base, 48" O.C.
RAP	305	Rhaphiolepis indica 'Alba'	Dwarf White Indian Hawthorn	#3, 16"x18" spr., full to base, 30" O.C.
SOD		S. secundatum "Floratum"	St. Augustine Floratum Grass	100% insect/disease free, laid tight, rolled

NOTE: AS-BUILT LANDSCAPE INFORMATION PROVIDED BY R.J. LANDSCAPE CONTRACTORS, INC.
DATED 3/27/02.

Remove and relocate remaining 2 Ligustrum trees to another location on site. City will be installing three (3) Grape Myrtle trees in this area.

As-Built Landscape Plan

1" = 20'



ALOHA PACIFICA llc
FLORIDA HAWAII

LAND PLANNING
LANDSCAPE ARCHITECTURE
IRRIGATION DESIGN

1817 BRIARCLIFF ROAD WINTER PARK, FL 32782
PHONE 407-672-2177 CEL. 407-538-0622

Kimley-Horn
and Associates, Inc.

APR 12 2002

City Center Parkway

Port Orange, Florida

As-Built Landscape Plan

North



Scale 1" = 20'
0 10 20 40

Job No. 047027046

Drawn By GAR

Checked By GAR

Date 19FEB01

Revisions 08APR02

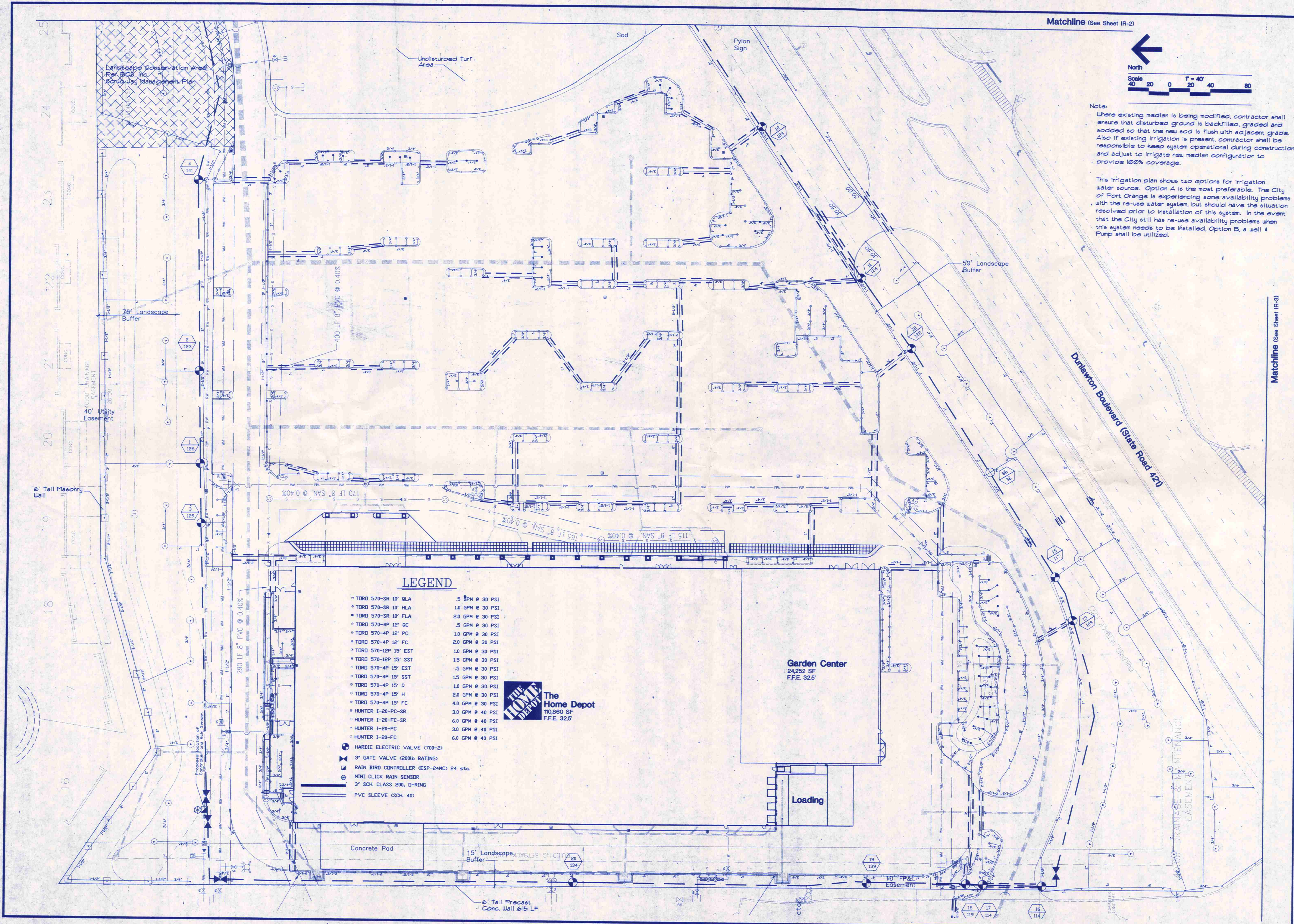
Sheet

LA-1

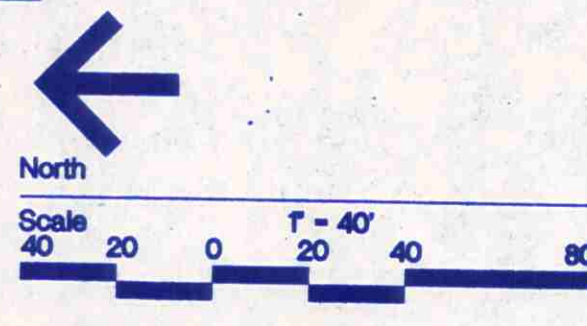
This document, along with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Please do not make any reference to this document without written authorization and adaptation by Aloha Pacifica LLC shall be without liability to Aloha Pacifica LLC.

07/20/06

6:147027046:irrigation:27046:IR.dwg Fri Oct 06 08:26:05 2000



Matchline (See Sheet IR-2)



Note:
Where existing median is being modified, contractor shall ensure that disturbed ground is backfilled, graded and sodded so that the new sod is flush with adjacent grade. Also if existing irrigation is present, contractor shall be responsible to keep system operational during construction and adjust to irrigate new median configuration to provide 100% coverage.

This irrigation plan shows two options for irrigation water source. Option A is the most preferable. The City of Port Orange is experiencing some availability problems with the re-use water system, but should have the situation resolved prior to installation of this system. In the event that the City still has re-use availability problems when this system needs to be installed, Option B, a well & Pump shall be utilized.

LEGEND

- TORO 570-SR 10' QLA .5 GPM @ 30 PSI
- TORO 570-SR 10' HLA 1.0 GPM @ 30 PSI
- TORO 570-SR 10' FLA 2.0 GPM @ 30 PSI
- TORO 570-4P 12' QC .5 GPM @ 30 PSI
- TORO 570-4P 12' PC 1.0 GPM @ 30 PSI
- TORO 570-4P 12' FC 2.0 GPM @ 30 PSI
- TORO 570-12P 15' SST 1.0 GPM @ 30 PSI
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- TORO 570-4P 15' SST 1.5 GPM @ 30 PSI
- TORO 570-4P 15' Q 1.0 GPM @ 30 PSI
- TORO 570-4P 15' H 2.0 GPM @ 30 PSI
- TORO 570-4P 15' FC 4.0 GPM @ 30 PSI
- HUNTER I-20-PC-SR 3.0 GPM @ 40 PSI
- HUNTER I-20-PC-SR 6.0 GPM @ 40 PSI
- HUNTER I-20-PC 3.0 GPM @ 40 PSI
- HUNTER I-20-PC 6.0 GPM @ 40 PSI
- HARDIE ELECTRIC VALVE (700-2)
- 3" GATE VALVE (200lb RATING)
- RAIN BIRD CONTROLLER (ESP-24MC) 24 sta.
- MINI CLICK RAIN SENSOR
- 3" SCH. CLASS 200, D-RING
- PVC SLEEVE (SCH. 40)



The Home Depot
110,860 SF
F.F.E. 325'



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David T. Woodward, L.A.
FL L.A. # 1168

Matchline (See Sheet IR-3)

NO.	REVISION	BY	DATE
8	Per City Comments	DTW	30MAY00
9	Per City Comments	DTW	22JUN00
10	Per City Comments	DTW	18JUL00
11	Per City Comments	DTW	06OCT00

JOB NO.	047026046
DRAWN BY	AID
CHECKED BY	TM
APPROVED BY	DTW
FILENAME	27046IRR-VIEW
DATE	06OCT00

IRRIGATION PLAN

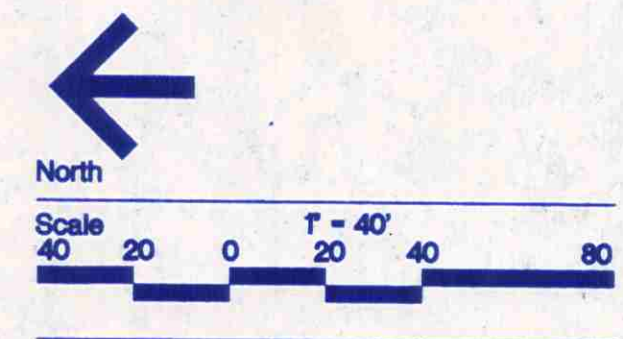
THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE	1" = 40'
SHEET NO.	IR-1

Note:
Where existing landscape area, in ROW, is being modified, contractor shall ensure that disturbed ground is backfilled, graded and sodded so that the new sod is flush with adjacent grade. Also if existing irrigation is present, contractor shall be responsible to keep system operational during construction and adjust to irrigate new median configuration to provide 100% coverage.

This irrigation plan shows two options for irrigation water source. Option A is the most preferable. The City of Port Orange is experiencing some availability problems with the re-use water system, but should have the situation resolved prior to installation of this system. In the event that the City still has re-use availability problems when this system needs to be installed, Option B, a well & Pump shall be utilized.

NOTE: The irrigation in this area may be slightly modified based on final layout and irrigation design of City Center Parkway Entrance Improvements



LEGEND

• TORO 570-SR 10' QLA	.5 GPM @ 30 PSI
• TORO 570-SR 10' HLA	1.0 GPM @ 30 PSI
• TORO 570-SR 10' FLA	2.0 GPM @ 30 PSI
• TORO 570-4P 12' QC	.5 GPM @ 30 PSI
• TORO 570-4P 12' PC	1.0 GPM @ 30 PSI
• TORO 570-4P 12' FC	2.0 GPM @ 30 PSI
• TORO 570-12P 15' EST	1.0 GPM @ 30 PSI
• TORO 570-12P 15' SST	1.5 GPM @ 30 PSI
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• TORO 570-4P 15' H	2.0 GPM @ 30 PSI
• TORO 570-4P 15' FC	4.0 GPM @ 30 PSI
• HUNTER I-20-PC-SR	3.0 GPM @ 40 PSI
• HUNTER I-20-FC	6.0 GPM @ 40 PSI
• HUNTER I-20-PC	3.0 GPM @ 40 PSI
• HUNTER I-20-FC	6.0 GPM @ 40 PSI

- HARDIE ELECTRIC VALVE (700-2)
- 3" GATE VALVE (200lb RATING)
- RAIN BIRD CONTROLLER (ESP-24MC) 24 sta.
- MINI CLICK RAIN SENSOR
- 3" SCH. CLASS 200, O-RING
- PVC SLEEVE (SCH. 40)

Zoned:
Victoria Gardens
PCD



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11	Per City Comments	DTW	06OCT00

JOB NO.	047026046
DRAWN BY	ATD
CHECKED BY	TM
APPROVED BY	DTW
FILENAME	27046IRR-VIEW2
DATE	06OCT00

IRRIGATION PLAN

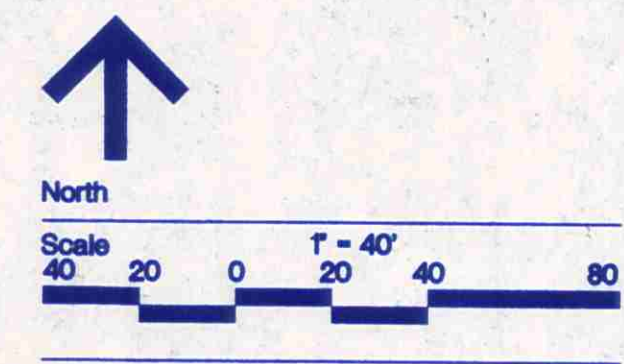
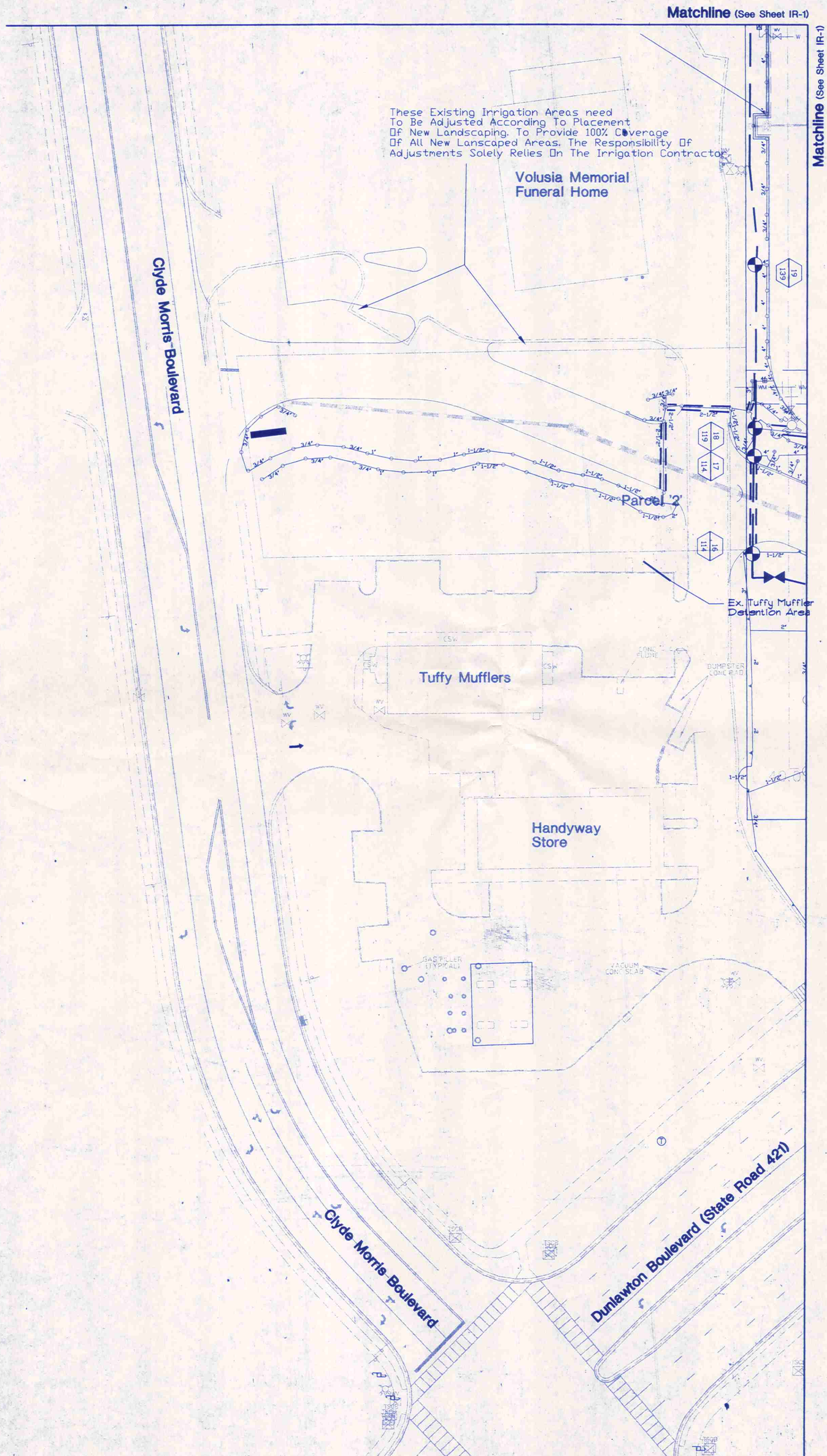
THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'

SHEET NO.

IR-2

Matchline (See Sheet IR-1)



- ### LEGEND
- | | |
|---|------------------|
| • TORO 570-SR 10' QLA | .5 GPM @ 30 PSI |
| • TORO 570-SR 10' HLA | 1.0 GPM @ 30 PSI |
| • TORO 570-SR 10' FLA | 2.0 GPM @ 30 PSI |
| • TORO 570-4P 12' QC | .5 GPM @ 30 PSI |
| • TORO 570-4P 12' PC | 1.0 GPM @ 30 PSI |
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| • TORO 570-4P 15' EST | .5 GPM @ 30 PSI |
| • TORO 570-4P 15' SST | 1.5 GPM @ 30 PSI |
| • TORO 570-4P 15' Q | 1.0 GPM @ 30 PSI |
| • TORO 570-4P 15' H | 2.0 GPM @ 30 PSI |
| • TORO 570-4P 15' FC | 4.0 GPM @ 30 PSI |
| • HUNTER I-20-PC-SR | 3.0 GPM @ 40 PSI |
| • HUNTER I-20-FC-SR | 6.0 GPM @ 40 PSI |
| • HUNTER I-20-PC | 3.0 GPM @ 40 PSI |
| • HUNTER I-20-FC | 6.0 GPM @ 40 PSI |
| ⊙ HARDIE ELECTRIC VALVE (700-2) | |
| ⊗ 3" GATE VALVE (200lb RATING) | |
| ⊠ RAIN BIRD CONTROLLER (ESP-24MC) 24 sta. | |
| ⊙ MINI CLICK RAIN SENSOR | |
| 3" SCH. CLASS 200, D-RING | |
| PVC SLEEVE (SCH. 40) | |



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David T. Woodward
David T. Woodward, L.A.
FL, L.A. # 168

NO.	REVISION	BY	DATE
8	Per City Comments	DTW	30MAY00
9	Per City Comments	DTW	22JUN00
10	Per City Comments	DTW	18JUL00
11	Per City Comments	DTW	06OCT00

JOB NO. 047026046	DRAWN BY ADT	CHECKED BY TM	APPROVED BY DTW	FILENAME 27046IRR-VIEW3	DATE 06OCT00
IRRIGATION PLAN			THE HOME DEPOT PORT ORANGE, FLORIDA		

SCALE
1" = 40'

SHEET NO.
IR-3

SPECIFICATIONS

A. EXTENT:

Includes furnishing all labor, materials and equipment for the proper installation of the irrigation system. The work includes, but is not limited to the following: (1) Trenching and Backfill; (2) Automatically Controlled Irrigation Systems; (3) Test All Systems and Make Operative; (4) "As-Built" Drawings.

B. GENERAL:

- Permits and Fees: Obtain all permits and pay required fees to any governmental agency having jurisdiction over the work. Inspections required by local ordinances during the course of construction shall be arranged as required. On completion of the work, satisfactory evidence shall be furnished to the Tenant's construction representative to show that all work has been installed in accordance with the ordinances and code requirements.
- Approval: Wherever the terms "approve" or "approved" are used in the specifications, they shall mean the approval of the Tenant's construction representative in writing.
- Before any work is started, a conference shall be held between the contractor and the Tenant's construction representative concerning the work under the Contract.
- Coordination: Coordinate and cooperate with other contractors to enable the work to proceed as rapidly and efficiently as possible.
- Inspection of Site:
 - Contractor shall acquaint himself with all site conditions. Submission of his proposal shall be considered evidence that the examination has been conducted. Should utilities not shown on the plans be found during excavations, Contractor shall promptly notify the Tenant's construction representative for instructions as to further action. Failure to do so will make contractor liable for any and all damage thereto arising from his operations subsequent to discovery of such utilities not shown in plans.
 - Contractor shall make necessary adjustments in the layout as may be required to connect to existing stubouts, should such stubs not be located exactly as shown, and as may be required to work around existing work at no increase in cost to the Tenant's construction representative.
- Protection of Existing Plants and Site Conditions: The Contractor shall take necessary precautions to protect site conditions to remain. Should damage be incurred, the Contractor shall repair the damage to its original condition at his own expense.
- The owner reserves the right to substitute, add, or delete any material or work as the work progresses. Adjustments to the contract price shall be negotiated if deemed necessary by the Owner on a per item basis.
- The Owner reserves the right to reject material or work which does not conform to the Contract Documents. Rejected work shall be removed or corrected at the earliest time possible.
- Work Schedule: Within 10 days after award of the Contract, the contractor shall submit to the Owner a work schedule.
- "As-Built" Irrigation Drawings: Prepare on "As-Built" drawing on a blueprint which shall show deviations from the bid documents made during construction affecting the main line pipe, controller locations, remote control valves and quick coupling valves. The drawings shall also indicate and show approved substitutions of size, material and manufacturers name and catalog name and catalog number. The drawings shall be delivered to the Tenant's construction representative before final acceptance of work.
- Final Acceptance: Final acceptance of the work may be obtained from the Tenant's construction representative upon the satisfactory completion of all work.
- Guarantee: All work shall be guaranteed for one year from date of acceptance against all defects in material, equipment and workmanship. Guarantee shall also cover repair of damage to any part of the premises resulting from leaks or other defects in material, equipment and workmanship to the satisfaction of the Tenant's construction representative. Repairs, if required, shall be done promptly at no cost to the Owner.

C. MATERIALS:

- General: All materials throughout the system shall be new and in perfect condition.
- Plastic Piping: All main lines shall be class 200 0-ring polyvinyl chloride (PVC) pipe and shall conform to ASTM D-2241 cc 200 with gaskets conforming to ASTM 1869-7477. All lateral piping shall be PVC, class 160 solvent weld conforming to ASTM D-1784 and D-2241.
- Plastic Fittings: Class 200 0-ring, polyvinyl chloride (PVC) standard weight as manufactured by Sloane, Loeco, or approved equal.
- Solvent Cement: Compatible with PVC pipe, of proper consistency, and color.
- Sprinkler Head Risers: Sch. 40 PVC for risers. Pipe shall be cut in a standard pipe cutting tool with sharp cutters. Ream only to full diameter of pipe and clean all rough edges or burrs. Cut all threads accurately with sharp dies. Not more than three(3) full threads shall show beyond fittings when pipe is made up. Assemblies shall be as detailed.
- Automatic Controllers: See Legend.
- Remote Control Valves: See Legend.
- Control Wiring: 24 volt solid UL approved for direct burial in ground. Minimum wire size: 12 gauge.
- Sleeves: Under all walks and paved areas and where indicated on drawings. Minimum Sch. 40 PVC plastic pipe.
- Sprinkler Heads: See Legend.
- Quick Coupling Valves: Shall be noted on drawings.

D. WORKMANSHIP:

- Lay out work as accurately as possible to the drawings. The drawings, though carefully drawn, are generally diagrammatic to the extent that wing joints, offsets, and all fittings are not shown.
- The Contractor shall be responsible for full and complete coverage of all irrigated areas and shall make any necessary minor adjustments at no additional cost to the Tenant's construction representative.
- Any major revisions to the irrigation system must be submitted and answered in written form, along with any change in contract price.

NOTES:

DO NOT SCALE PLAN FOR EXACT HEAD LOCATION.

ALL RISERS SHALL BE PAINTED FLAT BLACK.

THE CONTRACTOR SHALL MAKE ALL ADJUSTMENTS TO THE IRRIGATION SYSTEM TO INSURE 100% COVERAGE.

THE CONTRACTOR SHALL RUN 5 ADDITIONAL SETS OF WIRES IN EACH DIRECTION TO EACH END OF THE MAIN FOR FUTURE USE.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR HARD WIRING THE ELECTRICAL SERVICE CONNECTIONS.

ALL MAIN LINE SLEEVE LOCATION ARE ACCOMPANIED WITH A 2" ELECTRICAL CHASE FOR THE CONTROL WIRING.

FINAL LOCATION OF ALL COMPONENTS SHALL BE SUBJECT TO OWNER APPROVAL.

THE CONTRACTOR SHALL BE SOLEY RESPONSIBLE TO CONTACT A.T. DESIGNS FOR HYDROSTATIC AND OPERATIONAL TESTING AND PERIODIC INSPECTION.

E. INSTALLATION:

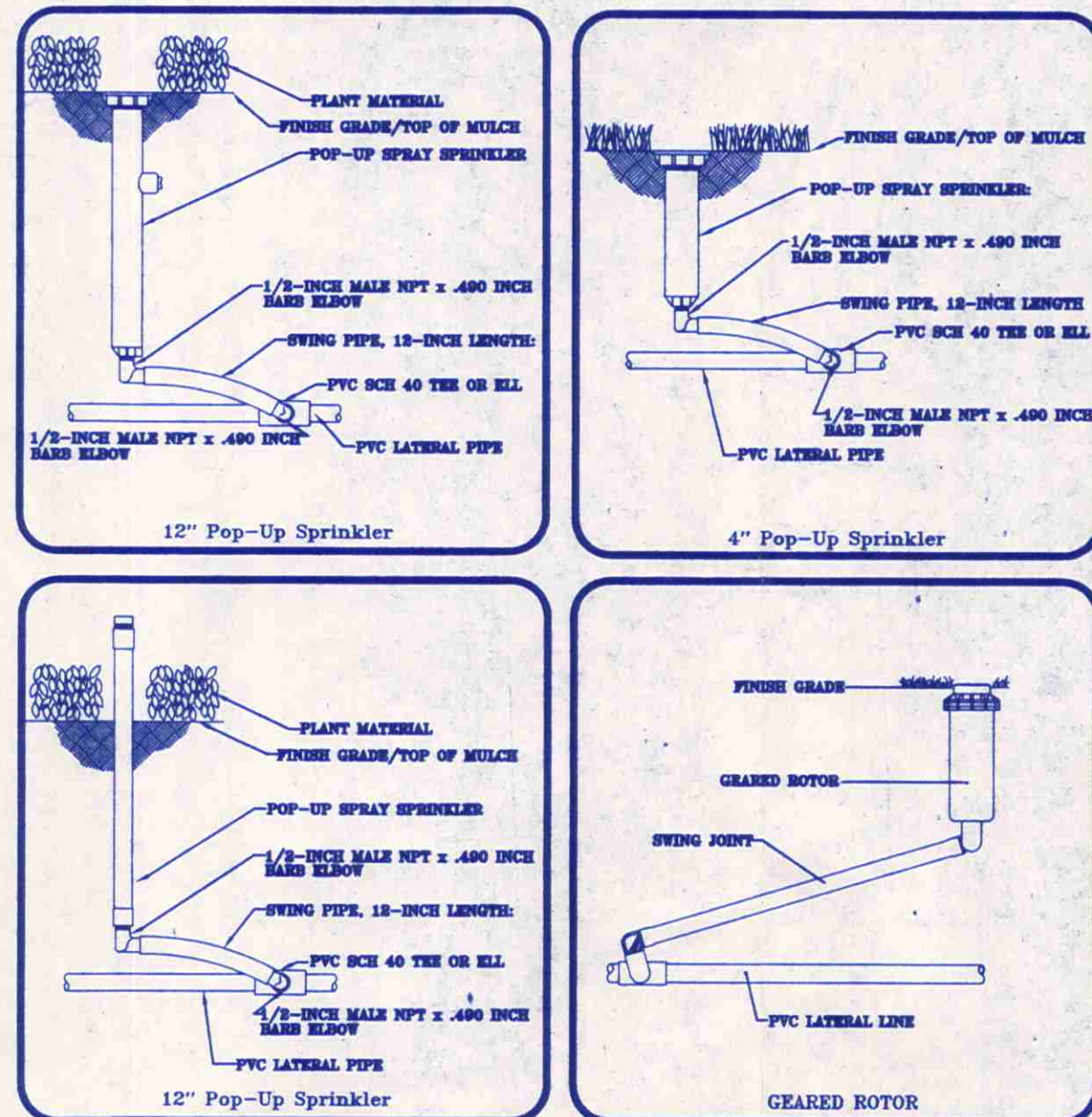
- Excavation and Trenching:
 - Perform all excavations as required for the installation of the work including under this section, including shoring of earth banks to prevent cave-ins. Restore all surfaces, existing underground installations, etc., damaged or cut as a result of the excavations to their original condition and in a manner approved by the Owner.
 - Trenches shall be made wide enough to allow a minimum of 6 inches between parallel pipe lines. Trenches for pipe lines shall be made of sufficient depths to provide the minimum cover from finish grade as follows:
 - 18" minimum cover over main lines
 - 12" minimum cover over control wiring from controller to valves.
 - 12" minimum cover over lateral lines to heads.
 - Maintain all warning signs, shoring, barricades, flares and red lanterns as required by the Safety Orders of the Division of Industrial Safety and local ordinances.
- Pipe Line Assembly:
 - Install remote control valves where shown and group together where practical; place no closer than 12 inches to walk edges, buildings and walls.
 - Plastic pipe and fittings shall be solvent welded using solvents and methods recommended by manufacturer of the pipe, except where screwed connections are required. Pipe and fittings shall be thoroughly cleaned of dirt, dust and moisture before applying solvent with a non-synthetic bristle brush.
 - Pipe may be assembled and welded on the surface. Snake pipe from side to side of trench bottom to allow for expansion and contraction.
 - Make all connections between plastic pipe and metal valves or steel pipe with threaded fittings using plastic male adapters.
- Sprinkler Heads:
 - Install all sprinklers as detailed on drawings.
 - Do not scale plans for exact head location.
- Closing of Pipe and Flushing Lines:
 - Cap or plug all openings as soon as lines have been installed to prevent the entrance of materials that would obstruct the pipe. Leave in place until removal is necessary for completion of installation.
 - Thoroughly flush out all water lines before installing heads, valves and other hydrants.
 - Test in accordance with paragraph on Hydrostatic Tests.
 - Upon completion of the testing, the contractor shall complete assembly and adjust sprinkler heads for proper distribution.
- Hydrostatic Tests:
 - Request the presence of the Owner in writing at least 48 hours in advance of testing.
 - Testing to be accomplished at the expense of the Contractor and in the presence of the Owner.
 - Center load piping with small amount of backfill to prevent arching or slipping under pressure.
 - Applying a continuous and static water pressure of 150 psi, at least 3 hours and with the risers capped as follows:
 - Main lines and submains to be tested for 3 hours.
 - For 0-ring gasket pipe the allowable leakage shall not exceed the number of gallons per hour as determined by the formula:
$$L = \frac{SD(P)^2}{133200}$$
in which:
L=allowable leakage, in gallons per hour
S=length of pipe tested in feet
D=pipe diameter, in inches
P=pneumatic test pressure, in PSI gauge
 - Repair leaks resulting from tests.
- Automatic Controllers:
 - Connect remote control valves to controller in a clockwise sequence to correspond with station setting beginning with Stations 1, 2, 3, etc.
- Automatic Control Wiring:
 - Install control wiring, sprinkler mains and laterals in common trenches wherever possible.
 - Install control wires at least 18" below finish grade and lay to the side and below the main line. Provide looped slack at valves and snake wires in trench to allow for contraction of wires tie wires in bundles at intervals.
 - Control wire splices will be allowed only runs over 500 ft. Connections shall be as detailed.
 - All wiring passing under existing or future paving, construction, etc., shall be encased in plastic or galvanized steel conduit extending at least 12" beyond edges of paving or construction.
- Backfill and Compacting:
 - After system is operating and required tests and inspections have been made, backfill excavations and trenches with clean soil, free of rubbish.
 - Backfill for all trenches, regardless of the type of pipe covered, shall be compacted to minimum 90% density.
 - Compact trenches in areas to be planted by thoroughly flooding the backfill. Jetting process may be used in those areas.
 - Dress off all areas to finish grades.

F. CLEAN-UP:

Remove from the site all debris resulting from work of this section.

HEAD DETAILS

NOT TO SCALE



SLEEVE SIZE SCHEDULE

PIPE SIZE	SLEEVE SIZE
3/4"	1-1/4"
1"	2"
1-1/4"	2-1/2"
1-1/2"	2-1/2"
2"	3"
2-1/4"	4"
3, 4"	6"

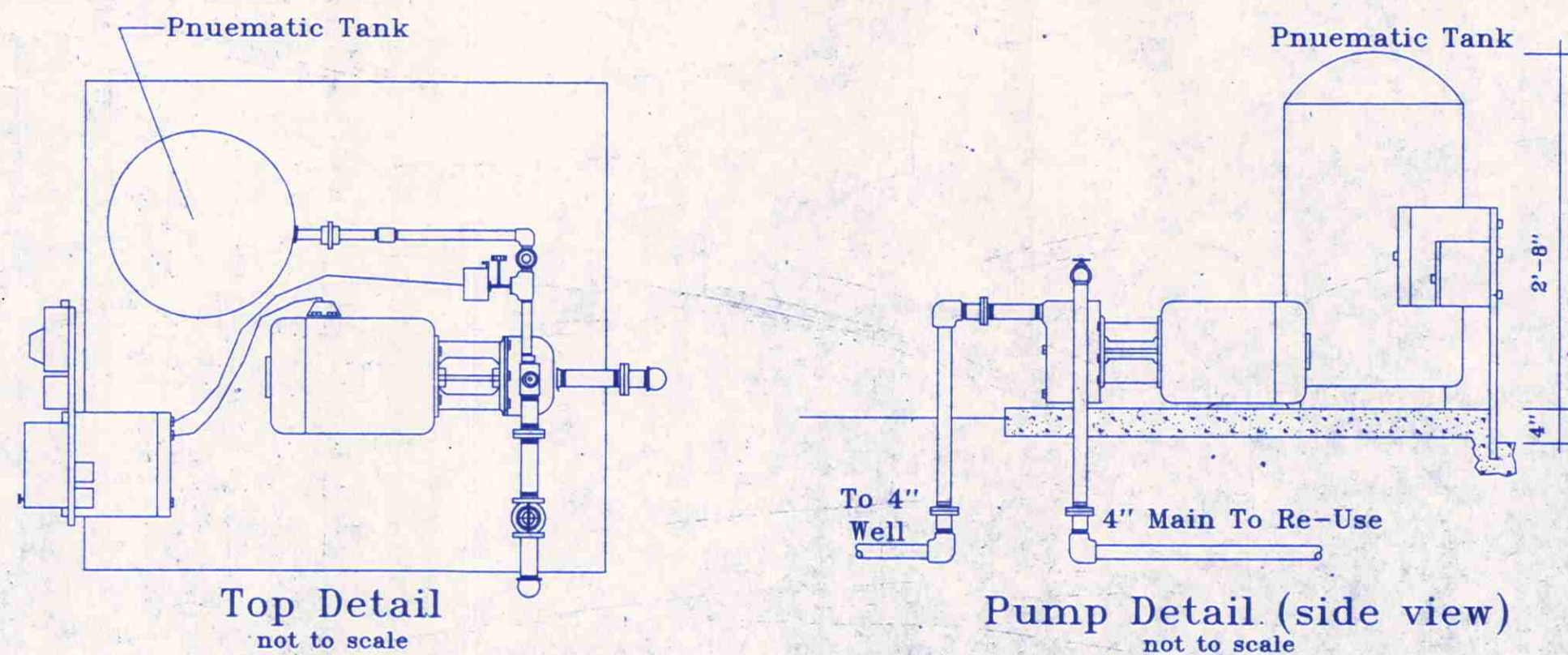
OPTION A (Pump Detail)

Note:
Re-use irrigation water is the intended source for the designed system. Utilize option "B" only if there is no adequate re-use water available at time of construction.

OPTION B

Note:
A pump & well is only to be installed in the event that adequate re-use water is not available at time of construction.

OPTION A PUMP DETAIL

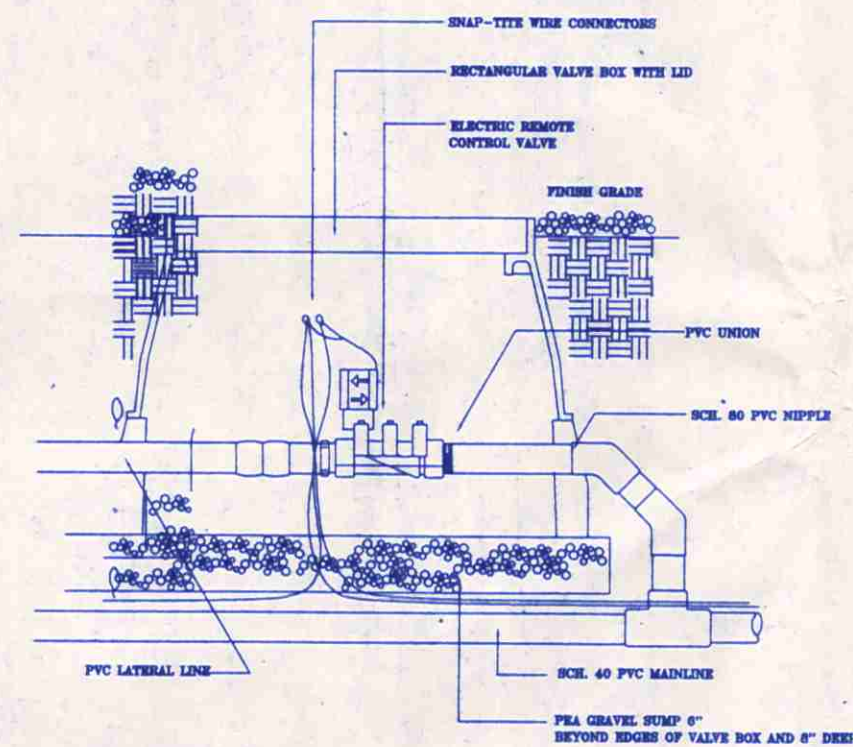


LEGEND

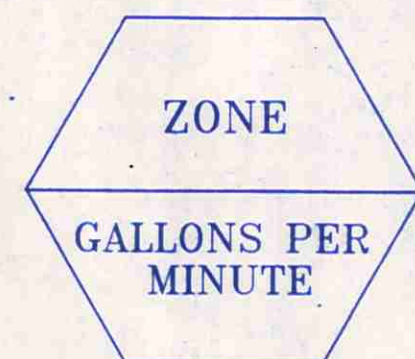
- TORO 570-SR 10' QLA .5 GPM @ 30 PSI
- TORO 570-SR 10' HLA 1.0 GPM @ 30 PSI
- TORO 570-SR 10' FLA 2.0 GPM @ 30 PSI
- TORO 570-4P 12' QC .5 GPM @ 30 PSI
- TORO 570-4P 12' FC 1.0 GPM @ 30 PSI
- TORO 570-4P 12' PC 2.0 GPM @ 30 PSI
- TORO 570-12P 15' EST 1.0 GPM @ 30 PSI
- TORO 570-12P 15' SST 1.5 GPM @ 30 PSI
- TORO 570-4P 15' EST .5 GPM @ 30 PSI
- TORO 570-4P 15' SST 1.5 GPM @ 30 PSI
- TORO 570-4P 15' Q 1.0 GPM @ 30 PSI
- TORO 570-4P 15' H 2.0 GPM @ 30 PSI
- TORO 570-4P 15' FC 4.0 GPM @ 30 PSI
- HUNTER I-20-PC-SR 3.0 GPM @ 40 PSI
- HUNTER I-20-FC-SR 6.0 GPM @ 40 PSI
- HUNTER I-20-PC 3.0 GPM @ 40 PSI
- HUNTER I-20-FC 6.0 GPM @ 40 PSI
- 7-1/2 HP CENTRIFUGAL PUMP
- HARDIE ELECTRIC VALVE (700-2)
- 4" GATE VALVE (200lb RATING)
- RAIN BIRD CONTROLLER (ESP-24MC) 24 sta.
- MINI CLICK RAIN SENSOR
- 4" SCH. CLASS 200, 0-RING
- PVC SLEEVE (SCH. 40)

CONTROL VALVE

NOT TO SCALE

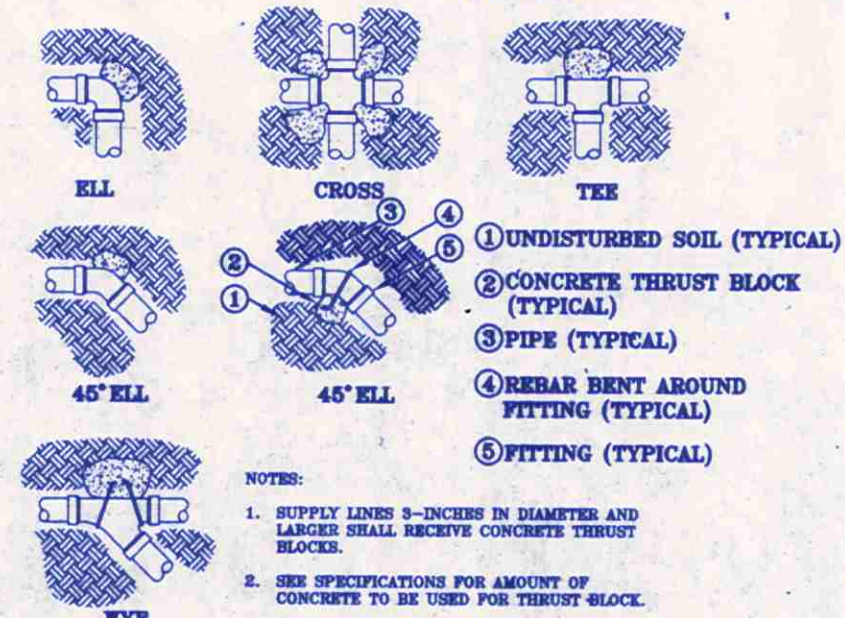


SYMBOL DESIGNATION



THRUST BLOCK

NOT TO SCALE



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David T. Woodward, LA
FL LA #168

NO.	DATE	BY	REVISION
11	06/03/00	ATD	Revisions per City

JOB NO.	DRAWN BY	CHECKED BY	APPROVED BY	FILE NAME	DATE
047026046	ADT	TM	DTW	27046RIR-VIEW3	06/03/00

IRRIGATION PLAN

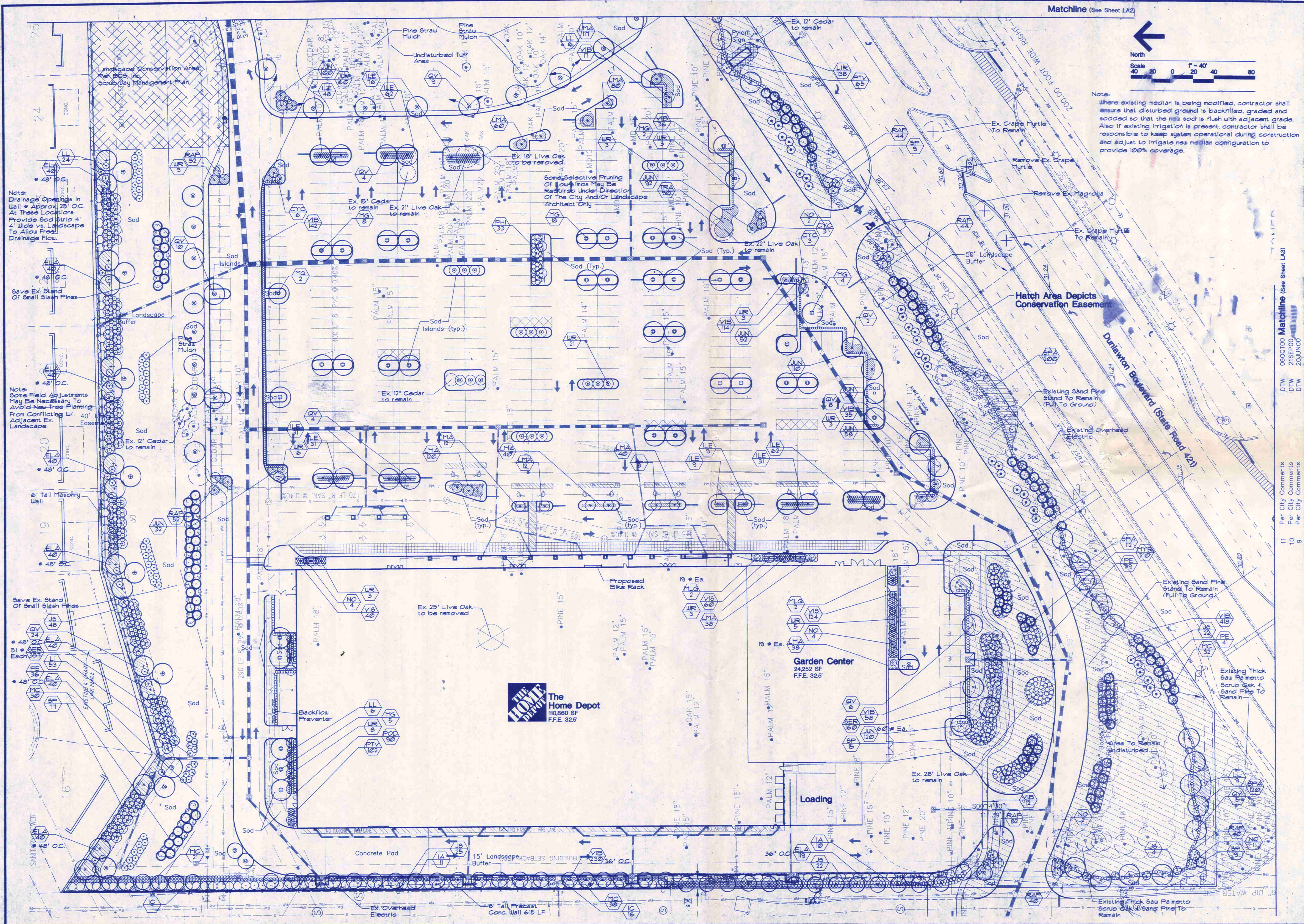
THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE N.T.S.

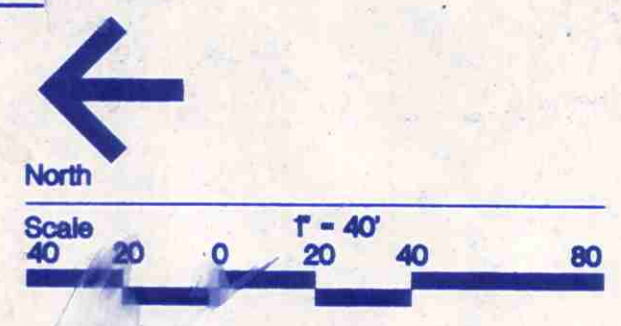
SHEET NO.

IR-4

6:17027045\LANDSCAPE\27045LA1.dwg F1 Oct 05 09:01:09 2000



Matchline (See Sheet LA2)



Notes:
Where existing median is being modified, contractor shall ensure that disturbed ground is backfilled, graded and sodded so that the new sod is flush with adjacent grade. Also if existing irrigation is present, contractor shall be responsible to keep system operational during construction and adjust to irrigate new median configuration to provide 100% coverage.

Notes:
Drainage Openings in Wall - Approx. 25' O.C. At These Locations Provide Sod Strip 4' Wide vs. Landscape To Allow Free Drainage Flow.

Notes:
Some Field Adjustments May Be Necessary To Avoid New Tree Planting From Conflicting w/ Adjacent Ex. Landscape

Save Ex. Stand Of Small Slash Pines

The Home Depot
110,860 SF
F.F.E. 32.5'

Garden Center
24,252 SF
F.F.E. 32.5'

Loading

Hatch Area Depicts Conservation Easement

Dunlawton Boulevard (State Road 42)

Kimley-Horn and Associates, Inc.

Engineering Planning and Environmental Consultants

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David T. Woodward, L.A.
FLA. # 1165

JOB NO.		DATE	
04/02/2046	04/02/2046	BY	DATE
DRAWN BY	DTW	DTW	21FEB00
CHECKED BY	DTW	DTW	07MAR00
APPROVED BY	DTW	DTW	20MAR00
FILENAME	27045LA1-VIEW	DTW	27MAR00
DATE	15NOV99	DTW	19APR00
		DTW	02MAY00
		DTW	17MAY00
		DTW	30MAY00

REVISION	
11	Per City Comments
10	Per City Comments
9	Per City Comments

LANDSCAPE PLAN

RECEIVED

OCT 19 2000

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'

SHEET NO. **LA-1**

Note:
See Conceptual City Center Parkway Landscape Plan
For Improvements In This Area.

Note:
Where existing landscape area, in ROW, is being modified, contractor
shall ensure that disturbed ground is backfilled, graded and
sodded so that the new sod is flush with adjacent grade.
Also if existing irrigation is present, contractor shall be
responsible to keep system operational during construction
and adjust to irrigate new median configuration to
provide 100% coverage.

CONTRACTOR USE EXTREME CAUTION
Contractor shall use extreme caution when removing the oak trees
in this area due to proximity of existing water main.

4 - Ex-Live Oak Trees
to be Removed

Parcel B
(Storm Water
Retention)

Wet Detention
Pond Area

Floating Fountain
(See Specifications & Detail
This Sheet)

Sod Temporary Spreader Swale
as necessary with Argentine Bahia Grass

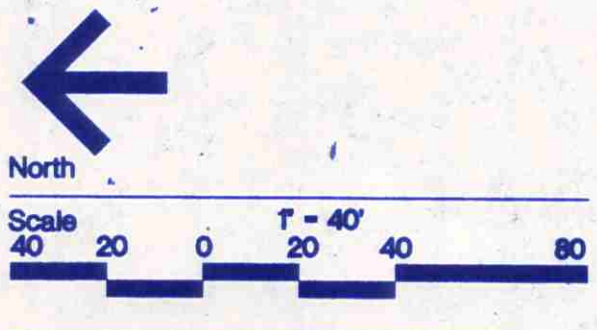
Out Parcel 2

Hatch Area Depicts
Conservation Easement

Fountain Detail
N.T.S.

Zoned:
Victoria Gardens
PCD

Matchline (See Sheet LA1)



Fountain Specifications

PART ONE: GENERAL
SYSTEM DESCRIPTION
(A)Design Requirements: The fountain described in this section shall be a fully automated, self
contained floating feature. The fountain shall be made up of one (1) Geyser display including
lights.
(B)Performance Requirements: The Geyser fountain shall have one nozzle operating at a display
height of 28'-30'. The fountain shall perform at a minimum pumping rate of 340 GPM @
135' TDH.
SUBMITTALS
(A)Product Data: All manufacturers' data on individual components listed in Part 2: Products, or
pre approved equal where allowed, shall be submitted to the project engineers and fountain
consultant, prior to requesting prior approval shall submit to the project engineers, at least ten (10) business days prior to the bid date, all data on all individual
components listed in Part 2: Products for review with the architect and fountain consultant.
All approvals will be issued in an addendum prior to the bid date.
(B)Shop Drawings: A complete plan and section shall accompany the submitted data on all
components to assure compliance with the intended design as specified.
(C)Quality Control Submittals: Test Reports: A manufacturer's test report must be included in
the control panel information package. The report shall include results of tests on both
motors and all lighting circuits.
(D)Field Reports: The manufacturer shall provide a field test report in the control package. This
report, which includes information on the field voltage, current, and resistance for all
electrical components, must be filled out by the installing electrical contractor and submitted
to the manufacturer and the engineer of record for approval.
(E)Operations and Maintenance: All manuals pertaining to the operations and maintenance of the
fountain shall be submitted by the manufacturer prior to final approval.

MANUFACTURER
The floating fountain described in this section shall be supplied by Delta Fountains, Jacksonville,
Florida (904)886-8033 FAX: (904)886-9099. All other manufacturers requesting approval must
comply with the requirements listed in the SUBMITTALS section under the Product Data
paragraph.

MATERIALS
The specifications of the materials described in the COMPONENTS portion of this section shall
be strictly adhered to.

PART TWO: PRODUCTS
COMPONENTS
The major components of the floating fountains are as follows:

MECHANICAL COMPONENTS
1. Geyser Fountain (1 Each)
(A)One 30" floating fountain platform unit constructed of fiberglass and having closed cell
foam flotation for ballast as well as black oil coat on all surfaces exposed to sunlight. Polymer
floats and or any type utilizing air as the ballast will not be accepted.
(B)One 1/2" NPT, Geyser nozzle with 7' outlet and 3' NPT. The nozzle shall be of cast bronze
construction and capable of a display height of 28'-30'.
(C)One 15 HP submersible pump. The motor shall be 480V, three phase, 3450 RPM. The
pump shall be capable of producing 340 GPM @ 135' TDH minimum.
(D)One combination stainless steel/poly-fiber motor and pump mounting assembly with pump
and motor mounted horizontally and containing lifting and tie-down lugs, nuts, bolts,
screws and adjusting rods.
(E)One plumbing assembly with standard flow inducer sleeves and suction strainer capable of
field removal without disturbing the pump.

ELECTRICAL COMPONENTS
1. Geyser Fountain (1 Each)
(A)Six (6)F5L-500 freestanding underwater lights with angular adjustability and a long life
quartz halogen lamp. Units include 500W, 120V Per 56 lamp, stainless steel facing
ring and rack guard and heat sensing low water cut-off. Fixture supplied with 9 1/2' cord.
(B)One 1/2" NPT heavy duty bronze constructed junction box with gasket compound and cord
seals.
(C)One 150' length of #10/4 SOWA submersible cable connected to the motor.
(D)Two 150' length of #12/3 SOWA submersible cable connected to the lights.
(E)One 1/2" NPT U.L. listed complete control panel for the geyser fountain. The panel shall
include but not be limited to GFCI breakers for motor, lighting and controls circuits, fully
enclosed load center for all circuit breakers, two (2) channel digital control clock to operate
the main pump and light circuits separately provided with a minimum 9 hour battery backup,
motor starter/contactor for all motor and lighting circuits with ambient compensating bi-
metallic overload system, 600V lightning arrester, and key H.O.A. devices. The panel shall
have all covered wiring, a power distribution block and 30 degree output terminals and
ground bars. Also included with this control panel shall be a transformer to accommodate
all lighting and control functions of the fountain system.
The entire control system shall bear a U.L. 508 serialized label "Industrial
enclosed control panel". The use of the U.L. label "Industrialized control panel enclosure"
without the U.L. 508 serialized label will not be accepted. Panels which are not listed as an
assembly will not be accepted.

PART THREE: EXECUTION
INSTALLATION
All equipment furnished under this section shall be installed in full conformity with the drawings,
specifications, engineering data, instructions, and recommendations of the equipment
manufacturer.

WARRANTY
The manufacturer shall deem the fountain equipment as provided in PART TWO: PRODUCTS
of these specifications, free of defects in material and workmanship for a period of one (1) year
from delivery.

QUALITY ASSURANCE
Certification:
The fountain manufacturer shall provide a comprehensive electrical package. This package must
include a power diagram, logic diagram, panel layout, component schedule and cut sheets on all
individual components in the control panel. If necessary, the manufacturer shall provide evidence
that the building department has been contacted to assure that local compliance and exceptions to
the National Electric Code have been addressed.

TRADES MEETINGS
The equipment manufacturer shall be present for a minimum of 1 trades coordination meeting,
which includes the review of plans and shop drawings with the electrical contractor. The
manufacturer must be available at the jobsite within a 24 hour notice.

START UP
The equipment manufacturer shall be present for the initial start up of the fountain system.



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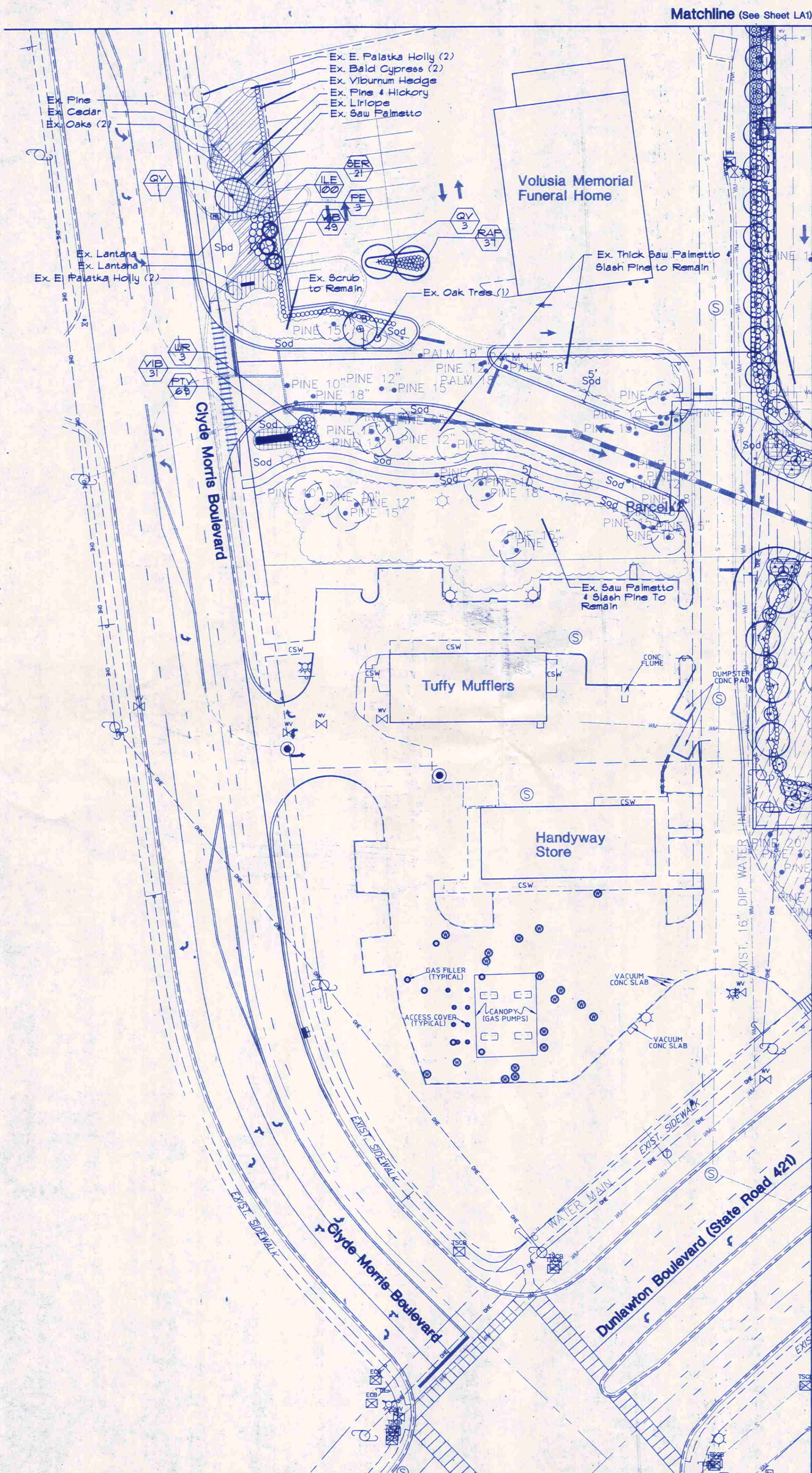
David T. Woodward, L.A.
FL LA # 1168

NO.	DATE	BY	REVISION
1	21FEB00	DTW	Per City Comments
2	07MAR00	DTW	Per City Comments
3	20MAR00	DTW	Per City Comments/Coordination
4	27MAR00	DTW	Add Fountain Specs and Detail
5	19APR00	DTW	Per City Comments/Coordination
6	02MAY00	DTW	Per City Comments/Coordination
7	17MAY00	DTW	Per City Comments
8	30MAY00	DTW	Per City Comments

JOB NO.	047027046
DRAWN BY	URG
CHECKED BY	DTW
APPROVED BY	DTW
FILENAME	27046.LA1-VEW2
DATE	15NOV99

LANDSCAPE PLAN
THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'
SHEET NO.
LA-2



Landscape Calculations

The Home Depot Parcel - 2154 AC

	Required	Proposed
North Property Line (15' wide Buffer) 150 lf		
Shade Trees (10/100 lf)	75	85
Understory Trees (14/100 lf)	105	155
Shrubs (30/100 lf)	675	671
6' Tall Hecory Wall (Continuous)	Yes	Yes
South Property Line - (Dunlawton Blvd. & adjacent Buffer Area) (50' wide Buffer) = 1,710 lf		
Shade Trees (8/100 lf)	137	152
Understory Trees (8/100 lf)	137	136
Shrubs (6/100 lf)	1,026	1,235
East Property Line (10' wide Buffer) = 1,082 lf		
Shade Trees (4/100 lf)	5	12
Understory Trees (2/100 lf)	5	5
Shrubs (2/100 lf)	43	57
West Property Line (15' wide Buffer) = 1,082 lf		
Shade Trees (4/100 lf)	44	50
Understory Trees (4/100 lf)	44	110
Shrubs (4/100 lf)	433	539
6' Tall Precast Wall (Continuous)	Yes	Yes

Combined Parcels - 2234 AC

Parking Area Interior Landscaping 10% of 289,754 sf = 28,975 sf	28,975 sf	41,825 sf
1 tree/300 sf of Required Area	97	115

Minimum Tree Planting
1 tree per 2500 sf of lot area
2234 AC = 973,130 sf / 2500 sf = 390 trees

Building Foundation Planting Calculations

	Required	Proposed
North Facade 231 lf		
Foundation Plants (2/3 lf)	158	192
Understory Trees (1/20 lf)	8	6 plus 8 palms
South Facade 168 lf		
Foundation Plants (2/3 lf)	112	124
Understory Trees (1/20 lf)	6	6 plus 4 palms
East Facade 142 lf		
Foundation Plants (2/3 lf)	95	126
Understory Trees (1/20 lf)	5	6 plus 6 palms

Specimen Tree Calculations

	Preserved	Removed
18' Live Oak	X	X
18' Live Oak	X	X
25' Live Oak	X	X
12' Cedar	X	X
15' Cedar	X	X
21' Live Oak	X	X
12' Cedar	X	X
25' Live Oak	X	X

Specimen Tree Protection Requirements (Home Depot Site (2154 AC) & Additional Land (0.80 AC) Only)
The 2234 acre site has a total of nine (9) specimen trees as defined by the Port Orange Land Development Code. This plan proposes to preserve seven (7) of the nine (9) specimen trees, meeting the 80% requirement.

Area Tree Protection Requirements

	Required	Proposed
Tree Preservation Area	15% or 145,969.56 sf	47.65% or 463,686.40 sf

NOTE:

Any vegetation within residential areas that may be disturbed during the development of this site is to be restored to its original state to the extent possible. Contractor should document these areas with video, or photographs prior to construction to assist in restoring disturbed areas.

General Notes:

- A site visit by the Landscape Architect and the City shall be performed after completion of the clearing process. At this time, the trees and understory to be saved shall be evaluated for their health, aesthetics, and possibility of their survival. Also, at this time, the trees and understory within the buffer areas shall be evaluated for their density and screening potential. If at this time, the City determines the buffer is insufficient, requirements for mitigation will be requested. A revision to the landscape plan or if minimal changes are proposed, a letter stating the changes must be submitted to the City for approval prior to implementation.
- Existing trees that are to remain on-site are not to have the root zone area disturbed by heavy equipment, fill placed on or around the root zone area, and at no time will fill be allowed to be placed against the trunk. Deviations from the above must be approved by the Landscape Architect and/or the City.
- The contractor shall remove all vines, fallen or dead branches, invasive species, and litter and construction debris from the preservation areas. Bedlines around natural areas are to be edged with smooth, flowing curves. All areas to remain natural shall receive a 2"-3" layer of pine straw mulch (see plan for locations).

Home Depot - Port Orange Master Plant List

Sym.	Qty.	Botanical Name	Common Name	Size/Remarks
Trees				
IC	23	Ilex cassine	Dahoon Holly	18' h x 4' apr. 2 1/2" cal. min. single trunk, straight
IA	21	Ilex alternata 'East Palatka'	East Palatka Holly	18' h x 3' apr. 2 1/2" cal. min. single trunk, straight
JB	147	Juniperus stricta	Southern Red Cedar	8' ht. 1 1/2" cal. min. full to base, straight
LI	53	Lagerstromia indica	Crape Myrtle Standard	8' h x 4' apr. 1 1/2" cal. min. 3' ct. straight, staked, tree standard
LL	67	Ligustrum lucidum	Tree Ligustrum	8' h x 6' apr. multi-trunk, tree form, 5 trunk min. 1 1/2" cal. min.
MC	53	Myrica cerifera	Wax Myrtle	8' ht. x 6' apr. multi-trunk, tree form, 5 trunk min. 1 1/2" cal. min.
MG	39	Magnolia grandiflora	Southern Magnolia	10' ht. x 4' apr. 2 1/2" cal. straight, single trunk, 4' ct.
MLG	4	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	4-5' ht. x 2-3' apr. single trunk, straight, full, staked, 1 1/2" cal. min.
NO	16	Nerium oleander	Pink Oleander Standard	8' h x 4' apr. 1 1/2" cal. min. 3' ct. straight, staked
PE	152	Pinus elliotii	Slash Pine	10' h x 4' apr. straight, full, single trunk, 2 1/2" cal. min. 4' ct.
QV	97	Quercus virginiana	Live Oak	10' ht. x 4' apr. 2 1/2" cal. min. straight, single trunk, 4' ct.
RP	131	Sabal palmetto	Cabbage Palm	14-18' ct. with boots, straight, hurricane cut, stagger hts.
TD	38	Taxodium distichum	Bald Cypress	10' h x 4' apr. straight, full, single trunk, 2 1/2" cal. min. 4' ct.
UR	10	Washingtonia robusta	Washington Palm	16-22' oah. straight, full, stagger hts. in clusters
11				18' oah. when planted singularly

Shrubs And Groundcover

CRI	6	Crinum spp.	Crinum Lily	36" apr. full
CYC	12	Cycas revoluta	King Sago Palm	36" apr. full
ELA	639	Elaeagnus pungens	Silverthorn	5' 24" ht. full to base, 48" O.C.
ILE	557	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	5' 15" x 18" full to base, 24" O.C.
JUN	660	Juniperus chinensis 'Parsonii'	Parson's Juniper	5' 10"-12" apr. full, 18" O.C.
LIR	130	Liriodendron tulipifera	Evergreen Giant Liriodendron	5' full 5' blos/pot (min), 18" O.C.
LMA	557	Liriodendron tulipifera 'Variegata'	Variegated Liriodendron	5' full 5' blos/pot (min), 18" O.C.
MYR	210	Myrica cerifera	Wax Myrtle	5' 30" x 24" apr. full to base, 48" O.C.
PHI	250	Philodendron sellowianum	Philodendron	5' 30" x 30" full, 48" O.C.
POD	30	Podocarpus microphyllus	Podocarpus	5' 30" ht. full to base, 24" O.C.
PTV	236	Philosporum tobira	Variegated Philosporum	5' 18" x 18" full to base, 24" O.C.
RAP	526	Raphirolepis indica 'Alba'	Dwarf White Indian Hawthorn	5' 15" x 18" apr. full to base, 24" O.C.
SER	530	Serenoa repens	Saw Palmetto	5' 12" ht. full to base, 48" O.C.
SPT	842	Spartina bakeri	Sand Cordgrass	5' 18" ht. full 36" O.C.
TRA	30	Trachycarpus fortunei 'Trinita'	Dwarf Confederate Jasmine	5' 12" apr. 24" O.C.
VIB	1490	Viburnum odoratissimum	Sweet Viburnum	5' 24" ht. full to base, 30" O.C.
VIB	224	Viburnum suspensum	Sandbar Viburnum	5' 24" ht. full to base, 30" O.C.

Miscellaneous

80D	TBD	Stenactophrum secundatum 'Florida'	St. Augustine Floridan Grass	Sod, 100% insect/disease free, laid tight, rolled
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Notes:

Plant list quantities are provided for convenience. In the event of quantity discrepancies, the drawing shall take precedence.

All plantings shall include 3" layer of shredded Grade 'B' Cypress mulch unless otherwise specified.

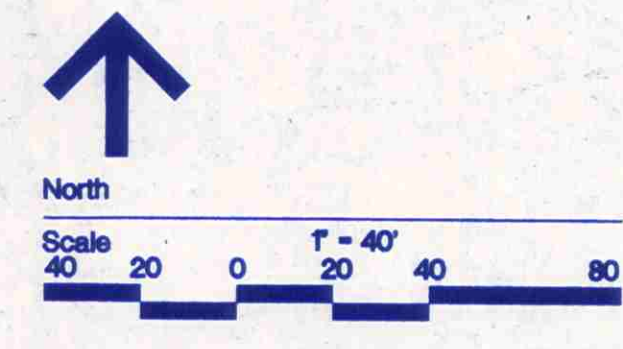
All landscaped areas shall be fully irrigated with an automatic irrigation system.

All landscaping shall be installed according to sound nursery practices and shall be Florida No. 1 or better as given in 'Grades and Standards for Nursery Plants, Parts I and II', State of Florida, Department of Agriculture.

No substitutions shall be made without written authorization from the L.A. or owner.

Contractor Please Note:

- The minimum height and caliper (if applicable) must be met and the container size (if specified) is only a minimum. undersized plant material will be required to be replaced if installed in the field.
- Any variation from the city approved landscape plan will require the approval of the landscape architect and the city prior to installation. Failure to do so may require replacement or mitigation.



Kimley-Horn
and Associates, Inc.

Engineering
Planning
and
Environmental
Consultants

Suite 108
1080 Woodcock Road
Orlando, Florida
32803
Phone: (407) 898-1511
Fax: (407) 894-4791

David T. Woodward, L.A.
FL LA # 1168

NO.	REVISION	BY	DATE
1	Per City Comments	DTW	06OCT00
2	Per City Comments	DTW	21SEP00
3	Per City Comments	DTW	20JUN00
4	Per City Comments	DTW	20MAR00
5	Per City Comments	DTW	20MAR00
6	Per City Comments	DTW	19APR00
7	Per City Comments	DTW	02MAY00
8	Per City Comments	DTW	17MAY00

JOB NO.	047027046
DRAWN BY	URG
CHECKED BY	DTW
APPROVED BY	DTW
FILENAME	27046LAI-VIEW3
DATE	15NOV99

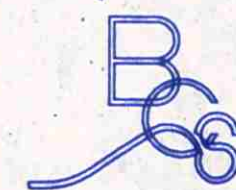
LANDSCAPE PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'

SHEET NO.

LA-3



BIOLOGICAL CONSULTING SERVICES, INC.

Joe H. Young III
Sarasota/Palm Beach
2000 N. Pine Street
New Smyrna Beach, FL 32168
904-483-3408

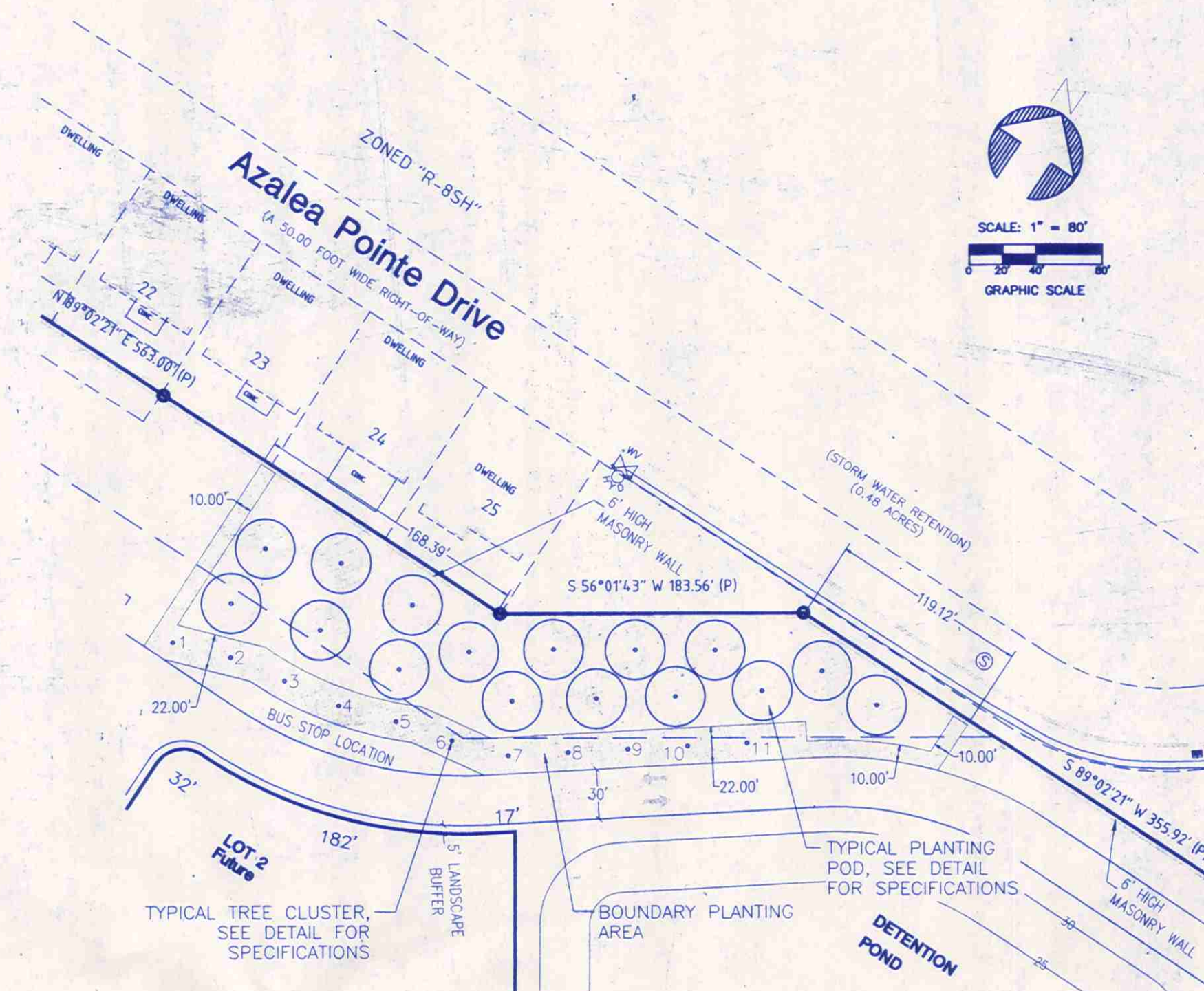


Kimley-Horn
and Associates, Inc.

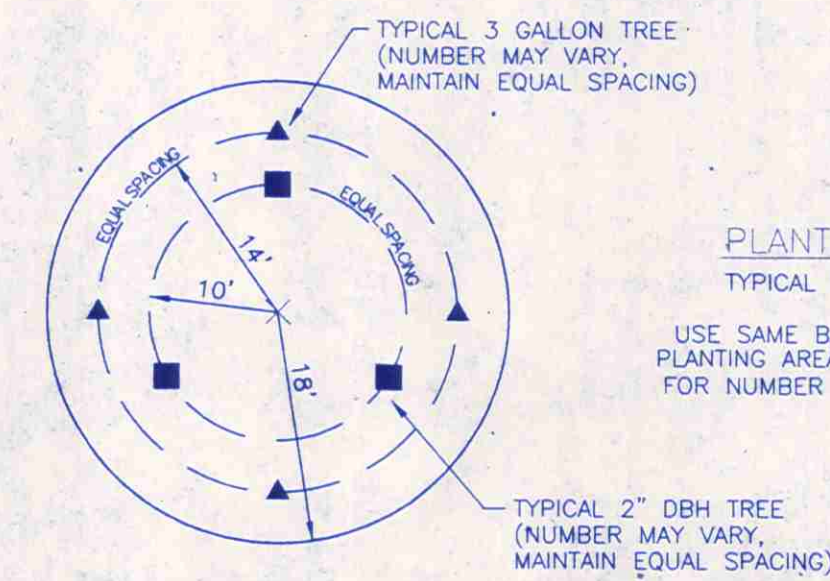
Engineering
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32803
Phone: (407) 898-1511
Fax: (407) 894-4791

David T. Woodward, L.A.
FL L.A. # 1168



Conservation Planting Area Detail
Scale: 1"=80'



Planting Unit Layout
Scale: 1"=15'

Boundary Planting Area

11 tree clusters to be planted as follows:

Cluster #	Units of 2" DBH Trees	Units of 3 Gal. Trees
1 - 6	3	5
7-10	3	4
11	2	4

Tree layout shown on above diagram

In addition, boundary planting area to be planted with 719 units of saw palmetto at a spacing of approx. 4' on center

Planting Pods

All pods to be planted as follows:

- 3 units of 2" DBH trees, layout shown on above diagram.
- 4 units of 3 Gal. trees, layout shown on above diagram.
- 64 units of saw palmetto, spaced at approx. 4' on center.

Plant Specifications

Species		Size	Spacing	Units
Sand live oak	Quercus virginiana	2" DBH	See diagram above	80
Chapman oak	Quercus chapmannii	3 Gallon	See diagram above	57
Myrtle oak	Quercus myrtifolia	3 Gallon	See diagram above	57
Saw palmetto	Serenoa repens	3 Gallon	4' on center	1743

NO.	REVISION	BY	DATE

JOB NO. 047027046	DRAWN BY URG	CHECKED BY DTW	APPROVED BY DTW	FILENAME 27046.LAS	DATE 28MAR00
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LANDSCAPE PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE
As Shown

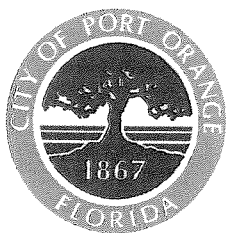
SHEET NO.
LA-5

Case Cost Sheet Log

Case No. 15-476

Name	Activity	Activity_Date	Status	Cost
Patricia Manos	Mailing Notice of Violation/Notice of Hearing to 226 Pinerock Place, Port Orange, FL 32127	04/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on 5/13/15.	\$6.69
Patricia Manos	Mailing Finding of Fact/Conclusion of Law & Order to 226 Pinerock Place, Port Orange, FL 32127	05/27/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed".	\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015	BK: 7122 PG: 398	\$27.00
Patricia Manos	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 226 Pinerock Place, Port Orange, FL 32127	08/12/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	08/12/2015		\$44.00

Total: \$85.13



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-476

To: Patricia Manos
226 Pinerock Place
Port Orange, FL 32127

Re: 226 Pinerock Place
Port Orange, FL 32127
Parcel ID: 6322-04-00-0260

LEGAL DESCRIPTION: LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG 4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482
Volusia County Public Records, Volusia County, FL

An inspection of the premises on **March 24, 2015**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

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

Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances.

An inspection of the property was conducted on March 24, 2015. During that inspection I observed the following violation; an overgrown lawn, an unregistered vehicle in the driveway, and items stored in front of the home that are viewable from the adjacent property. I left a five day door hanger for compliance. A re-inspection was conducted on April 6, 2015 showing no compliance. To correct the violations, the entire property needs to be mowed and all high weeds trimmed, the unregistered vehicle must be properly registered, covered with an approved car cover or removed from the property and all outdoor stored items removed or properly stored.

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

This correspondence will serve as official notification that the above stated violation must be corrected by **May 8, 2015**.

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 a Code Enforcement 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 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 VIOLATIONS 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 **May 27, 2015, 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 \$ 6,691 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 **May 27, 2015**, 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 **July 8, 2015**, 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 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 Officer at (386) 506-5641.

DATED this 23rd day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Michael & Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 11:20 AM

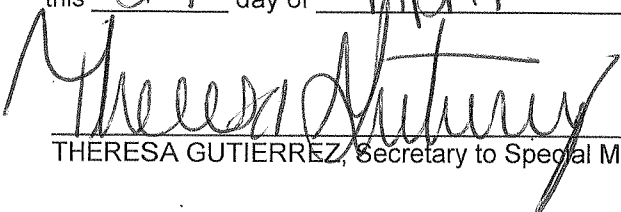
this 23rd day of April, 2015.

J. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Michael & Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 27 day of April, 2015.


THERESA GUTIERREZ, Secretary to 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 Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-21-2015 Today's Date: 4-22-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		22-16-33-04-00-0260 6322-04-00-0260		Mill Group 402 Port Orange	
Alternate Key		3664124		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		MANOS PATRICIA		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		226 PINEROCK PL			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Estate	
Location Address		226 PINEROCK PL PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG

4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5988	0481	12/2006	Warranty Deed	Qualified Sale	Yes	155,000
2	5610	2204	5/2005	Death Certificate	Unqualified Sale	Yes	100
3	4023	4693	7/1995	Warranty Deed	Qualified Sale	Yes	69,900

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	16,317	58,516	0	74,833	72,069	72,069	72,069	25,500	46,569	46,569	22,069	24,500
2013	16,317	57,131	0	73,448	71,004	71,004	71,004	25,500	45,504	45,504	21,004	24,500

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
------	------------------	----------	-------	------------	-----------	------	-----	-----	-----	-----	----------

Prepared By and Returned To:
Kathi A. Noll
Watson Title Services, Inc.
1435 West S.R. 434, Suite 109
Longwood, FL 32750
(407) 645-1310

File Number: **263945**

Incident to the issuance of a title insurance contract.

01/10/2007 03:24 PM
Doc stamps 1085.00
(Transfer Amt \$ 155000)
Instrument# [REDACTED] # 1
Book: 5988
Page: 481

This Warranty Deed

Made this **27th day of December, 2006** by
GLADYS I. LENIHAN, A SINGLE WOMAN

hereinafter called the grantor, to
**PATRICIA MANOS AND MICHAEL MANOS, JR., WIFE
AND HUSBAND**

whose post office address is:
**226 PINEROCK PLACE
PORT ORANGE, FL 32127**

hereinafter called the grantee:
(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of **\$10.00** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **VOLUSIA** County, Florida, viz:

**LOT 26, LEISURE VILLAS SUBDIVISION, UNIT II, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN MAP BOOK 34, PAGE 76, OF THE PUBLIC RECORDS OF VOLUSIA
COUNTY, FLORIDA.**

Subject to covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 632204000260

TOGETHER with all the tenements, hereditaments and appurtenances thereto 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 the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to **December 31, 2006**.

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

Signed, sealed and delivered in our presence:

Instrument# 2007-007394 # 2
Book: 5988
Page: 482
Diane M. Matousek
Volusia County, Clerk of Court

Janet Fuller
Witness #1: (Signature)
Print Name: Janet Fuller

[Signature]
Witness #2: (Signature)
Print Name: [Signature]

Gladys I. Lenihan
GLADYS I. LENIHAN
C/O 3001 LORELI LANE
LAWRENCEVILLE, GA 30044

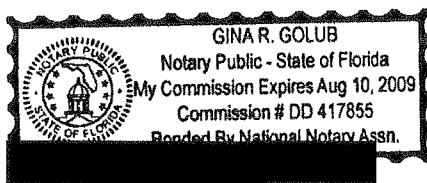
Witness: (Signature)
Print Name: _____

Witness: (Signature)
Print Name: _____

State of Florida
County of VOLUSIA

The foregoing instrument was acknowledged before me this 27th day of December, 2006, by
GLADYS I. LENIHAN, A SINGLE WOMAN,
who is personally known to me or who has produced **A VALID PHOTO ID** as identification.

[Signature]
NOTARY PUBLIC (signature)
Print Name: _____
My Commission Expires: **GINA R. GOLUB**
Stamp/Seal: 8/10/09



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)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.**(a) Findings of fact.**

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) Definitions. The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) Restrictions.

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned

private property unless such vehicle is:

- a. Within a completely enclosed garage; or
- b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.

(2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.

(3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50

(d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.

(e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-476**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Patricia Manos
226 Pinerock Place
Port Orange, FL 32127
6322 [REDACTED]

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 May 27, 2015, 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), Patricia Manos, whose mailing address is 226 Pinerock Place, Port Orange, FL 32127, is/are the owner(s) of the property located at 226 Pinerock Place, Port Orange, FL 32127, and more particularly described as:

LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG
4693 PER OR 5610 PG 2206 PER OR 5988 PGS [REDACTED]

B. There is an overgrown lawn, an unregistered vehicle in the driveway, and items stored in the front of the home that are viewable from the adjacent property. This condition was first observed at the real property described above on March 24, 2015; re-inspections made on May 19, 2015 and May 25, 2015 confirmed the condition as being the same. Respondent(s), Patricia Manos, received notice via certified mail and posted at City Hall on April 27, 2015. Additionally, the notice was also posted at the property on April 23, 2015. The aforesaid conditions constituted a violation of 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) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances, and Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances, and was to be corrected by May 8, 2015.

C. At the time of the hearing on May 27, 2015, 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), Patricia Manos, by reason of the foregoing, has/have violated 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) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances, and Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, unregistered vehicle, and outside storage, 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 mowing and trimming all high weeds and grass and removing all outside stored items. Also, the unregistered vehicle must be properly registered, covered with an approved car cover or removed from the property on or before June 7, 2015. In the event that the property is not brought into compliance on or before June 7, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 7, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 7, 2015, 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 \$40.65 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 27 day of May 2015

Attest: [Signature]
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.

[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(s), Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127 by Certified and Regular Mail this 27 day of May, 2015

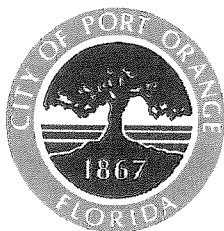
[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-464

Name	Activity	Activity_Date	Status	Cost
Michael Viala	Mailing Notice of Violation/Notice of Hearing to 49 Elda Lane, Port Orange, FL 32127	04/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on 5/14/15.	\$6.48
Michael Viala	Mailing Finding of Fact/Conclusion of Law & Order to 49 Elda Lane, Port Orange, FL 32127	05/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on June 29, 2015.	\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015	BK: 7122 PG: 401	\$27.00
Michael Viala	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	08/12/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	08/12/2015		\$44.00

Total: \$85.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-464

To: Michael Viala
49 Elda Lane
Port Orange, FL 32127

Re: 49 Elda Ln
Port Orange, FL 32127
Parcel ID: 6315-08-00-0490

LEGAL DESCRIPTION: LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PER OR 4328 PG 4798.
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **March 23, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

On March 23, 2015 I observed that the lawn was not being mowed and was very high. I contacted the owner Michael Viala and notified him of the violation. Mr. Viala was given five days for compliance. A re-inspection was conducted on April 13, 2015 to find the property in the same condition. To correct the violation, the entire property needs to be mowed and all high weeds trimmed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 4, 2015**

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 May 27, 2015 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 \$ 6.48 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 May 27, 2015 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 July 8, 2015, 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 22 day of April, 2015.

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 Michael Viala, 49 Elda Ln, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:59 p.m.

this 22 day of April, 2015.

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 Michael Viala, 49 Elda Ln, Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified

this 27 day of April, 2015.

Theresa Stuber
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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-21-2015 Today's Date: 4-21-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	15-16-33-08-00-0490	Mill Group	402 Port Orange		
Short Parcel ID	6315-08-00-0490				
Alternate Key	3638433	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	02		
Date Created	31 DEC 1981				
Owner Name	VIALA MICHAEL		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	49 ELDA LANE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	49 ELDA LN PORT ORANGE 32127				

LEGAL DESCRIPTION
LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PE
R OR 4328 PG 4798

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4328	4798	7/1998	Warranty Deed	Unqualified Sale	Yes	100
2	3014	1692	7/1987	Warranty Deed	MH not assessed	Yes	32,000
3	2957	0012	3/1987	Warranty Deed	MH not assessed	Yes	28,500

HISTORY OF VALUES									GO TO ADD'L HISTORY			
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	8,250	14,295	0	22,545	19,113	19,113	19,113	19,113	0	0	0	0

Prepared By:

PROFESSIONAL TITLE AGENCY, INC.

2763 S. RIDGEWOOD AVENUE, SUITE C SOUTH DAYTONA, FL 32119

incidental to the issuance of a title insurance policy.

File No.: **0463*P6929**

Parcel ID # **6315-08-00-0400**

Grantee(s) SS # **[REDACTED]**

07/22/1998 09:35

Doc stamps 0.70

(Transfer Amt \$ 10)

Instrument # 98135102

Book: 4328

Page: 4798

Diane M. Matousek

Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated **July 14, 1998**
by
Letitia Newman, a single woman.

whose post office address is

49 Elda Lane, Port Orange, Florida 32127

hereinafter called the GRANTOR, to

LETITIA E. NEWMAN and MICHAEL VIALA, as joint tenants with rights of survivorship.

whose post office address is

49 Elda lane, Port Orange, Florida 32127

hereinafter called the GRANTEE:

(Wherever used herein the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in **Volusia County, Florida, viz:**

Lot 49, SOUTHERN PINES, according to the plat thereof, recorded in Map Book 33, Page 47 of the Public Records of VOLUSIA County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year _____ and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

TOGETHER with all the tenements, hereditaments and appurtenances thereto 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, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: _____

Print Name: _____

Pam Yingling

Signature: _____

Print Name: _____

YVONNE S. FERRARA

Letitia E. Newman

Letitia newman

**State of Florida
County of Volusia**

I am a notary public of the state of Florida, and my commission expires: _____
THE FOREGOING INSTRUMENT was acknowledged before me on July 14, 1998 by _____

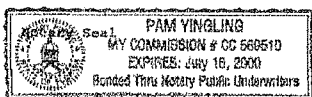
who is personally known to me or who has produced A Driver's License as identification and who _____ take an oath.
(type of identification) (did/did not)

Signature: _____

Print Name: _____

Notary Public

Pam Yingling



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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-464**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Michael Viala
49 Elda Lane
Port Orange, FL 32127
6315 [REDACTED]

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 May 27, 2015, 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), Michael Viala, whose mailing address is 49 Elda Lane, Port Orange, FL 32127, is/are the owner(s) of the property located at 49 Elda Lane, Port Orange, FL 32127, and more particularly described as:

LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PE
R OR 4328 PG 4798

B. There is high weeds and grass located at the property. This condition was first observed at the real property described above on March 23, 2015; re-inspections made on May 6, 2015 and May 21, 2015 confirmed the condition as being the same. Respondent(s), Michael Viala, received notice via certified mail and posted at City Hall on April 27, 2015. Additionally, the property was posted on April 22, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances, and was to be corrected by May 4, 2015.

C. At the time of the hearing on May 27, 2015, 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), Michael Viala, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass, 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 mowing and maintaining all high weeds and grass on or before June 7, 2015. In the event that the property is not brought into compliance on or before June 7, 2015, and/or not maintained in a state of compliance, a daily fine of \$50 per day will be assessed for each day the property is in violation beyond June 7, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 7, 2015, 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 \$40.44 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 27 day of May, 2015

Attest: [Signature]
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.

[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(s), Michael Viala, 49 Elda Lane, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of May, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 14-2221

Name	Activity	Activity_Date	Status	Cost
Melvy D. Dowling	Mailing Notice of Repeat Violation/Notice of Hearing to 403 Herbert Street, Port Orange, FL 32129	06/02/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed/Unable to Forward".	\$6.95
David A. Dowling	Mailing Notice of Repeat Violation/Notice of Hearing to 403 Herbert Street, Port Orange, FL 32129	06/02/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed/Unable to Forward".	\$6.95
Heather A. Moore	Mailing Notice of Repeat Violation/Notice of Hearing to 425 N. Willow Avenue, Port Orange, FL 32127	06/02/2015	Certified Green Card signed by "Brandon" on 6/4/15 and returned to City Clerk's Office.	\$6.95
Melvy D. Dowling	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/08/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed/Unable to Forward".	\$7.21
David A. Dowling	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/08/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed/Unable to Forward".	\$7.21
Heather A. Moore	Mailing Finding of Fact/Conclusion of Law & Order to 425 N. Willow Avenue, Port Orange, FL 32127	07/08/2015	Certified Green Card Signed by "Brandon" and Returned to City Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015	BK: 7138 PG: 780	\$27.00
Melvy D. Dowling	Mailing Order Imposing Fine/Lien and Affidavit of Non-Compliance to 403 Herbert Street, Port Orange, FL 32129	08/12/2015		\$0.48
David A. Dowling	Mailing Order Imposing Fine/Lien and Affidavit of Non-Compliance to 403 Herbert Street, Port Orange, FL 32129	08/12/2015		\$0.48
Heather A. Moore	Mailing Order Imposing Fine/Lien and Affidavit of Non-Compliance to 425 N. Willow Avenue, Port Orange, FL 32127	08/12/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	08/12/2015		\$44.00

Total: \$114.92



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2221

To: MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS:

Re: 403 Herbert Street
Port Orange, FL 32127
Parcel ID: 6303-07-00-0070

LEGAL DESCRIPTION: LOT G EXC N 60 FT & W 45 FT OF LOT H EXC N 60 FT & INC LOT F SUB LOTS 1 & 2 BLK 6
OLSONS PORT ORANGE PER OR 4363 PG 928 PER UNREC D/C.
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 30, 2014**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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), (c) Maintenance of Commercial and Industrial Zoned Lots: (The entire property needs to be mowed and maintained. All high weeds need to be trimmed).

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) Garbage, Waste, Trash, Etc; Prohibited: (All garbage, trash, junk and debris must be removed from the property).

This is a repeat violation of case number 13-1665 as presented by Code Enforcement Officer J. Scott Allman on August 28, 2013, and case number 14-1711 as presented by Code Enforcement Officer Amanda Bonin on September 10, 2014.

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** July 8, 2015, 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 \$ 20.85 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 July 8, 2015, 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 August 12, 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.

DATED this 26th day of May, 2015.

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 Melvy D. Dowling (Deceased), David A. Dowling and Heather A. Moore, 403 Herbert St, Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: 3:40 pm

this 26th day of May, 2015.

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 Melvy D. Dowling (Deceased), 403 Herbert St, Port Orange, FL 32129, David A. Dowling, 403 Herbert St, Port Orange, FL 32129 and Heather A. Moore, 425 N. Willow Ave, Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this 2 day of JUNE, 2015.
Heather Moore
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 Appraisers' Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 05-26-2015 Today's Date: 5-26-2015	Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser		
Full Parcel ID Short Parcel ID	03-16-33-07-00-0070 6303-07-00-0070	Mill Group	402 Port Orange
Alternate Key	3576861	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	01
Date Created	30 DEC 1981		
Owner Name	DOWLING MELVY D		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	403 HERBERT ST		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	Estate
Location Address	403 HERBERT ST PORT ORANGE 32129		

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT G EXC N 60 FT & W 45 FT OF LOT H EXC N 60 FT & INC LOT F	
SUB LOTS 1 & 2 BLK 6 WILSONS PORT ORANGE PER OR 4363 PG 09	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4363	0928	10/1998	Quit Claim Deed	Affiliated Parties	Yes	22,000
2	4326	3482	7/1998	Warranty Deed	Unqualified Sale	Yes	8,000
3	2411	0678	12/1982	Warranty Deed	Qualified Sale	Yes	32,000

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	35,235	20,076	3,409	58,720	58,720	58,720	58,720	0	58,720	58,720	0	58,720
2013	31,168	20,938	3,527	55,633	55,633	55,633	55,633	0	55,633	55,633	0	55,633

LAND DATA

THIS INSTRUMENT PREPARED BY
AND RETURN TO: J. MOODY
TRANSCONTINENTAL TITLE COMPANY
8081 PHILLIPS HIGHWAY, SUITE 3
JACKSONVILLE, FLORIDA 32256
J126670

11/02/1998 10:20
Doc stamps 154.00
(Transfer Amt \$ 22000)
Instrument # 98207498
Book: 4363
Page: 928
Diane M. Matousek
Volusia County, Clerk of Court

QUIT CLAIM DEED

This QUIT CLAIM DEED, dated October 19, 1998

by MATTIE B. DOWLING F/K/A MATTIE B. RACHOW, A MARRIED PERSON JOINED BY
HER HUSBAND, MELVY D. DOWLING

hereinafter called GRANTOR,

to MELVY D. DOWLING AND MATTIE B. DOWLING, HIS WIFE

whose address is: 403 HERBERT ST FORT ORANGE FL 32119

hereinafter called GRANTEE:

(Wherever used herein the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSED: That GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, does hereby remiss, release and quit-claim unto GRANTEE forever, all the right, title, interest, claim and demand which GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in VOLUSIA County, Florida, viz:

LOT G, EXCEPT THE NORTHERLY 60 FEET THEREOF, AND LOT H, EXCEPT THE NORTHERLY 60 FEET THEREOF AND THE EASTERLY 10 FEET OF LOT H THEREOF, MARTINS SUBDIVISION AS PER MAP IN MAP BOOK 2, PAGE 177, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

J.D. McNulty
Witness (Signature)

J.D. McNulty
Witness (Print Name)

N.C. Ammon
Witness (Signature)

N.C. Ammon
Witness (Print Name)

Mattie B. Dowling F/K/A Mattie B. Rachow
MATTIE B. DOWLING F/K/A MATTIE B.
RACHOW

Melvy D. Dowling
MELVY D. DOWLING

STATE OF FL

COUNTY OF Volusia

THE FOREGOING INSTRUMENT was acknowledged before me on October 19, 1998 by MATTIE B. DOWLING F/K/A MATTIE B. RACHOW, A MARRIED PERSON JOINED BY HER HUSBAND, MELVY D. DOWLING who did produce drivers license(s) as identification and did not take an oath.

J.D. McNulty
NOTARY PUBLIC FOR THE STATE OF FLORIDA
(SEAL)

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

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-2221

MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEE, OR
OTHER CLAIMANTS;

Respondents.

Property Address: 403 Herbert Street
Port Orange, FL 32129
Parcel ID: 6303-07-00-0070

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.

3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 403 Herbert Street, Port Orange, Florida 32129, is owned by Melvy D. Dowling.

4. That 403 Herbert Street, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 403 Herbert Street, Port Orange, Florida 32129, at 3:40 p.m. on the 26th day of May, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

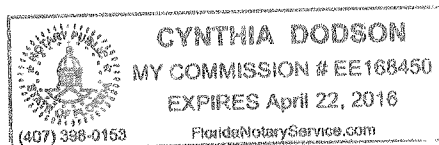
FURTHER AFFIANT SAYETH NOT.

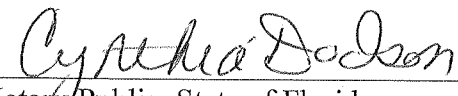
DATED this 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.




Notary Public, State of Florida

Commission No. 4/22/16

Master
05/02/2015
\$06.95
ZIP 32129
011D164012

7014 2870 0000 2137 6303

U.S. Postal Service™
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CHATELAIN

Postage	\$.70
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.95

Postmark Here: JUN 1 2015
USPS - 32127

Sent To: Heather A. Moore
Street or PO: 425 N. Willow Avenue
City, St: Port Orange, FL 32127
Case #14-2221 SM 7/8/15

PS Form 3811, July 2013

AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER
PORT ORANGE, FL 32127



0000 2137 6303
0000 2137 6303

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CHATELAIN

Postage	\$.70
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Heather A. Moore
425 N. Willow Avenue
Port Orange, FL 32127
Case #14-2221 SM 7/8/15

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature: Brandon ☐ Agent ☐ Addressee

B. Received by (Printed Name): Brandon

C. Date of Delivery: 6-4-15

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™
☒ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

7014 2870 0000 2137 6303

06/02/2015
 06.95
 ZIP 32129
 011011644012
 7014 2870 0000 2137 6297

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
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For delivery information, visit our website at www.usps.com.

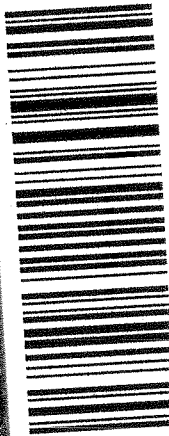
CITY OF PORT ORANGE

Postage	\$.76	POST ORANGE FL JUN - 2 2015 Postmark Here USPS - 32129
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.95	

Sent To: Melvy D. Dowling
 Street or PO: 403 Herbert Street
 City, St: Port Orange, FL 32129
 Case #14-2221 SM 7/8/15
 PS For:

Instructions

CERTIFIED MAIL



7014 2870 0000 2137 6297
 7014 2870 0000 2137 6297

U.S. Postal ServiceTM
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For delivery information, visit our website at www.usps.com.

CITY OF PORT ORANGE

Postage	\$.76	POST ORANGE FL JUN - 2 2015 Postmark Here USPS - 32129
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.95	

Sent To: Melvy D. Dowling
 Street or PO: 403 Herbert Street
 City, St: Port Orange, FL 32129
 PS For:

Instructions

AFTER FIVE DAYS RETURN TO
 CITY OF PORT ORANGE
 1000 CITY CENTER CIRCLE
 PORT ORANGE, FL 32129

Hasler

06/02/2015

\$06.95

USPS

011D1164012

ZIP 32129

011D1164012

7014 2870 0000 2137 6280

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
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For delivery information, visit our website at www.usps.com.

Postage \$.76
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 0.95
Total Postage & Fees \$ 6.95

Postmark
Here

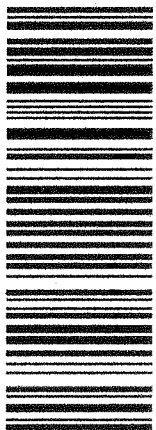
Sent To David A. Dowling
403 Herbert Street
Port Orange, FL 32129

City, State Case #14-2221 SM 7/8/15

PS Form

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CERTIFIED MAIL[®]



7014 2870 0000 2137 6280
7014 2870 0000 2137 6280

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

Postage \$.76
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 0.95
Total Postage & Fees \$ 6.95

Postmark
Here

Sent To David A. Dowling
403 Herbert Street
Port Orange, FL 32129

City, State

PS Form

ctions

AFTER FIVE DAYS RETURN TO

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-2221**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Melvy D. Dowling
David A. Dowling
Heather A. Moore
403 Herbert Street
Port Orange, FL 32127
6303 [REDACTED]

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 July 8, 2015, 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), Melvy D. Dowling and David A. Dowling, whose mailing address is 403 Herbert Street, Port Orange, FL 32127 and Heather A. Moore, whose mailing address is 425 N. Willow Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 403 Hebert Street, Port Orange, FL 32127, and more particularly described as:

LOT G EXC N 60 FT & W 45 FT OF LOT H EXC N 60 FT & INC LOT F
SUB LOTS 1 & 2 BLK 6 WILSONS PORT ORANGE PER OR 4363 PG 09
28 PER UNREC D/C PER OR 7046 PG 4245

B. The entire property needs to be mowed and maintained and all high weeds need to be trimmed. This condition was first observed at the real property described above on September 30, 2014; re-inspections made on July 1, 2015 confirmed the condition as being the same. Respondent(s), Melvy D. Dowling, David A. Dowling, and Heather A. Moore, received notice via certified mail and posted at City Hall on June 2, 2015. Additionally, the notice was also posted on the property on May 26, 2015. The aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (c) & (f).

C. At the time of the hearing on July 8, 2015, 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), Melvy D. Dowling, David A. Dowling, and Heather A. Moore, by reason of the foregoing, has/have violated Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (c) & (f), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown grass and high weeds, 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 mowing and the entire property and trimming all high weeds and grass on or before July 13, 2015. In the event that the property is not brought into compliance on or before July 13, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond July 13, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by July 13, 2015, 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 \$69.48 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 8 day of July, 2015

Attest: [Signature]
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.

[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(s), Melvy D. Dowling and David A. Dowling, 403 Hebert Street, Port Orange, FL 32127 and Heather A Moore, 425 N. Willow Avenue, Port Orange, FL 32127, by Certified and Regular Mail this 8 day of July, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate



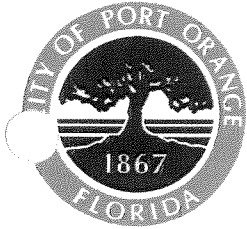
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 8 day of July, 2015.
By: [Signature]

Case Cost Sheet Log

Case No. 14-946

Name	Activity	Activity_Date	Status	Cost
NNP, LLC/C/o Nirali Patel	Notice of Violation/Notice of Hearing	05/26/2015	Hand Delivered to to Jay Patel at approx. 3:45 p.m. on May 26, 2015.	\$0.00
NNP, LLC/C/o Nirali Patel	Mailing Finding of Fact/Conclusion of Law & Order to 5275 Nova Road, Port Orange, FL 32127	07/08/2015	Certified Green Card Signed by "Jay" on 7/11/15 and Returned to City Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015	BK: 7138 PG: 774	\$27.00
NNP, LLC/C/o Nirali Patel	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 5275 Nova Road, Port Orange, FL 32127	08/12/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	08/12/2015		\$44.00

Total: \$78.69



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-946

To: NNP LLC
C/o Nirali Patel
5275 Nova Road
Port Orange, FL 32127

Re: 5245 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0102
LEGAL DESCRIPTION:

Volusia County Public Records 15 16 33 IRREG PARCEL IN SW 1/4 OF NE 1/4 BEING S 214.55 FT N OF ST RD 5A AS MEAS ON W/L & 293.6 FT AS MEAS ON ST RD 5A & 239.67 FT ON E/L PER OR 4153 PG 1315 & PER OR 6524 PGS 23 77 THRU 2382
Volusia County, FL

On inspection of the premises on **May 1, 2014**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d)

A commercial property maintenance program inspection was completed and several items as shown on the attached landscape plan need to be addressed. Such items include but are not limited to; replacement off all plants and shrubs which have died or are missing, removal of outside storage including the smokers which are not permitted per the development requirements, re-striping of all parking lot markings, removal of all trash and debris, pressure washing of the building, painting if necessary after pressure washing, applying mulch to all landscape beds and hedgerows, and ensure all irrigation is in proper working order.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 3, 2015**.

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 July 8, 2015, 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 \$ 0 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 **July 8, 2015**, 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 **PUBLIC HEARING** will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 12, 2015, 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 26th day of May, 2015.

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 NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, was

- ☒ Hand-delivered to Jay Patel
☐ Posted at the property

this 26th day of May, 2015.

Time: approx. 3:45 pm

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 NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

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 Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the [History of Values](#) section within the property record card below.

Last Updated: 05-26-2015 Today's Date: 5-26-2015	Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		
Full Parcel ID Short Parcel ID	15-16-33-00-00-0102 6315-00-00-0102	Mill Group	402 Port Orange
Alternate Key	3633067	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	16
Date Created	31 DEC 1981		
Owner Name	NNP LLC	GO TO ADD'L OWNERS	
Owner Name/Address 1			
Owner Address 2	5275 S NOVA ROAD		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Owner Percentage	100	Ownership Type	
Location Address	5245 NOVA RD PORT ORANGE 32127		

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
15 16 33 IRREG PARCEL IN SW 1/4 OF NE 1/4 BEING S 214.55 FT N OF ST RD 5A AS MEAS ON W/L & 293.6 FT AS MEAS ON ST RD 5A	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6524	2381	10/2010	Warranty Deed	Multi parcel sale	Yes	1,150,000
2	5052	3121	3/2003	Warranty Deed	Unqualified Sale	Yes	10
3	4153	1315	10/1996	Warranty Deed	Location	Yes	775,000

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG(\$)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	338,670	165,797	16,323	520,790	520,790	520,790	520,790	0	520,790	520,790	0	520,790
2013	338,670	150,418	16,323	505,411	505,411	505,411	505,411	0	505,411	505,411	0	505,411

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
1600	SHOPNG CTR COMMUNITY	No Data	No Data	75260.00	SQUARE FEET	5.00	100	90	100	100	338,670	

LEGAL DESCRIPTION
15 16 33 IRREG PARCEL IN SW 1/4 OF NE 1/4 BEING S 214.55 FT
N OF ST RD 5A AS MEAS ON W/L & 293.6 FT AS MEAS ON ST RD 5A
& 239.67 FT ON E/L PER OR 4153 PG 1315 & PER OR 6524 PGS 23
77 THRU 2382

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS[Home](#)[Contact Us](#)[E-Filing Services](#)[Document Searches](#)[Forms](#)[Help](#)

Detail by Entity Name

Florida Limited Liability Company

NNP, LLC.

Filing Information

Document Number	L10000095381
FEI/EIN Number	273988382
Date Filed	09/10/2010
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	09/30/2010
Event Effective Date	NONE

Principal Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Mailing Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Registered Agent Name & Address

PATEL, NIRALI
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Authorized Person(s) Detail

Name & Address

Title MGRM

PATEL, RAKESH A
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Title MGRM

PATEL, RENUKA R
5275 SOUTH NOVA ROAD[Copyright ©](#) and [Privacy Policies](#)

State of Florida, Department of State

27-
This Instrument was Prepared by and after
recording Return to:

Kathleen S. Davis
SOUTHERN TITLE HOLDING COMPANY, INC.
400 Seabreeze Blvd.
Daytona Beach, FL 32118
CM-10-3407

**CERTIFICATE AND AFFIDAVIT
OF LIMITED LIABILITY COMPANY**

THE UNDERSIGNED, being a Managing Members of NNP, LLC, a Florida limited liability company, hereby certifies to STEWART TITLE GUARANTY COMPANY and SOUTHERN TITLE HOLDING COMPANY, LLC, as follows:

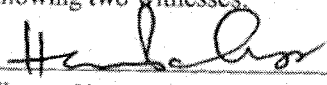
1. Attached as Schedule "A" is a true and correct copy of the Articles of Organization (the "Articles") for NNP, LLC, a Florida limited liability company (the "Company").

2. The Articles are in full force and effect and have not been revoked, modified or amended and there has been no dissolution of the Company resulting from transfer of members' interest or otherwise.

3. Management of the Company is vested in its Managing Members. The Managing Members of the Company are **RAKESH A. PATEL** and **RENUKA R. PATEL**.

EXECUTED THIS 8 day of October, 2010.

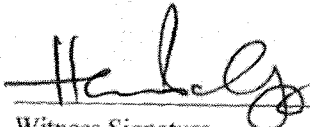
Signed in the presence of the
following two witnesses:


Witness Signature
RAKESH A. PATEL

Printed Name

Witness Signature
KATHY DAVIS

Printed Name

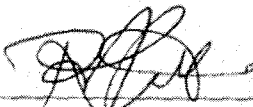

Witness Signature
RAKESH A. PATEL

Printed Name

Witness Signature
KATHY DAVIS

Printed Name

STATE OF FLORIDA
COUNTY OF VOLUSIA


RAKESH A. PATEL


RENUKA R. PATEL

FILED
10 SEP 30 PM 1:05
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

NNP, LLC

Page 1 of 2

If amending the Managers or Managing Members on our records, enter the title, name, and address of each Manager or Managing Member being added or removed from our records:

MGR = Manager

MGRM = Managing Member

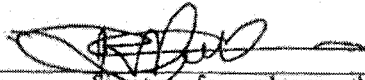
<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Type of Action</u>
MGRM	RAKESH A. PATEL	5275 SOUTH NOVA ROAD PORT ORANGE, FL 32127	☒ Add ☐ Remove
MGRM	RENUKA R. PATEL	5275 SOUTH NOVA ROAD PORT ORANGE, FL 32127	☒ Add ☐ Remove
MGRM	NIRALI PATEL	5275 SOUTH NOVA ROAD PORT ORANGE, FL 32127	☐ Add ☒ Remove
			☐ Add ☐ Remove
			☐ Add ☐ Remove
			☐ Add ☐ Remove

Instrument# 2010-184830 # 3
Book : 6524
Page : 2385
Diane M. Matousek
Volusia County, Clerk of Court

D. If amending any other information, enter change(s) here: *(Attach additional sheets, if necessary.)*

FILED
10 SEP 30 PM 1:05
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Dated SEPTEMBER 28, 2010



Signature of a member or authorized representative of a member

RAKESH A. PATEL

Typed or printed name of signee

Page 2 of 2

Filing Fee: \$25.00

Sec. 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.
- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.
 - c. Deep root fertilization.
 - (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

- (3) Reasonable growth shall be based on accepted industry standards.
- (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
- (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
- (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
- (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

Sec. 14-315. - Same—Replacement criteria.

- (a) *Landscape plantings.* When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.
- (b) *Buffer plantings.* When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material:
 - (1) Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms).
 - (2) Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms).
 - (3) Replacement shrubs will be no larger than four feet in height.
- (c) *Natural areas.* When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection (b) above shall apply.

(Code 1981, § 6-323)

Sec. 14-317. - Parking, sidewalk and driveway areas.

- (a) *Maintenance criteria.*
 - (1) *Parking lot striping, fire lane and traffic control markings.* All striping and markings required by the original site plan, the Manual of Uniform Traffic Control Devices (MUTCD), or other city codes must meet minimum visibility standards and shall conform to the design standards of the MUTCD.
 - (2) *Traffic and parking control signage.* All signage required by the site plan, the MUTCD, and other city codes shall be maintained according to accepted standards.
 - (3) *Pavement surfaces.* All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.
 - (4) *Storage of products or materials.* Designated parking, sidewalk and driveway areas shall not be

used for the storage or sale of products or materials of any type. Products or materials unloaded in designated service areas and loading zones shall be moved indoors or into approved outside storage areas within 24 hours.

(b) *Construction standards:*

- (1) All maintenance activities shall utilize materials and specifications equal to or exceeding those required for new construction of similar facilities.
- (2) All traffic sign installations shall conform to the standards of the MUTCD.

(Code 1981, § 6-325)

Sec. 14-318. - Other property improvements; maintenance criteria.

(a) *Drainage and utility improvements.* All privately owned drainage and utility improvements shall be maintained to provide service as originally designed. This includes facilities in public easements which are not owned by the city. Specifically included in required maintenance are the following activities:

- (1) Replacement of broken pipes, inlets, curbs and other structures.
- (2) Cleaning of blocked and clogged drainage structures.
- (3) Excavation and resodding of silted-in retention areas per St. Johns River Water Management District standards.

(b) *Signs.* All signs shall be maintained based on chapter 15 of the land development code of the city as follows:

- (1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the city building code, electrical codes, all other applicable codes, ordinances or requirements.
- (2) All copy shall be maintained so as to be legible and complete.
- (3) Signs shall be maintained in vertical position unless originally permitted otherwise, and in good and safe condition at all times.
- (4) Damaged faces or structural members shall be replaced.
- (5) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

(c) *Walls and fences.* All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:

- (1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.
- (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
- (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

(d) *Trash, litter and debris.* All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.

(Code 1981, § 6-326)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-946

NNP LLC,

Respondent.

Property Address: 5245 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0102

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5245 Nova Road, Port Orange, Florida 32127, is owned by NNP LLC.
4. That 5245 Nova Road, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 5245 Nova Road, Port Orange, Florida 32127, at approx. 3:45 p.m. on the 26th day of May, 2015, to Jay Patel, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

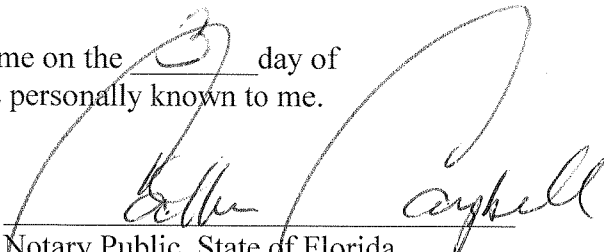
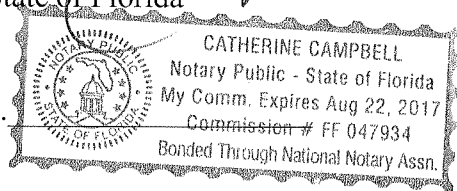
FURTHER AFFIANT SAYETH NOT.

DATED this 3rd day of June, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 3 day of May, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida
Commission No. 

CATHERINE CAMPBELL
Notary Public - State of Florida
My Comm. Expires Aug 22, 2017
Commission # FF 047934
Bonded Through National Notary Assn.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-946**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

NNP LLC
C/o Nirali Patel
5245 Nova Road
Port Orange, FL 32127
6315 [REDACTED]

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 July 8, 2015, 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), NNP LLC, C/o Nirali Patel, whose mailing address is 5278 Nova Road, Port Orange, FL 32127, is/are the owner(s) of the property located at 5245 Nova Road, Port Orange, FL 32127, and more particularly described as:

15 16 33 IRREG PARCEL IN SW 1/4 OF NE 1/4 BEING S 214.55 FT
N OF ST RD 5A AS MEAS ON W/L & 293.6 FT AS MEAS ON ST RD 5A
& 239.67 FT ON E/L PER OR 4153 PG 1315 & PER OR 6524 PGS 23
77 THRU 2382

B. All plants and shrubs that had died or are missing need to be replaced, all outside storage including the smokers which are not permitted per the development requirements need to be removed, the parking lots need to be restriped, all trash and debris need to be removed, the building needs pressure washed (painting if necessary after pressure washing), mulch needs to be applied to all landscape beds and hedgerows, and ensure all irrigation is in proper working order. This condition was first observed at the real property described above on May 1, 2014; re-inspections made on July 7, 2015 confirmed the condition as being the same. Respondent(s), NNP LLC, C/o Nirali Patel, received notice via hand delivery to Jay Patel at 3:45 p.m. on May 26, 2015. The aforesaid conditions constituted a violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances

Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), Section 317 (a) (1) (2), & Section 318 (d) , and was to be corrected by July 3, 2015.

C. At the time of the hearing on July 8, 2015, 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), NNP LLC, C/o Nirali Patel, by reason of the foregoing, has/have violated Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), Section 317 (a) (1) (2), & Section 318 (d) , in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the plants and shrubs , outside storage, restriping of the parking lots, trash and debris, landscaping, and irrigation 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 replacing all plants and shrubs that had died or are missing, all outside storage including the smokers which are not permitted per the development requirements need to be removed, the parking lots need to be restriped, all trash and debris need to be removed, mulch needs to be applied to all landscape beds and hedgerows, and ensure all irrigation is in proper working order on or before July 31, 2015. In the event that the property is not brought into compliance on or before July 31, 2015, and/or not maintained in a state of compliance, a daily fine of \$250 per day will be assessed for each day the property is in violation beyond July 31, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by July 31, 2015, 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 \$34.21 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 8 day of July, 2015

Attest: [Signature]
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.

[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(s), NNP LLC, C/o Nirali Patel, 5275 Nova Road, Port Orange, FL 32127 by Certified and Regular Mail this 8 day of July, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate



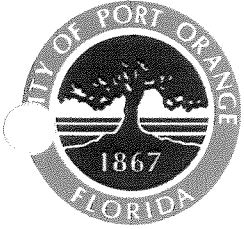
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law
This 8 day of July, 2015.
By: [Signature]

Case Cost Sheet Log

Case No. 14-1036

Name	Activity	Activity_Date	Status	Cost
NNP, LLC/C/o Nirali Patel	Notice of Violation/Notice of Hearing	05/26/2015	Hand Delivered to Jay Patel at approx. 3:45 p.m. on May 26, 2015.	\$0.00
NNP, LLC/C/o Nirali Patel	Mailing Finding of Fact/Conclusion of Law & Order to 5279 Nova Road, Port Orange, FL 32127	07/08/2015	Certified Green Card signed on 7/11/15 by "Jay" and Returned to City Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015	BK: 7138 PG: 777	\$27.00
NNP, LLC/C/o Nirali Patel	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance 5279 Nova Road, Port Orange, FL 32127	08/12/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	08/12/2015		\$44.00

Total: \$78.69



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-1036

To: NNP LLC
C/o Nirali Patel
5275 Nova Road
Port Orange, FL 32127

Re: 5279 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0101
LEGAL DESCRIPTION:

Volusia County Public Records 15 16 33 IRREG PARCEL BEING S 193 FT MEAS ON E/L OF W 126.28FT OF E 546.28 FT MEAS ON S/L & BEING 87.72 FT ON N/L & 151.95 FT ON W/L & 72.8 FT ON ST RD 5A OF SW 1/4 OF NE 1/4 PEROR 4467 PG 4476 PER OR 6514 PGS 3451-3452 & PER OR 6524 PGS2377 THRU 2382
Volusia County, FL

Inspection of the premises on **May 1, 2014**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d)

A commercial property maintenance program inspection was completed and several items as shown on the attached landscape plan need to be addressed. Such items include but are not limited to; replacement off all plants and shrubs which have died or are missing, removal of outside storage including the smokers which are not permitted per the development requirements, re-striping of all parking lot markings, removal of all trash and debris, pressure washing of the building, painting if necessary after pressure washing, applying mulch to all landscape beds and hedgerows, and ensure all irrigation is in proper working order.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 3, 2015**.

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 July 8, 2015, 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 \$ 0 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 **July 8, 2015**, 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 **August 4, 2015, 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.

DATED this 20th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: *Amada 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 NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, was

- ☒ Hand-delivered to Jay Patel
☐ Posted at the property

this 20th day of May, 2015.

Time: approx. 3:45 pm

Amada 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 NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 06-02-2015 Today's Date: 6-5-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		15-16-33-00-00-0101 6315-00-00-0101	Mill Group		402 Port Orange
Alternate Key		3633059	2014 Final Millage Rate		21.15960
Parcel Status		Active Parcel	PC Code		16
Date Created		31 DEC 1981			
Owner Name		NNP LLC		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5275 S NOVA ROAD			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100	Ownership Type		
Location Address		5279 NOVA RD PORT ORANGE 32127			

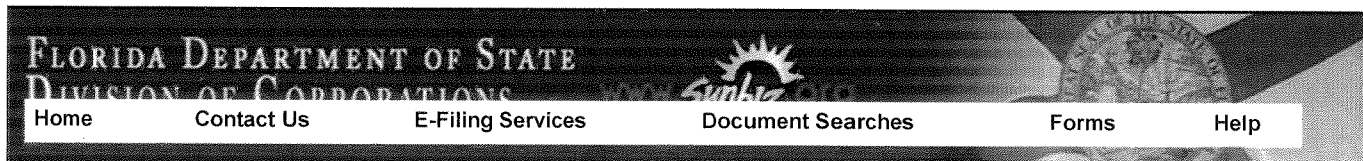
LEGAL DESCRIPTION	GO TO ADD'L LEGAL
15 16 33 IRREG PARCEL BEING S 193 FT MEAS ON E/L OF W 126.28 FT OF E 546.28 FT MEAS ON S/L & BEING 87.72 FT ON N/L & 151	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6524	2377	10/2010	Warranty Deed	Unqualified Sale	Yes	100
2	6524	2381	10/2010	Warranty Deed	Multi parcel sale	Yes	1,150,000
3	6514	3451	7/2010	Warranty Deed	Affiliated Parties	Yes	645,000

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	118,250	278,077	5,626	401,953	401,953	401,953	401,953	0	401,953	401,953	0	401,953
2013	118,250	250,939	5,645	374,834	374,834	374,834	374,834	0	374,834	374,834	0	374,834

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHF	PHY	JUST VAL	

LEGAL DESCRIPTION
15 16 33 IRREG PARCEL BEING S 193 FT MEAS ON E/L OF W 126.28
FT OF E 546.28 FT MEAS ON S/L & BEING 87.72 FT ON N/L & 151
.95 FT ON W/L & 72.8 FT ON ST RD 5A OF SW 1/4 OF NE 1/4 PER
OR 4467 PG 4476 PER OR 6514 PGS 3451-3452 & PER OR 6524 PGS
2377 THRU 2382



Detail by Entity Name

Florida Limited Liability Company

NNP, LLC.

Filing Information

Document Number	L10000095381
FEI/EIN Number	273988382
Date Filed	09/10/2010
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	09/30/2010
Event Effective Date	NONE

Principal Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Mailing Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Registered Agent Name & Address

PATEL, NIRALI
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Authorized Person(s) Detail

Name & Address

Title MGRM

PATEL, RAKESH A
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Title MGRM

PATEL, RENUKA R
5275 SOUTH NOVA ROAD

18.50
70

This Instrument Prepared by:

Kathleen S. Davis
SOUTHERN TITLE HOLDING COMPANY, LLC.
400 Seabreeze Blvd.
Daytona Beach, FL 32118

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraiser's Parcel I.D. (Folio) Number(s):

Grantee(s) S.S.#(s):

File No: cm103407

CORRECTIVE WARRANTY DEED

This Special Warranty Deed Made the 8th day of October, 2010, by D ANDREW CLARK, AKA DOUGLAS ANDREW CLARK, SUCCESSOR CO-TRUSTEE OF THE DOUGLAS J. CLARK TRUST DATED FEBRUARY 7, 1992 AND AS AMENDED IN THE FIRST RESTATEMENT DATED AUGUST 30, 2006, whose address is: 5111 S. Ridgewood Avenue, Port Orange, FL 32127, herinafter called the Grantor, to COMMONWEALTH PLAZA, LTD., a Florida limited partnership whose address is 5111 S. Ridgewood Avenue, Port Orange, FL 32127, herinafter called the Grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

To correct an error in the legal description of that certain Warranty Deed recorded in Official Records Book 6514, Page 3451.

"LOT 45, BLOCK C, BAYWOOD REPLAT AS SHOWN ON MAP IN MAP BOOK 23, PAGES 44 AND 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING WESTERLY OF ISABELLA ST. A 60 FOOT RIGHT-OF-WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF SAID LOT 45, BLOCK C PREVIOUSLY DESCRIBED THENCE ALONG THE NORTHERLY BOUNDARY OF BAYWOOD REPLAT, NORTH 90°00'00" EAST A DISTANCE OF 126.94 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF ISABELLA ST.; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF ISABELLA ST. BY A NON-TANGENT CURVE BEING CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 99.55 FEET A CENTRAL ANGLE OF 44°41'51", FOR AN ARC LENGTH OF 77.68 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 22°19'16" WEST A DISTANCE OF 75.71 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 44°36'57" WEST A DISTANCE OF 12.63 FEET; TO A POINT IN THE NORTHERLY RIGHT-OF-WAY OF NOVA RD. (S.R. 5A) A 100 FOOT RIGHT-OF-WAY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY BY A NON-TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1960.08 FEET, A CENTRAL ANGLE OF 03°29'09", FOR AN ARC LENGTH OF 119.25 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 48°29'25" WEST A DISTANCE OF 119.23 FEET; TO THE POINT OF BEGINNING SECTION 15, TOWNSHIP 16 SOUTH, RANGE 33 EAST.

and

THAT PORTION OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 15, TOWNSHIP 16, SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WESTERLY LINE OF ISABELLE AVENUE WITH THE SOUTH LINE OF SAID SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 15, SAID POINT BEING A DISTANCE OF 420 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 15; THENCE NORTH ALONG THE WEST LINE OF ISABELLE AVENUE, A DISTANCE OF 193.00 FEET TO A POINT; THENCE SOUTH 70°30' WEST A DISTANCE OF 43.66 FEET TO A POINT; THENCE SOUTH 60°02' WEST, A DISTANCE OF 43.86 FEET TO A POINT; THENCE SOUTH 39°43'10" WEST, A DISTANCE OF 151.85 FEET TO THE NORTHEASTERLY LINE OF NOVA ROAD, SAID LINE BEING A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1960.08 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE FOR A CHORD DISTANCE OF 119.23 FEET TO A POINT IN THE

Signed, sealed and delivered in our presence:

D ANDREW CLARK, AKA DOUGLAS
ANDREW CLARK, SUCCESSOR CO-TRUSTEE
OF THE DOUGLAS J. CLARK TRUST DATED
FEBRUARY 7, 1992 AND AS AMENDED IN THE
FIRST RESTATEMENT DATED AUGUST 30,
2006

Witness Signature: [Signature]

Printed Name: KATHY DAVIS

Witness Signature: [Signature]

Printed Name: Michael Pelite

By: [Signature]

D. ANDREW CLARK AKA DOUGLAS ANDREW
CLARK; SUCCESSORS CO-TRUSTEE

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 8 day of October, 2010, by DOROTHY R.
LOWER, who is personally known to me or who has produced a valid driver's license as identification.

My Commission Expires:



[Signature]
Printed Name:
Notary Public
Serial Number

Sec. 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.
- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.
 - c. Deep root fertilization.
 - (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

- (3) Reasonable growth shall be based on accepted industry standards.
- (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
- (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
- (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
- (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

Sec. 14-315. - Same—Replacement criteria.

- (a) *Landscape plantings.* When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.
- (b) *Buffer plantings.* When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material:
 - (1) Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms).
 - (2) Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms).
 - (3) Replacement shrubs will be no larger than four feet in height.
- (c) *Natural areas.* When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection (b) above shall apply.

(Code 1981, § 6-323)

Sec. 14-317. - Parking, sidewalk and driveway areas.

- (a) *Maintenance criteria.*
 - (1) *Parking lot striping, fire lane and traffic control markings.* All striping and markings required by the original site plan, the Manual of Uniform Traffic Control Devices (MUTCD), or other city codes must meet minimum visibility standards and shall conform to the design standards of the MUTCD.
 - (2) *Traffic and parking control signage.* All signage required by the site plan, the MUTCD, and other city codes shall be maintained according to accepted standards.
 - (3) *Pavement surfaces.* All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.
 - (4) *Storage of products or materials.* Designated parking, sidewalk and driveway areas shall not be

used for the storage or sale of products or materials of any type. Products or materials unloaded in designated service areas and loading zones shall be moved indoors or into approved outside storage areas within 24 hours.

(b) *Construction standards:*

- (1) All maintenance activities shall utilize materials and specifications equal to or exceeding those required for new construction of similar facilities.
- (2) All traffic sign installations shall conform to the standards of the MUTCD.

(Code 1981, § 6-325)

Sec. 14-318. - Other property improvements; maintenance criteria.

(a) *Drainage and utility improvements.* All privately owned drainage and utility improvements shall be maintained to provide service as originally designed. This includes facilities in public easements which are not owned by the city. Specifically included in required maintenance are the following activities:

- (1) Replacement of broken pipes, inlets, curbs and other structures.
- (2) Cleaning of blocked and clogged drainage structures.
- (3) Excavation and resodding of silted-in retention areas per St. Johns River Water Management District standards.

(b) *Signs.* All signs shall be maintained based on chapter 15 of the land development code of the city as follows:

- (1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the city building code, electrical codes, all other applicable codes, ordinances or requirements.
- (2) All copy shall be maintained so as to be legible and complete.
- (3) Signs shall be maintained in vertical position unless originally permitted otherwise, and in good and safe condition at all times.
- (4) Damaged faces or structural members shall be replaced.
- (5) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

(c) *Walls and fences.* All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:

- (1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.
- (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
- (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

(d) *Trash, litter and debris.* All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.

(Code 1981, § 6-326)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-1036

NNP LLC,

Respondent.

Property Address: 5279 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0101

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

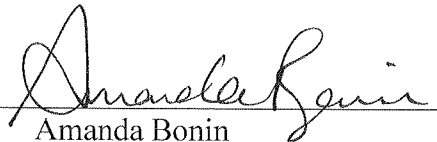
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5279 Nova Road, Port Orange, Florida 32127, is owned by NNP LLC.
4. That 5279 Nova Road, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 5279 Nova Road, Port Orange, Florida 32127, at approx. 3:45 p.m. on the 26th day of May, 2015, to Jay Patel, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 5th day of June, 2015.

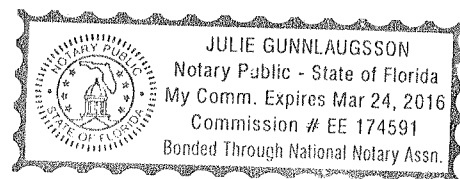

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 5th day of June, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-1036**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

NNP LLC
C/o Nirali Patel
5279 Nova Road
Port Orange, FL 32127
6315 [REDACTED]

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 July 8, 2015, 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), NNP LLC, C/o Nirali Patel, whose mailing address is 5278 Nova Road, Port Orange, FL 32127, is/are the owner(s) of the property located at 5279 Nova Road, Port Orange, FL 32127, and more particularly described as:

15 16 33 IRREG PARCEL BEING S 193 FT MEAS ON E/L OF W 126.28
FT OF E 546.28 FT MEAS ON S/L & BEING 87.72 FT ON N/L & 151
.95 FT ON W/L & 72.8 FT ON ST RD 5A OF SW 1/4 OF NE 1/4 PER
OR 4467 PG 4476 PER OR 6514 PGS [REDACTED] & PER OR 6524 PGS
2377 THRU 2382

B. All plants and shrubs that had died or are missing need to be replaced, all outside storage including the smokers which are not permitted per the development requirements need to be removed, the parking lots need to be restriped, all trash and debris need to be removed, mulch needs to be applied to all landscape beds and hedgerows, and ensure all irrigation is in proper working order. This condition was first observed at the real property described above on May 1, 2014; re-inspections made on July 7, 2015 confirmed the condition as being the same. Respondent(s), NNP LLC, C/o Nirali Patel, received notice via hand delivery to Jay Patel at 3:45 p.m. on May 26, 2015. The aforesaid conditions constituted a violation of Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code

of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), Section 317 (a) (1) (2) , & Section 318 (d) , and was to be corrected by July 3, 2015.

C. At the time of the hearing on July 8, 2015, 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), NNP LLC, C/o Nirali Patel, by reason of the foregoing, has/have violated Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), Section 317 (a) (1) (2), & Section 318 (d) , in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the plants and shrubs , outside storage, restriping of the parking lots, trash and debris, landscaping, and irrigation 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 replacing all plants and shrubs that had died or are missing, all outside storage including the smokers which are not permitted per the development requirements need to be removed, the parking lots need to be restriped, all trash and debris need to be removed, mulch needs to be applied to all landscape beds and hedgerows, and ensure all irrigation is in proper working order on or before July 31, 2015. In the event that the property is not brought into compliance on or before July 31, 2015, and/or not maintained in a state of compliance, a daily fine of \$250 per day will be assessed for each day the property is in violation beyond July 31, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by July 31, 2015, 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 \$34.21 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 8 day of July, 2015.

Attest: [Signature]
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.

[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(s), NNP LLC, C/o Nirali Patel, 5275 Nova Road, Port Orange, FL 32127 by Certified and Regular Mail this 8 day of July, 2015.

[Signature]
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 8 day of July, 2015.
By: [Signature]