



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, September 23, 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 - September 9, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-1203
Respondent: David L. Hustis
Address of Violation: 807 Angelina Court, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 08/13/2015

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.

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, Section 304.7

6. **CEB Case No.:** 15-1228

Respondent: Kimberly Seely Stacy

Address of Violation: 5417 Dubois Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/13/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste , trash, etc., prohibited, (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-1073

Respondent: Joshua Bartholomew

Address of Violation: 5413 Isabelle Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/13/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste , trash, etc., prohibited, (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

8. **CEB Case No.:** 15-1298

Respondent: Eugene & Candy Gentile

Address of Violation: 477 Leslie Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2015

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.

9. **CEB Case No.:** 15-1377

Respondent: Flavio G. Forzanti

Address of Violation: 402 Needles Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d). This is a repeat violation according to Florida Statutes 162.04(5) & 162.06(3) of the City of Port Orange Code of Ordinances.

10. **CEB Case No.:** 15-815

Respondent: Bank of America NA

% Greenburg Trauig PA

Address of Violation: 6343 Palmas Bay Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/20/2015

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.

C. ORDER IMPOSING FINE/LIEN

11. **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.

12. **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)

13. **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.

14. **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: 06/16/2015

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.

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.

Case Cost Sheet Log

Case No. 15-1203

Name	Activity	Activity_Date	Status	Cost
David L. Hustis	Mailing Notice of Violation/Notice of Hearing to 807 Angelina Court, Port Orange, FL 32127	08/17/2015	Certified Mail returned to City Clerk's Office marked "Vacant/Unable to Forward".	\$6.95
David L. Hustis	Mailing Finding of Fact/Conclusion of Law & Order to 807 Angelina Court, Port Orange, FL 32127	09/23/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015		\$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. 15-1203

To: David L. Hustis
Property Owner
807 Angelina Court
Port Orange, FL 32127

Re: 807 Angelina Court
Port Orange, FL 32127
Parcel ID: 6309-40-00-0040

LEGAL DESCRIPTION: LOT 4 SPRUCE ESTATES MB 52 PGS 69-70 INC PER OR 5892 PG 1342 PER OR 6334 PG 3540 PER OR 6708 PG 2352 PER OR 7108 PGS 2021-2022

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **JULY 15, 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: 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.

Property was initially inspected on July 15, 2015 after receiving a complaint regarding the condition of the vacant lot at this location. Lot is extremely overgrown in excess of 2 feet in height. Property was recently purchased in April 2015 by the above stated property owner but nothing has been done to maintain the lot. Due to the grass height at this time, property poses a health and safety risk due to the possible harboring of insects, snakes, rodents, etc.

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 23, 2015** by mowing the lot in its entirety.

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 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 **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 \$ 1,95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

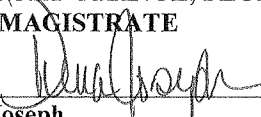
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 23, 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 **October 28, 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- 5645.

DATED this 13th day of August, 2015.

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

By: 
Dena Joseph

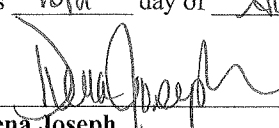
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **David L. Hustis, Property Owner, 807 Angelina Court, Port Orange, FL 32127**, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 12:55 PM

this 13th day of August, 2015.

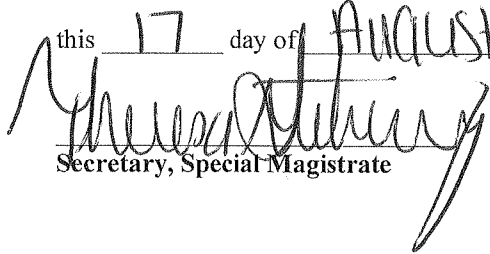

Dena Joseph

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to David L. Hustis, Property Owner, 807 Angelina Court, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified

this 17 day of August, 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
Property Appraiser

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



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Parcel Information: 6309-40-00-0040 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	6530394	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6309-40-00-0040	Mill Group	402 Port Orange
Full Parcel ID	09-16-33-40-00-0040	2014 Final Mill Rate	21.15960
Created Date	22 NOV 2005		
Property Class	00 Vacant Residential		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	HUSTIS DAVID L		
Owner Name/Address 1			
Owner Address 2	807 ANGELINA CT		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	807 ANGELINA CT PORT ORANGE 32127		

Legal Description

LOT 4 SPRUCE ESTATES MB 52 PGS 69-70 INC PER OR 5892 PG 1342 PER OR 6334 PG 3540 PER OR 6708 PG 2352 PER OR 7108 PGS 2021-2022

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7108 2021	04/2015	Warranty Deed	Qualified Sale	No	20,000
6708 2352	04/2012	Warranty Deed	Unqualified Sale	No	100
6334 3540	03/2009	Warranty Deed	Unqualified Sale	No	73,440
5892 1342	08/2006	Warranty Deed	Qualified Sale	No	74,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	11,600	0	0	11,600	11,600	10,384	0	11,600	0	10,384
2013	9,440	0	0	9,440	9,440	9,440	0	9,440	0	9,440
2012	14,600	0	0	14,600	14,600	14,600	0	14,600	0	14,600
2011	19,000	0	0	19,000	19,000	19,000	0	19,000	0	19,000
2010	19,000	0	0	19,000	19,000	19,000	0	19,000	0	19,000
2009	22,500	0	0	22,500	22,500	22,500	0	22,500	0	22,500
2008	44,200	0	0	44,200	44,200	44,200	0	44,200	0	44,200
2007	57,000	0	0	57,000	57,000	57,000	0	57,000	0	57,000
2006	50,000	0	0	50,000	50,000	50,000	0	50,000	0	50,000

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0001	VAC PVD THRU .49 AC	50.0	115.0	1.00	LOT	23000.00	100	100	100	80	18,400
Neighborhood 5779 SPRUCE ESTATES											
Total Land Classified											0
Total Land Just											18,400

Parcel Notes

JRN030110 S/R LEFT CARD NEXT DOOR, PARCEL OWNED BY SAME OWNER, PAID ASKING PRICE, NEEDED LAND FOR YAR
 PLV 1/5 REVIEW 10/2012
 PLV100212 1/5= NO CHANGE. VACANT LOT.
 021313 PLV GAVE -20% ADJ TO LAND FOR BOTH EASEMENTS

Total Values

The 2015 Working Taxroll Values are subject to change until the Proposed Taxes (TRIM) are mailed in mid-August.

Land Value	18,400 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0

Prepared By: Sherri Murtagh
Professional Title Agency, Inc.
3510 S. Nova Road, Suite 112
Port Orange, Florida 32129
incidental to the issuance of a title insurance policy.
File Number: K-0628
Parcel ID# [REDACTED]

**WARRANTY DEED
(INDIVIDUAL)**

This *WARRANTY DEED*, dated **April 22, 2015** by

David A. Atkins and Carolyn S. Atkins, Husband and Wife
Whose post office address is **282 Dents Run Road, Morgantown, WV 26501**
hereinafter called the GRANTOR, to

David L. Hustis, a Married Man
whose post office address is
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 4 of SPRUCE ESTATES, according to the plat thereof as recorded in Map Book 52, Page(s) 69, 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 2015 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:

Witness #1 Signature: Susan B. Floyd

Witness #1 Print Name: Susan B. Floyd

Witness #2 Signature: Debbie Toothman

Witness #2 Print Name: Debbie Toothman

David A. Atkins

David A. Atkins

Carolyn S. Atkins

Carolyn S. Atkins

STATE OF
COUNTY OF

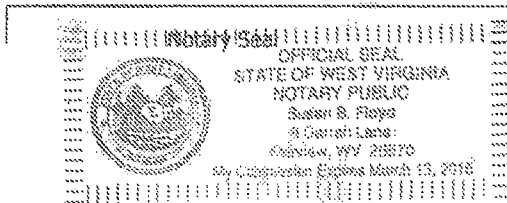
The foregoing instrument was acknowledged before me on 04/30/2015 by:

David A. Atkins and Carolyn S. Atkins, Husband and Wife

[check one:]

☐ who was personally known to me

☒ who presented the following identification: drivers license



Notary Signature: Susan B. Floyd

Notary Print Name: Susan B. Floyd

State of West Virginia

County of Monongalia

My Commission Expires 3/15/16

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.

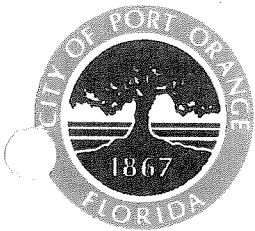
- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, 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

Case Cost Sheet Log

Case No. 15-222

Name	Activity	Activity_Date	Status	Cost
RRRAC LLC	Mailing Finding of Fact/Conclusion of Law & Order to 1559 Town Park Drive, Port Orange, FL 32129	09/23/2015		\$7.21
RRRAC LLC	Notice of Violation/Notice of Hearing hand delivered to Ram Managar on March 24, 2015 at 9:10 a.m.	03/24/2015	Hand Delivered	\$0.00
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015		\$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. 15-222

To: RRRAC LLC
1559 Town Park Drive
Port Orange, FL 32129

Re: 5080 Ridgewood Avenue
Port Orange, FL 32127
Parcel ID: 6310-12-08-0010

LEGAL DESCRIPTION: LOTS 1 & 2 BLK 8 NORWOOD EXC PART IN RD PER OR 3885 PG 1557 PER OR 6954 PG
4907

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 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:

The 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

On February 24, 2015, after receiving a complaint from a tenant at this property, Kerry Leuzinger, Building Official, Chris Weir, Fire Marshal, Chris Hutchison, Code Enforcement Supervisor, and Deborah Faircloth, Code Enforcement Officer, inspected this property. At the time of inspection, the following violations were noted:

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).

Port Orange Land Development Code prohibits accessory driveway off of Orange Blvd. as follows:

Chapter 12, Section 6(f)(1) - All parking and loading spaces, access drives, aisles, and other means of vehicular access required under this code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Port Orange, except as otherwise permitted herein. See Standard Construction Detail (SCD M-6)

Chapter 12, Section 2(b)(3)(a) - The design of access drives shall be in accordance with the following provisions: *Minor driveway entrance*. This driveway type shall be provided for a maximum daily trip end volume of 500 vehicles and/or a maximum average peak hour volume of 50 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet, measured perpendicular from the street. The city may require a turn lane of twelve 12 feet in width, with minimum 150 feet of storage and 100 feet of transition, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.

Chapter 12, Section 3(c) - Distance between access points and intersections. Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	45'	30'
Residential B	*	60'	60'	45'
Light commercial	150'	120'	90'	60'

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 **April 20, 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 \$0.00 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) 506-5644.

DATED this 24th day of March, 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 RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32129, was

☒ Hand-delivered at City Hall

☐ Posted at the property (5080 Ridgewood Ave., Port Orange, FL)

Time: 9:10am.

this 24th day of March, 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 RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32127, was

Posted at City Hall

Sent via certified

this ____ day of March, 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.

X
Ran K mg
3/24/15 9:10 AM



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: 03-10-2015 Today's Date: 3-16-2015		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	10-16-33-12-08-0010	Mill Group	402 Port Orange		
Short Parcel ID	6310-12-08-0010				
Alternate Key	3616588	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	39		
Date Created	31 DEC 1981				
Owner Name	RRRAC LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	1559 TOWN PARK DR				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	5080 RIDGEWOOD AV PORT ORANGE 32127				

LEGAL DESCRIPTION

LOTS 1 & 2 BLK 8 NORWOOD EXC PART IN RD PER OR 3885 PG 1557

PER OR 6954 PG 4907

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6954	4907	5/2013	Quit Claim Deed	Unqualified Sale	Yes	100
2	3885	1557	7/1993	Warranty Deed	Qualified Sale	Yes	111,600
3	3678	0232	8/1991	Warranty Deed	Qualified Sale	Yes	200,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	78,039	16,939	2,534	97,512	97,512	97,512	97,512	0	97,512	97,512	0	97,512
2013	78,039	15,972	2,607	96,618	96,618	96,618	96,618	0	96,618	96,618	0	96,618

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
					SQUARE						

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Limited Liability Company**

RRRAC, LLC:

Filing Information

Document Number	L13000067433
FEI/EIN Number	05-0709837
Date Filed	05/07/2013
State	FL
Status	ACTIVE

Principal Address1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Mailing Address**1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Registered Agent Name & Address**MANGAR, RAM K
1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Authorized Person(s) Detail****Name & Address**

Title MGR

MANGAR, RAM K
1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Annual Reports**

Report Year	Filed Date
2014	04/29/2014
2015	02/11/2015

Document Images

02/11/2015 -- ANNUAL REPORT

[View image in PDF format](#)

Prepared by and Return to:

D. Michael Clower, Esq.
322 Silver Beach Avenue
Daytona Beach, FL 32118

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, Executed the 2nd day of May, 2013,
by RAM K. MANGAR and RAMRAGIE MANGAR, husband and wife, first party, to RRRAC,
LLC, a Florida limited liability company, second party, whose post office address is 1559 Town Park
Drive, Port Orange, FL 32129.

*(Wherever used herein the terms "first party" and "second party" include all the parties to this
instrument and the heirs, legal representative, and assigns of individuals, and the successors and
assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the first party, for and in consideration of the sum of ten dollars
(\$10.00), and other good and valuable consideration, paid by the party of the second part, the receipt
whereof is hereby acknowledge, does hereby remise, release and quitclaim unto the second party
forever, all the right, title, interest, claim and demand which the said first part has in and to the
following described parcel of land, and improvements and appurtenances thereto, in the County of
Volusia, State of Florida, to wit:

Lots 1 and 2, Block 8, NORWOOD SUBDIVISION, according to the official records thereof
as recorded in OR Map Book 5, Page 1, Public Records of Volusia County, Florida. Tax
Parcel I.D. No. 6310-12-08-0010.

TO HAVE AND TO HOLD, The same together with all singular the appurtenances thereunto
belonging or in anyway appertaining, and all the estate, right, title, interest lien, equity and claim
whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof
of the said second party.

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

Signed, sealed and delivered
in the presence of

Cladwaf
Witness As To Both Grantors
D.M. Clower
Witness As To Both Grantors

Ram K Mangar
Ram K. Mangar, Grantor/First Party
Ramragie Mangar
Ramragie Mangar Grantor/First Party

Instrument# 2014-020076 # 2
Book: 6954
Page: 4908
Diane M. Matousek
Volusia County, Clerk of Court

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

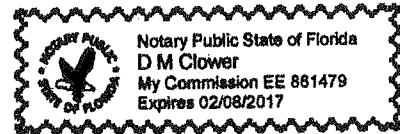
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and purposes set forth therein. The Deponents are personally known to me, or provided the following identification: _____.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of May, 2013.

D.M. Clower
Notary Signature

D.M. CLOWER
Printed Name of Notary

SEAL



national Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 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.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.

kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All 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. All 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. All 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. When 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. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.

304.12 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. All 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 not less than 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. All exterior doors, door assemblies 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 lock throw of not less than 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.

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 the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *Inter-*

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

[P] SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

[P] SECTION 503 TOILET ROOMS

503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing

ing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

[P] SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from

[DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional

facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;

18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

[F] SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible

Faircloth, Deborah

From: Burman, Tim
Sent: Friday, March 13, 2015 8:53 AM
To: Faircloth, Deborah
Cc: Hutchison, Chris
Subject: Triange Motel Access Drive - Code Requiremntns
Attachments: M-6 - Driveway Apron.pdf

Deb,

Was able to find 3 code sections pertaining to the gravel driveway located off Isabelle. If this driveway was proposed, the following codes would prohibit a driveway going in at this location



- Chapter 12, Section 6(f)(1) - All parking and loading spaces, access drives, aisles, and other means of vehicular access required under this code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Port Orange, except as otherwise permitted herein. See Standard Construction Detail (SCD M-6)

Chapter 12, Section 2(b)(3)(a) - The design of access drives shall be in accordance with the following provisions: *Minor driveway entrance*. This driveway type shall be provided for a maximum daily trip end volume of 500 vehicles and/or maximum average peak hour volume of 50 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet, measured perpendicular from the street. The city may require a turn lane of twelve 12

feet in width, with minimum 150 feet of storage and 100 feet of transition, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.

Chapter 12, Section 3(c) - Distance between access points and intersections. Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	45'	30'
Residential B	*	60'	60'	45'
Light commercial	150'	120'	90'	60'
Heavy commercial	200'	150'	105'	60'

The gravel driveway is about 20' from the right-of-way.

Tim B.

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 package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" 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 package, 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 package 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 package, 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 package 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 package, for the costs incurred by the city in bringing the property or package into

The minimum *ventilation* rates shall be 50 cubic feet per minute (24 L/s) for intermittent *ventilation* or 20 cubic feet per minute (10 L/s) for continuous *ventilation*. *Ventilation* air from the space shall be exhausted directly to the outside.

R303.4 Opening location. Outdoor intake and exhaust openings shall be located in accordance with Sections R303.4.1 and R303.4.2.

R303.4.1 Intake openings. Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant, such as vents, chimneys, plumbing vents, streets, alleys, parking lots and loading docks, except as otherwise specified in this code. Where a source of contaminant is located within 10 feet (3048 mm) of an intake opening, such opening shall be located a minimum of 2 feet (610 mm) below the contaminant source.

For the purpose of this section, the exhaust from *dwelling* unit toilet rooms, bathrooms and kitchens shall not be considered as hazardous or noxious.

R303.4.2 Exhaust openings. Exhaust air shall not be directed onto walkways.

R303.5 Outside opening protection. Air exhaust and intake openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles having a minimum opening size of $\frac{1}{4}$ inch (6 mm) and a maximum opening size of $\frac{1}{2}$ inch (13 mm), in any dimension. Openings shall be protected against local weather conditions. Outdoor air exhaust and intake openings shall meet the provisions for *exterior wall* opening protectives in accordance with this code.

R303.6 Stairway illumination. All interior and exterior stairways shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. For interior stairs the artificial light sources shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a *basement* from the outside *grade* level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

Exception: An artificial light source is not required at the top and bottom landing, provided an artificial light source is located directly over each stairway section.

R303.6.1 Light activation. Where lighting outlets are installed in interior stairways, there shall be a wall switch at each floor level to control the lighting outlet where the stairway has six or more risers. The illumination of exterior stairways shall be controlled from inside the *dwelling* unit.

Exception: Lights that are continuously illuminated or automatically controlled.

R303.7 Required glazed openings. Required glazed openings shall open directly onto a street or public alley, or a *yard* or court located on the same *lot* as the building.

Exceptions:

1. Required glazed openings may face into a roofed porch where the porch abuts a street, *yard* or court and the longer side of the porch is at least 65 percent unobstructed and the ceiling height is not less than 7 feet (2134 mm).
2. Eave projections shall not be considered as obstructing the clear open space of a *yard* or court.
3. Required glazed openings may face into the area under a deck, balcony, bay or floor cantilever provided a clear vertical space at least 36 inches (914 mm) in height is provided.

R303.7.1 Sunroom additions. Required glazed openings shall be permitted to open into sunroom *additions* or patio covers that abut a street, *yard* or court if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening, and the ceiling height of the sunroom is not less than 7 feet (2134 mm).

R303.8 Required heating. When the winter design temperature in Table R301.2(1) is below 60°F (16°C), every *dwelling unit* shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

SECTION R304 MINIMUM ROOM AREAS

R304.1 Minimum area. Every *dwelling* unit shall have at least one habitable room that shall have not less than 120 square feet (11 m²) of gross floor area.

R304.2 Other rooms. Other habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

R304.4 Height effect on room area. Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

SECTION R305 CEILING HEIGHT

R305.1 Minimum height. *Habitable space*, hallways, bathrooms, toilet rooms, laundry rooms and portions of *basements*

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive); or
2. Section 405 (performance).

401.3 Energy performance level (EPL) display card. The building official shall require that an energy performance level (EPL) display card be completed and certified by the builder to be accurate and correct before final approval of the building for occupancy. Florida law (Section 553.9085, *Florida Statutes*) requires the EPL display card to be included as an addendum to each sales contract for both presold and nonpresold residential buildings. The EPL display card contains information indicating the energy performance level and efficiencies of components installed in a dwelling unit. The building official shall verify that the EPL display card completed and signed by the builder accurately reflects the plans and specifications submitted to demonstrate code compliance for the building. A copy of the EPL Display Card can be found in Appendix C.

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

402.1.1 Component criteria. The *building thermal envelope* and air distribution system shall meet the requirements of Table 402.1.1.

402.1.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component R-value. The manufacturer's settled R-value shall be used for blown insulation. Computed R-values shall not include an R-value for other building materials or air films.

402.1.1.2 U-factor alternative. An assembly with a U-factor equal to or less than that specified in Table 402.1.1.3 shall be permitted as an alternative to the corresponding component R-value in Table 402.1.1. All other prescriptive criteria of Table 402.1.1, the prescriptive criteria in Section 402.1.2.4 and footnotes to Table 402.1.1.3 shall be met.

402.1.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table 402.1.1.3 (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table 402.1.1. All other prescriptive criteria of Table 402.1.1,

the prescriptive criteria in Section 402.1.2.4 and footnotes to Table 402.1.1.3 shall be met. The UA calculation shall be done using a method consistent with the *ASHRAE Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements of Table 402.1.1 shall be met in addition to UA compliance.

402.1.2 Limitations to compliance by Section 402.

402.1.2.1 Electric space heating. Electric resistance space heating systems shall not be used when complying with this code by Section 402.

402.1.2.2 Air handlers in attics. Air handlers may not be installed in attics when complying with Section 402.

402.1.2.3 Maximum percent window area. The window area as a percentage of the conditioned floor area (CFA) shall not exceed 20 percent.

Exceptions: The following exceptions apply to additions.

1. When a fenestration(s) in an existing exterior wall is being removed or enclosed by an addition, an amount equal to the total area of this fenestration may be subtracted from the total glass area prior to determining the installed glass percentage.
2. Additions of 600 square feet (56 m²) or less may have up to 50 percent glass to conditioned floor area.
3. Glass windows and doors that were previously located in an existing exterior wall that is being removed or enclosed by an addition do not have to comply with the U-factor and solar heat gain coefficient requirements in Table 402.1.1 when reinstalled as part of the addition.

402.1.2.4 Equipment efficiencies. Minimum equipment efficiencies for cooling, heating and water heating shall be code minimums as per Sections 503.

402.2 Specific insulation requirements (Prescriptive).

402.2.1 Ceilings with attic spaces. Reserved.

402.2.2 Ceilings without attic spaces. Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section 402.1.1.2 and the total UA alternative in Section 402.1.1.3.

402.2.3 Access hatches and doors. Access doors from conditioned spaces to unconditioned spaces (e.g., attics

Section 2: - Fire codes.



All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

- (a) *In general.* Adopted fire codes [are necessary] for the reasonable protection of life and property from the hazards of fire and explosion due to the storage, use or handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and premises.
- (b) *Adoption of Standard Fire Prevention Code.* The Florida Fire Prevention Code, current and future editions as adopted or amended by the state fire marshal, is adopted subject to all amendments, modifications

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-222

**RRRAC LLC
1559 Town Park Dr.
Port Orange, FL 32127,**

Respondent.

Property Address: 5080 Ridgewood Ave., Port Orange, FL
Parcel ID: 6310-12-08-0010

**AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, the undersigned authority, personally appeared 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 5080 Ridgewood Avenue, Port Orange, Florida 32127, is owned by RRRAC LLC.
4. That 5080 Ridgewood Avenue, 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 Port Orange City Hall, 1000 City Center Circle, Port Orange, Florida 32129, at 9:10 a.m. on the 24th day of March, 2015, to Ram Mangar, 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 24th day of March, 2015.

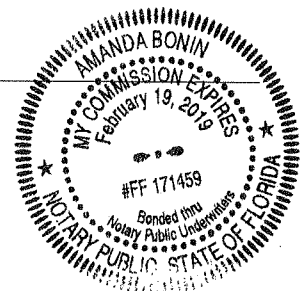
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 24th day of March, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1228

Name	Activity	Activity_Date	Status	Cost
Kimberly Seely Stacy	Mailing Notice of Violation/Notice of Hearing to 5417 Dubois Avenue, Port Orange, FL 32127	08/17/2015	Certified Mail returned to City Clerk's Office marked "Vacant/Unable to Forward".	\$6.95
Kimberly Seely Stacy	Mailing Finding of Fact/Conclusion of Law & Order to 5417 Dubois Avenue, Port Orange, FL 32127	09/23/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015		\$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. 15-1228

To:
Stacy, Kimberly Seely
5417 Dubois Ave.
Port Orange, FL 32127

Re: 5417 Dubois Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-20-0110

LEGAL DESCRIPTION: LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER
OR 5585 PG 3085

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 16, 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, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste , trash, etc., prohibited, (h) Abutting property owner maintenance of parkages.

I received a citizen complaint from a neighbor stating that this lot is overgrown and there are rodents coming from this property. He also stated it is a nuisance and needs to be mowed. An inspection of the property on July 16, 2015, confirmed that the property is in violation. After unsuccessful attempts to find the owner and inspecting the property of August 7, 2015, a Notice of Violation/Notice of Hearings is hereby prepared.

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 **September 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 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 **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 \$ 60.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 23, 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 **October 28, 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 13th day of August, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kimberly Seely Stacy, 5417 Dubois Ave., Port Orange, FL 32127, was

☐ Hand-delivered

X ☒ Posted at the property

Time: approx. 3:45 pm

this 13th day of August, 2015.

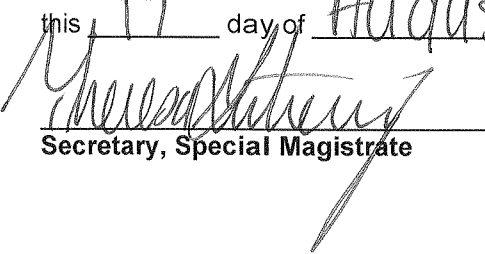
Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kimberly Seely Stacy, 5417 Dubois Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 17 day of August, 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
Property Appraiser

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



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Parcel Information: 6310-07-20-0110 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	3609590	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-20-0110	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-20-0110	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	STACY KIMBERLY SEELY		
Owner Name/Address 1			
Owner Address 2	5417 DUBOIS AVENUE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	5417 DUBOIS AV PORT ORANGE 32127		

Legal Description

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5585 3085	06/2005	Quit Claim Deed	Unqualified Sale	Yes	100
5557 0613	03/1982	Unknown	Unqualified Sale	Yes	1
1736 0025	07/1974	Warranty Deed	Qualified Sale	No	6,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	17,490	2,617	0	20,107	20,107	19,158	0	20,107	0	19,158
2013	14,850	2,566	0	17,416	17,416	17,416	0	17,416	0	17,416
2012	14,850	9,798	0	24,648	24,648	24,648	0	24,648	0	24,648
2011	15,510	8,467	0	23,977	23,977	23,977	0	23,977	0	23,977
2010	15,510	7,750	0	23,260	23,260	23,260	23,260	0	0	0
2009	17,160	8,551	0	25,711	25,711	25,711	25,000	711	0	711
2008	29,040	8,551	0	37,591	37,591	37,591	0	37,591	0	37,591
2007	41,250	6,923	0	48,173	48,173	48,173	0	48,173	0	48,173
2006	41,250	8,204	0	49,454	49,454	49,454	0	49,454	0	49,454
2005	29,700	39,235	0	68,935	68,935	68,935	0	68,935	0	68,935
2004	20,460	39,017	0	59,477	59,477	59,477	0	59,477	0	59,477
2003	15,510	33,979	0	49,489	49,489	49,489	0	49,489	0	49,489
2002	12,144	33,344	0	45,488	45,488	45,488	0	45,488	0	45,488
2001	12,144	33,648	0	45,792	45,792	45,792	0	45,792	0	45,792
2000	15,180	31,558	0	46,738	46,738	46,738	0	46,738	0	46,738
1999	12,144	30,464	0	42,608	42,608	42,608	0	42,608	0	42,608
1998	12,144	32,980	85	45,209	45,209	45,209	0	45,209	0	45,209
1997	12,144	31,110	86	43,340	43,340	43,340	0	43,340	0	43,340
1996	11,840	30,782	87	42,709	42,709	42,709	0	42,709	0	42,709
1995	11,840	28,287	88	40,215	40,215	40,215	0	40,215	0	40,215
1994	10,626	27,502	89	38,217	38,217	38,217	0	38,217	0	38,217
1993	10,626	26,344	90	37,060	37,060	37,060	0	37,060	0	37,060
1992	10,626	25,574	91	36,291	36,291	36,291	0	36,291	0	36,291
1991	11,220	25,574	92	36,886	36,886	36,886	0	36,886	0	36,886
1990	11,220	10,771	93	22,084	22,084	22,084	0	22,084	0	22,084
1989	11,220	10,504	94	21,818	21,818	21,818	0	21,818	0	21,818
1988	8,250	10,265	95	18,610	18,610	18,610	0	18,610	0	18,610
1987	7,260	10,615	96	17,971	17,971	17,971	0	17,971	0	17,971
1986	7,260	10,248	97	17,605	17,605	17,605	0	17,605	0	17,605
1985	7,260	9,366	98	16,724	16,724	16,724	0	16,724	0	16,724
1984	7,260	9,092	99	16,451	16,451	16,451	0	16,451	0	16,451

552
1870
74.20

06/24/2005 03:04 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2005-169038 # 1
Book : 5585
Page : 3085

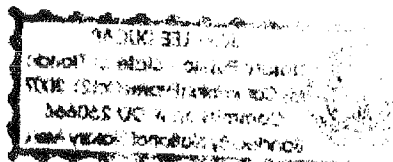
Quitclaim Deed

THIS QUITCLAIM DEED, executed this 21st day of June, 2005,
by first party, Grantor, Monna Corinne Mackay
whose post office address is 5420 Landis Avenue, Port Orange, FL 32127
to second party, Grantee, Kimberly Seely Stacy
whose post office address is 5417 DuBois Avenue Port Orange, FL 32127

WITNESSETH, That the said first party, for good consideration and for the sum of Ten Dollars
Dollars (\$ 10.00)

paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the
said second party forever, all the right, title, interest and claim which the said first party has in and to the following described
parcel of land, and improvements and appurtenances thereto in the County of Volusia
State of Florida to wit:

Soto 11+12 BSR 20 Allendale MB
4 Pg. 146 Per ser 1736 Pg. 25



IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in presence of:

Signature of Witness: Sean Erdman

Print name of Witness: Tara Erdman

Signature of Witness: Arlene White

Print name of Witness: Arlene White

Signature of First Party: Monna Corine Mackey

Print name of First Party: Monna Corine Mackey

Signature of Second Party: Kimberly Seely Stacy

Print name of Second Party: Kimberly Seely Stacy

Signature of Preparer Kimberly Seely Stacy

Print Name of Preparer Kimberly Seely Stacy

Address of Preparer 5417 Dubois Ave Port Orange, FL 32127

State of Florida
County of Volusia }

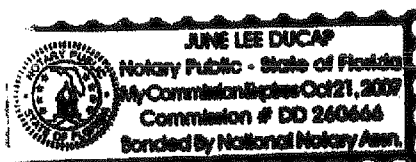
On 6-21-05 before me, June D. G.
appeared Kimberly Seely Stacy & Monna Corine Mackey
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in 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.

WITNESS my hand and official seal.

June Lee Ducap
Signature of Notary

Affiant Known ☒ Produced ID
Type of ID FL ID

(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, any 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: 15-1228

Kimberly Seely Stacy
5417 Dubois Ave.
Port Orange, FL 32127,

Respondent.

Property Address: 5417 Dubois Ave., Port Orange, FL 32127
Parcel ID: 6310-07-20-0110

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 5417 Dubois Ave., Port Orange, Florida 32127, is owned by Kimberly Seely Stacy.
4. That 5417 Dubois Ave., 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 5417 Dubois Ave., Port Orange, Florida 32127, at 3:45 p.m. on the 13th day of August, 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 14th day of August, 2015.



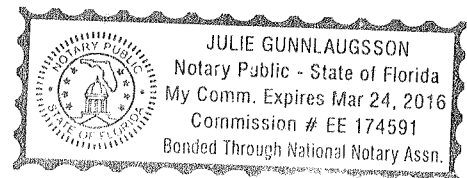
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 14th day of August, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

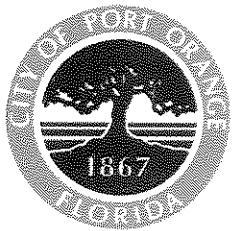


Case Cost Sheet Log

Case No. 15-1073

Name	Activity	Activity_Date	Status	Cost
Joshua Bartholomew	Mailing Notice of Violation/Notice of Hearing to 5143 Isabelle Avenue, Port Orange, FL 32127	08/17/2015	Certified Mail returned to City Clerk's Office marked "Not Deliverable As Addressed/Unable to Forward".	\$6.95
Joshua Bartholomew	Mailing Finding of Fact/Conclusion of Law & Order to 5143 Isabelle Avenue, Port Orange, FL 32127	09/23/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015		\$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. 15-1073

To:
Bartholomew, Joshua
5143 Isabelle Ave.
Port Orange, FL 32127

Re: 5143 Isabelle Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-45-0060

LEGAL DESCRIPTION: LOT 6 BLK45 ALLANDALE OR 4602 PGS 45-82-4583 & 4586-4587 PER OR 5188 PG 2655 PER
OR 5427 PG 3099 PER OR 5577 PG 0224-0225

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 16, 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, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste, trash, etc., prohibited, (h) Abutting property owner maintenance of parkages.

I observed this property as being overgrown with trash and yard debris present. It appears to be a nuisance and creating public health and safety issue and needs to be mowed. An inspection of the property on August 10, 2015, confirmed that the property is in violation and needs to be mowed and maintained and all garbage, trash, debris 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 **September 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 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 **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-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 23, 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 **October 28, 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 13th day of August, 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 Joshua Bartholomew, 5143 Isabelle Ave., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 3:25 pm

this 13th day of August, 2015.

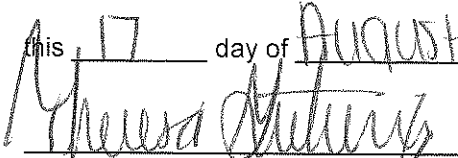
Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Joshua Bartholomew, 5143 Isabelle Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 17 day of August, 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
Property Appraiser

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



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Parcel Information: 6310-07-45-0060 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	3611993	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-45-0060	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-45-0060	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	BARTHOLOMEW JOSHUA		
Owner Name/Address 1			
Owner Address 2	5143 ISABELLE AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	5143 ISABELLE AV PORT ORANGE 32127		

Legal Description

LOT 6 BLK 45 ALLANDALE OR 4602 PGS 4582-4583 & 4586-4587 PER OR 5188 PG 2655 PER OR 5427 PG 3099 PER OR 5577 PG 0224-0225

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5577	0224	06/2005	Warranty Deed	Qualified Sale	Yes	146,100
5427	3099	10/2004	Warranty Deed	Multi parcel sale	Yes	325,000
5188	2655	10/2003	Warranty Deed	Multi parcel sale	No	175,000
5188	2653	10/2003	Warranty Deed	Unqualified Sale	No	100
4602	4586	10/2000	Quit Claim Deed	Affiliated Parties	No	10
4602	4582	09/2000	Quit Claim Deed	Affiliated Parties	No	10
4239	0281	09/1997	Quit Claim Deed	Multi parcel sale	No	10
4090	2115	02/1996	Unknown	Affiliated Parties	No	10

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	8,250	56,349	714	65,313	65,313	63,957	0	65,313	0	63,957
2013	7,095	50,317	731	58,143	58,143	58,143	0	58,143	0	58,143
2012	7,095	54,598	654	62,347	62,347	62,347	0	62,347	0	62,347
2011	7,755	60,527	670	68,952	68,952	68,952	0	68,952	0	68,952
2010	7,755	64,357	685	72,797	72,797	72,797	25,000	47,797	22,797	25,000
2009	8,580	80,775	712	90,067	90,067	90,067	25,000	65,067	25,000	40,067
2008	23,925	86,545	728	111,198	111,198	111,198	25,000	86,198	25,000	86,198
2007	25,219	103,989	658	129,866	125,650	125,650	25,000	100,650	0	100,650
2006	21,016	100,842	727	122,585	122,585	122,585	25,000	97,585	0	97,585
2005	17,149	0	0	17,149	17,149	17,149	0	17,149	0	17,149
2004	14,685	0	0	14,685	14,685	14,685	0	14,685	0	14,685
2003	8,085	0	0	8,085	8,085	8,085	0	8,085	0	8,085
2002	7,920	0	0	7,920	7,920	7,920	0	7,920	0	7,920
2001	3,960	0	0	3,960	3,960	3,960	0	3,960	0	3,960
2000	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1999	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1998	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1997	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1996	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1995	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1994	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1993	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1992	2,888	0	0	2,888	2,888	2,888	0	2,888	0	2,888
1991	2,475	0	0	2,475	2,475	2,475	0	2,475	0	2,475
1990	2,475	0	0	2,475	2,475	2,475	0	2,475	0	2,475
1989	2,310	0	0	2,310	2,310	2,310	0	2,310	0	2,310

06/15/2005 03:00 PM
Doc stamps 1022.70
(Transfer Amt \$ 146100)
Instrument# 2005-157970 # 1
Book: 5577
Page: 224

Prepared by and return to:
Denise Newport
Real Estate Assistant
Pyle & Dellinger, PL
1655 N. Clyde Morris Boulevard Suite 1
Daytona Beach, FL 32117
File No.: 4381-011
Grantee's SSN:

[Space Above This Line For Recording Data]

Warranty Deed
(STATUTORY FORM -- §689.02, F.S.)

This Indenture, made this 2 day of June, 2005
Between

A&M Enterprises, LLC, a Florida Limited Liability Company

whose post office address is 6058 Spruce Point Circle, Port Orange, FL 32128,
Grantors*, and

Joshua Bartholomew, a single man

whose post office address is 5143 Isabelle, Port Orange, FL 32127,
Grantee*,

WITNESSETH, That Grantors, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable considerations to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee and Grantee's heirs and assigns forever the following described land, situate, lying and being in Volusia County Florida, to-wit:

Lot 6, Block 45, Allandale, according to the map or plat thereof, as recorded in Map Book 4, Page 146, of the Public Records of Volusia County, Florida.

Parcel Identification Number: 6310-07-45-0060

SUBJECT TO taxes for 2005 and subsequent years. SUBJECT TO easements, conditions and restrictions of record, if any, the mention of which herein shall not operate to reimpose same.

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

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

IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

RECEIVED
 DEPT. OF AGRICULTURE
 DIVISION OF ENTOMOLOGY
 JUL 10 1914

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: 15-1073

Joshua Bartholomew
5143 Isabelle Ave.
Port Orange, FL 32127,

Respondent.

Property Address: 5143 Isabelle Ave., Port Orange, FL 32127
Parcel ID: 6310-07-45-0060

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 5143 Isabelle Ave., Port Orange, Florida 32127, is owned by Joshua Bartholomew.
4. That 5143 Isabelle Ave., 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 5143 Isabelle Ave., Port Orange, Florida 32127, at 3:25 p.m. on the 13th day of August, 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 14th day of August, 2015.

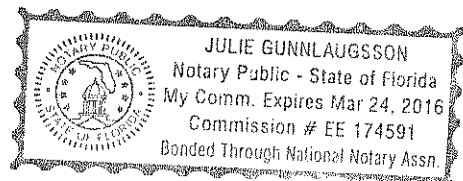

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 14th day of August, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

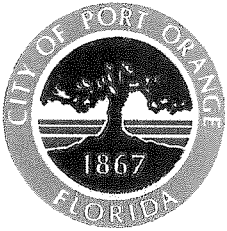


Case Cost Sheet Log

Case No. 15-1298

Name	Activity	Activity_Date	Status	Cost
Candy Gentile	Mailing Notice of Violation/Notice to Owner to 477 Leslie Drive, Port Orange, FL 32127	08/18/2015	Certified Mail returned to City Clerk's Office marked "Deceased/Unable to Forward".	\$6.95
Eugene Gentile	Mailing Notice of Violation/Notice to Owner to 477 Leslie Drive, Port Orange, FL 32127	08/18/2015	Certified Green Card returned to City Clerk's Office signed by Ralph S. on 8/20/15.	\$6.95
Candy Gentile	Mailing Finding of Fact/Conclusion of Law & Order to 477 Leslie Drive, Port Orange, FL 32127	09/23/2015		\$7.21
Eugene Gentile	Mailing Finding of Fact/Conclusion of Law & Order to 477 Leslie Drive, Port Orange, FL 32127	07/21/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015		\$27.00

Total: \$55.32



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1298

To: Eugene & Candy Gentile
477 Leslie Dr
Port Orange, FL 32127

Re: 477 Leslie Dr
Port Orange, FL 32127
Parcel ID: 6315-09-00-0190

LEGAL DESCRIPTION: LOTS 19 & 20 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 3644 PG 1844
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 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, (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.

An inspection of the property was conducted on July 23, 2015. Upon inspection, I observed the property being very overgrown. Upon re-inspection on August 6, 2015 and August 13, 2015 the condition was the same. To correct the violations, 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 **August 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 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 **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 \$ 13.46 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 23, 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 **October 28, 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 14th day of August, 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 Eugene & Candy Gentile, 477 Leslie Dr, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 2:00 p.m.

this 14 day of August, 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 Eugene & Candy Gentile, 477 Leslie Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 18 day of August, 2015.

Sheerath
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6315-09-00-0190 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	3638794	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-09-00-0190	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-09-00-0190	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	GENTILE EUGENE & CANDY		
Owner Name/Address 1			
Owner Address 2	477 LESLIE DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127-603		
Situs Address	477 LESLIE DR PORT ORANGE 32127		

Legal Description

LOTS 19 & 20 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 3644 PG 1844

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3644 1844	06/1991	Warranty Deed	Unqualified Sale	Yes	16,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	16,500	37,161	1,334	54,995	54,995	50,610	0	54,995	0	50,610
2013	13,400	31,365	1,244	46,009	46,009	46,009	0	46,009	0	46,009
2012	14,400	32,951	1,157	48,508	48,508	48,508	25,000	23,508	0	23,508
2011	17,000	39,324	1,179	57,503	52,579	52,579	25,000	27,579	2,579	25,000
2010	21,000	42,055	1,287	64,342	51,802	51,802	25,000	26,802	1,802	25,000
2009	21,000	43,575	1,428	66,003	50,440	50,440	25,000	25,440	440	25,000
2008	40,000	46,263	1,659	87,922	50,390	50,390	25,000	25,390	390	25,390
2007	44,600	56,410	1,808	102,818	48,922	48,922	25,000	23,922	0	23,922
2006	49,400	46,779	2,675	98,854	47,729	47,729	25,000	22,729	0	22,729
2005	47,610	40,959	1,678	90,247	46,339	46,339	25,000	21,339	0	21,339
2004	37,260	36,264	1,467	74,991	44,989	44,989	25,000	19,989	0	19,989
2003	37,260	34,601	1,483	73,344	44,150	44,150	25,000	19,150	0	19,150
2002	27,272	27,057	1,514	55,843	43,115	43,115	25,000	18,115	0	18,115
2001	24,840	25,330	1,538	51,708	42,437	42,437	25,000	17,437	0	17,437
2000	24,840	14,800	1,561	41,201	41,201	41,201	25,000	16,201	0	16,201
1999	24,840	25,719	1,585	52,144	52,144	52,144	25,000	27,144	0	27,144
1998	24,840	27,185	1,608	53,633	53,633	53,633	25,000	28,633	0	28,633
1997	24,840	30,369	1,677	56,886	56,227	56,227	25,000	31,227	0	31,227
1996	24,840	29,682	1,698	56,220	54,590	54,590	25,000	29,590	0	29,590
1995	24,840	26,699	1,720	53,259	53,259	53,259	25,000	28,259	0	28,259
1994	24,840	29,899	1,741	56,480	56,480	56,480	25,000	31,480	0	31,480
1993	24,840	25,247	1,762	51,849	51,849	51,849	25,000	26,849	0	26,849
1992	24,840	25,247	1,784	51,871	51,871	51,871	25,000	26,871	0	26,871
1991	24,840	26,566	1,805	53,211	53,211	53,211	25,000	28,211	0	28,211
1990	24,840	26,566	1,825	53,231	53,231	53,231	25,000	28,231	0	28,231
1989	24,840	0	9,843	34,683	34,683	34,683	0	34,683	0	34,683
1988	23,805	0	9,843	33,648	33,648	33,648	0	33,648	0	33,648
1987	23,805	0	9,843	33,648	33,648	33,648	0	33,648	0	33,648
1986	24,035	0	9,843	33,878	33,878	33,878	0	33,878	0	33,878
1985	22,990	0	9,843	32,833	32,833	32,833	0	32,833	0	32,833
1984	22,990	0	9,843	32,833	32,833	32,833	0	32,833	0	32,833
1983	10,600	0	9,843	20,443	20,443	20,443	0	20,443	0	20,443

Land Data

BOOK PAGE
3644 1844

6.00
96.00

Prepared by:

VOLUSIA CO., FL CORPORATE
WARRANTY DEED

Cecily Ondik
Columbia Title Services Inc.
200 Forest Lake Blvd.
Daytona Beach, Florida 32119

THIS INDENTURE, Made this 10th day of June, A.D. 1991 BETWEEN

Right Now Corporation

a corporation organized and existing under the laws of the State of Florida
Grantor, and Eugene Gentile and Candy Gentile, husband and wife

Whose Mailing Address is : 477 Leslie Drive Port Orange FL 32127
Grantee,

WITNESSETH: that the said Grantor, for and in consideration of the sum of ten and 00/100 Dollars and other valuable consideration, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, their heirs and assigns forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to wit:
Lots 19 and 20, Spruce Creek Village Subdivision, as per map in Map Book 33, page 36, of the Public Records of Volusia County, Florida.

REC FEE \$ 6.00 REC'D PAYMENT AS
DOC ST \$ 96.00 INDICATED FOR CLASS
INT TAX \$ 00 INTANGIBLE & DOC
PENALTY \$ STAMP TAXES SIGNED
INTEREST \$
Clerk Circuit Court Volusia Co. Florida

FILED FOR RECORD
RECORD VERIFIED

072156

CLERK CIRCUIT COURT
VOLUSIA CO., FL

1991 JUN 12 AM 8:48

Subject to covenants, restrictions and easements of record. Subject also to taxes for 19 90 and subsequent years.

Parcel Identification Number: 4315-09-00-0190

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

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be hereto affixed the day and year first above written.
Right Now Corporation

Signed and Sealed in Our Presence:

by:

A. Zimmerman

Its President

(Corporate Seal)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 10th day of June 1991, by A. Zimmerman, President

of Right Now Corporation
a Florida corporation, on behalf of the corporation.

Notary Public
My commission expires:

01-1-1998

NOTARY PUBLIC STATE OF FLORIDA
MY COM. EXPIRES 01-01-1998
RECORDED THIS 12th DAY OF JUNE 1991

072156

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.

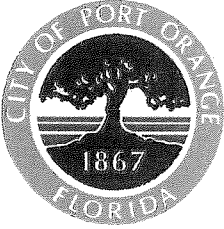
- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, 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)

Case Cost Sheet Log

Case No. 15-1377

Name	Activity	Activity_Date	Status	Cost
Flavio G. Forzanti	Mailing Notice of Violation/Notice of Hearing to 402 Needles Drive, Port Orange, FL 32127	08/18/2015	Certified Mail returned to City Clerk's Office marked "Not Deliverable As Addressed/Unable to Foward".	\$6.95
Flavio G. Forzanti	Mailing Finding of Fact/Conclusion of Law & Order to 402 Needles Drive, Port Orange, FL 32127	09/23/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015		\$27.00

Total: \$41.16



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1377

To: Flavio G. Forzanti
402 Needles Dr
Port Orange, FL 32127

Re: 402 Needles Dr
Port Orange, FL 32127
Parcel ID: 6322-05-00-0040

LEGAL DESCRIPTION: LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 5408 PG 2638 PER
OR 5995 PG 3136-3137.

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **August 10, 2015** indicates that certain violation(s) of the City of Port Orange Code exist. 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). This is a repeat violation according to Florida Statutes 162.04(5) & 162.06(3).

On August 10, 2015 I observed a repeat violation of the above referenced codes. The original case # 15-49 was heard on April 22, 2015 by the City of Port Orange Special Magistrate and was found in violation. See attached recorded finding of Fact, Conclusion of Law and Order. To abate the violation, the lawn must be mowed and all high weeds trimmed.

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(s) 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 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 **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.

CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 10.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 23, 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 **October 28, 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 14th day of August, 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 Flavio G. Forzanti, 402 Needles Dr, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 2:25 pm

this 14th day of August, 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 Flavio G. Forzanti, 402 Needles Dr, Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified

this 18 day of August, 2015.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Property Appraiser

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



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Location Address Property Information

Parcel Information: 6322-05-00-0040 2015 Working Tax Roll Last Updated: 08-08-2015

Owner Name and Address

Alternate Key	3664230	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6322-05-00-0040	Mill Group	402 Port Orange
Full Parcel ID	22-16-33-05-00-0040	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	FORZANTI FLAVIO G		
Owner Name/Address 1			
Owner Address 2	402 NEEDLES DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	402 NEEDLES DR PORT ORANGE 32127		

Legal Description

LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 5408 PG 2638 PER OR 5995 PG 3136-3137

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5995 3136	01/2007	Warranty Deed	Qualified Sale	No	195,000
5408 2638	09/2004	Warranty Deed	Qualified Sale	Yes	184,000
4790 4692	12/2001	Warranty Deed	Qualified Sale	Yes	110,000
4320 4419	06/1998	Warranty Deed	Qualified Sale	Yes	97,500
2007 0033	08/1978	Warranty Deed	Qualified Sale	Yes	47,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	18,340	78,997	1,061	98,398	86,326	86,326	25,000	61,326	25,000	36,326
2013	17,194	66,768	1,088	85,050	85,050	85,050	25,000	60,050	25,000	35,050
2012	20,633	66,532	975	88,140	88,140	88,140	25,000	63,140	25,000	38,140
2011	24,071	89,918	999	114,988	114,988	114,988	25,000	89,988	25,000	64,988
2010	24,071	94,473	1,023	119,567	119,567	119,567	25,000	94,567	25,000	69,567
2009	34,388	104,801	1,065	140,254	140,254	140,254	25,000	115,254	25,000	90,254
2008	71,642	89,081	1,089	161,812	161,812	161,812	0	161,812	0	161,812
2007	84,825	103,156	985	188,966	161,621	161,621	25,000	136,621	0	136,621
2006	77,373	119,635	0	197,008	157,679	157,679	25,000	132,679	0	132,679
2005	64,191	88,895	0	153,086	153,086	153,086	25,000	128,086	0	128,086
2004	34,961	93,777	0	128,738	107,717	107,717	25,500	82,217	0	82,217
2003	30,376	82,209	0	112,585	105,709	105,709	25,500	80,209	0	80,209
2002	30,376	72,855	0	103,231	103,231	103,231	25,000	78,231	0	78,231
2001	30,376	68,732	0	99,108	87,482	87,482	25,000	62,482	0	62,482
2000	30,376	54,558	0	84,934	84,934	84,934	25,000	59,934	0	59,934
1999	30,376	52,623	0	82,999	82,999	82,999	25,000	57,999	0	57,999
1998	30,376	51,260	0	81,636	81,025	81,025	25,500	55,525	0	55,525
1997	30,376	49,295	0	79,671	79,671	79,671	25,500	54,171	0	54,171
1996	30,376	53,525	0	83,901	80,930	80,930	25,500	55,430	0	55,430
1995	30,376	48,581	0	78,957	78,957	78,957	25,500	53,457	0	53,457
1994	30,376	49,626	0	80,002	80,002	80,002	25,500	54,502	0	54,502
1993	18,340	57,837	0	76,177	76,177	76,177	25,500	50,677	0	50,677
1992	18,340	55,083	0	73,423	73,423	73,423	25,500	47,923	0	47,923
1991	18,340	55,083	0	73,423	73,423	73,423	25,500	47,923	0	47,923
1990	18,340	55,083	0	73,423	73,423	73,423	25,500	47,923	0	47,923
1989	18,340	53,695	0	72,035	72,035	72,035	25,500	46,535	0	46,535
1988	18,340	52,457	0	70,797	70,797	70,797	25,500	45,297	0	45,297
1987	18,340	51,668	0	70,008	70,008	70,008	25,500	44,508	0	44,508
1986	18,340	49,112	0	67,452	67,452	67,452	25,500	41,952	0	41,952

01/24/2007 12:30 PM
Doc stamps 1365.00
(Transfer Amt \$ 195000)
Instrument# 2007-018564 # 1
Book : 5995
Page : 3136

Prepared by
Cathy Pulliam, an employee of
First American Title Insurance Company
555 West Granada Boulevard, Suite H-12
Ormond Beach, Florida 32174
(386)673-6114

Return to: Grantee

File No.: 1061-1450166

WARRANTY DEED

This indenture made on **January 19, 2007 A.D.**, by

Ira M. Lauer and Beatrice Lea Lauer a/k/a Beatrice Whitaker a/k/a Beatrice Hummer Lauer, husband and wife

whose address is: **149 Sand Pebble Circle, Port Orange, FL 32129**
hereinafter called the "grantor", to

Flavio G. Forzanti, a single person

whose address is: **402 Needles Drive, Port Orange, FL 32127**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$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**, to-wit:

Lot 4, TREETOP SUBDIVISION, according to the plat thereof as recorded in Map Book 34, Page(s) 74, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **632205000040**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

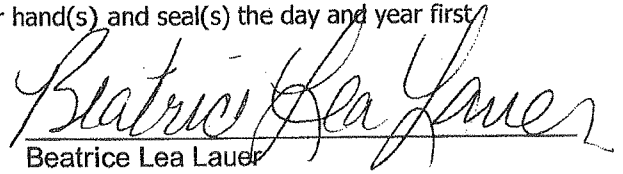
Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

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

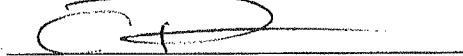
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2006.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.


Ira M. Lauer


Beatrice Lea Lauer

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: CATHY H. PULLIAM


Witness Signature

Print Name: Tim Scheiber

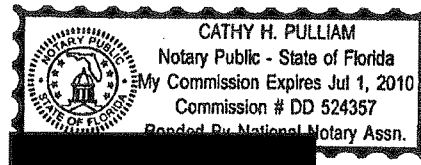
State of **FL**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **January 19, 2007**, by **Ira M. Lauer and Beatrice Lea Lauer** who is/are personally known to me or who has/have produced a valid driver's license as identification.


NOTARY PUBLIC

Notary Print Name _____
My Commission Expires: _____



CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-049

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Flavio G. Forzanti
402 Needles Drive
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 April 22, 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), Flavio G. Forzanti, whose mailing address is 402 Needles Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 402 Needles Drive, Port Orange, FL 32127, and more particularly described as:

LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 540
8 PG 2638 PER OR 5995 PG [REDACTED]

B. There are high weeds and grass along with trash and yard debris and a separated, broken section of a stockade fence about to fall on the property. This condition was first observed at the real property described above on January 22, 2015; re-inspections made on April 2, 2015 and April 20, 2015 confirmed the condition as being the same. Respondent(s), Flavio G. Forzanti, received notice via certified mail and posted at City Hall on February 26, 2015. Additionally, the notice was also posted at the property February 25, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(b)(4)(b)(d) of the City of Port Orange Land Development Code, and was to be corrected by March 13, 2015.

C. At the time of the hearing on April 22, 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), Flavio G. Forzanti, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(b)(4)(b)(d) of the City of Port Orange Land Development Code, 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, trash and yard debris, and the broken section of the stockade fence, 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 the entire property and trimming high weeds, remove all garbage and yard debris, and repair the damaged stockade fence in the back yard to its original upright position including replacing any broken or missing pickets on or before May 1, 2015. In the event that the property is not brought into compliance on or before May 1, 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 May 1, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by May 1, 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 22 day of April, 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), Flavio G. Forzanti, 402 Needles Drive, Port Orange, FL 32127 by Certified and Regular Mail this 23 day of April, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate

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)

Case Cost Sheet Log

Case No. 15-815

Name	Activity	Activity_Date	Status	Cost
Bank of America NA % Greenburg Trauig PA	Mailing Notice of Violation/Notice of Hearing to 450 S. Orange Avenue, STE 650, Orlando, FL 32801	08/21/2015	Certified Green Card returned to City Clerk's Office signed.	\$6.73
Bank of America NA % Greenburg Trauig PA	Mailing Finding of Fact/Conclusion of Law & Order to 450 S. Orange Avenue, STE 650, Orlando, FL 32801	09/23/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015		\$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. 15-815

To: Bank of America NA
% Greenburg Trauig PA
450 S. Orange Ave, STE 650
Orlando, FL 32801

Re: 6343 Palmas Bay Cir
Port Orange, FL 32127
Parcel ID: 6338-06-00-0220

LEGAL DESCRIPTION: LOT 22 PALMAS BAY CLUB SUB MB 39 PGS 145-146 INC PER OR 3708 PG 1873 PER OR 5902 PG 0280 PER OR 5942 PG 1331 PER OR 6863 PG 3483 PER OR 6936 PG 4744.

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

An inspection of the property was conducted on May 6, 2015. I observed the lawn being overgrown, a downed tree and tree limbs in the yard and pieces of a roof tarp on the ground. On August 20, 2015 I contacted Safeguard Properties and notified them of the alleged violations. I was told to send a copy of the Notice of Hearing to them via e-mail or fax and they will forward the information to the bank. To correct the alleged violations, the entire property needs to be mowed and all high weeds trimmed, all garbage, trash, junk and debris removed and all downed trees and/or tree limbs must be removed from the property.

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 **September 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 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 **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 \$ 4.93 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 23, 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 **October 28, 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 20th day of August, 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 Bank of America NA, % Greenburg Trauig PA, 450 S. Orange Ave STE 650 Orlando, FL 32801, RE: 6343 Palmas Bay Cir, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

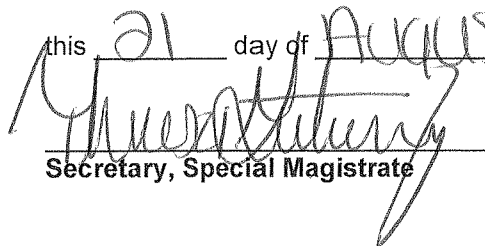
Time: approx. 11:55 a.m.

this 20th day of August, 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 Bank of America NA, % Greenburg Trauig PA, 450 S. Orange Ave STE 650 Orlando, FL 32801, RE: 6343 Palmas Bay Cir, Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified

this 21 day of AUGUST, 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
Property Appraiser

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



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6338-06-00-0220 2015 Working Tax Roll Last Updated: 08-16-2015

Owner Name and Address

Alternate Key	4728171	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6338-06-00-0220	Mill Group	402 Port Orange
Full Parcel ID	38-16-33-06-00-0220	2014 Final Mill Rate	21.15960
Created Date	30 JAN 1985		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	BANK OF AMERICA NA		
Owner Name/Address 1	% GREENBERG TRAUIG PA		
Owner Address 2	450 S ORANGE AVE STE 650		
Owner Address 3	ORLANDO FL		
Owner Zip Code	32801		
Situs Address	6343 PALMAS BAY CIR PORT ORANGE 32127		

Legal Description

LOT 22 PALMAS BAY CLUB SUB MB 39 PGS 145-146 INC PER OR 3708 PG 1873 PER OR 5902 PG 0280 PER OR 5942 PG 1331 PER OR 6863 PG 3483 PER OR 6936 PG 4744

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6936 4744	12/2013	Certificate of Title	Unqualified Sale	Yes	100
6863 3483	05/2013	Certificate of Title	Unqualified Sale	Yes	100
5942 1331	10/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5902 0280	08/2006	Warranty Deed	Distress sale	Yes	405,000
5526 2779	03/2005	Unknown	Unqualified Sale	Yes	100
3708 1873	11/1991	Warranty Deed	Qualified Sale	Yes	192,400
3076 1624	12/1987	Trustee's Deed	Multi parcel sale	No	100
2978 0208	04/1987	Warranty Deed	Multi parcel sale	No	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	85,000	220,571	0	305,571	305,571	305,571	0	305,571	0	305,571
2013	80,000	188,450	0	268,450	268,450	268,450	0	268,450	0	268,450
2012	80,000	179,770	0	259,770	259,770	259,770	0	259,770	0	259,770
2011	84,000	175,864	0	259,864	259,864	259,864	0	259,864	0	259,864
2010	84,000	192,674	0	276,674	276,674	276,674	0	276,674	0	276,674
2009	98,000	214,699	0	312,699	312,699	312,699	0	312,699	0	312,699
2008	126,000	238,554	0	364,554	364,554	364,554	0	364,554	0	364,554
2007	150,000	296,337	0	446,337	446,337	446,337	25,000	421,337	0	421,337
2006	260,000	194,411	0	454,411	454,411	454,411	0	454,411	0	454,411
2005	92,000	151,035	0	243,035	171,059	171,059	25,000	146,059	0	146,059
2004	61,000	186,924	0	247,924	166,077	166,077	25,000	141,077	0	141,077
2003	38,250	163,576	0	201,826	162,980	162,980	25,000	137,980	0	137,980
2002	39,300	124,564	0	163,864	159,160	159,160	25,000	134,160	0	134,160
2001	39,300	117,354	0	156,654	156,654	156,654	25,000	131,654	0	131,654
2000	39,000	114,160	0	153,160	153,160	153,160	25,000	128,160	0	128,160
1999	40,000	126,556	0	166,556	165,630	165,630	25,000	140,630	0	140,630
1998	40,000	123,022	0	163,022	163,022	163,022	25,000	138,022	0	138,022
1997	40,000	134,756	0	174,756	172,283	172,283	25,000	147,283	0	147,283
1996	40,000	132,109	0	172,109	167,266	167,266	25,000	142,266	0	142,266
1995	40,000	123,187	0	163,187	163,187	163,187	25,000	138,187	0	138,187
1994	40,000	119,583	0	159,583	159,583	159,583	25,000	134,583	0	134,583
1993	40,000	113,434	0	153,434	153,434	153,434	25,000	128,434	0	128,434
1992	40,000	113,434	0	153,434	153,434	153,434	25,000	128,434	0	128,434

05/29/2013 04:06 PM

Doc stamps .70

(Transfer Amt \$ 100)

Instrument# [REDACTED] # 1

Book : 6863

Page : 3483

Diane M. Matousek

Volusia County, Clerk of Court

Case No. 2007 32752 CICI

Div.

**In The Circuit Court, Seventh Judicial Circuit
In And For Volusia County, Florida**

BANK OF AMERICA, ETC

Plaintiff(s)

VS.

MAVANY L TANT ; PALMAS BAY CLUB HOMEOWNERS ASSOCIATION
INC ; COUNTRYWIDE HOME LOANS ; MICHAEL S CAFFREY ;
UNKNOWN SPOUSE OF MAVANY L TANT ; JOHN DOE ; JANE DOE ;
RIVERWOOD PLANTATION HOMEOWNERS ASSOCIATION
Defendant(s)

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that a Certificate of Sale has been filed in this action and on the 21st day of May, 2013 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Volusia County, Florida:

**Subject property, known as 6343 Palmas Bay Circle, Port Orange, FL 32127; a/k/a
full parcel 38-16-33-06-00-0220; a/k/a short parcel # 6338-06-00-0220; a/k/a Book
#5902, page 0280, in the Official Records of Volusia Co. The legal description is lot
#22, Palmas Bay Club Subdiv.; MB 39, PGS 145-146, INC PER OR 3708 PG 1873
PER-OR 5902, PG 0280, PER-OR 5942, PG 1331.**

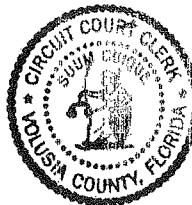
was sold to and the Certificate of Title is hereby issued to:

PALMAS BAY CLUB HOMEOWNERS ASSOCIATION, INC

whose address is: c/o Nelson & Selwitz, Prop. Mgr., 1190 Pelican Bay Dr. Daytona Beach, FL, 32114

Witness my hand and seal on 21st day of May, 2013 in Volusia County, Florida.

FILED
13 MAY 21 AM 9:06
CLERK OF THE CIRCUIT
& CTY. COURT VOLUSIA
CC 32



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

By: Jennifer Vazquez
Deputy Clerk

Sale Amt. \$100.00 D/S \$0.70 Parcel ID # 38-16-33-06-00-0220

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.

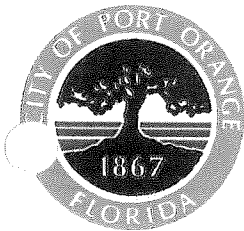
- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, 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)

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	Certified Mail returend to City Clerk's Office marked "Unclaimed/Unable to Forward".	\$6.73
Aki Bexhet Rexha	Mailing Finding of Fact/Conclusion of Law & Order to 23 Strauss St., Staten Island, NY 10305	08/12/2015	Certified Green Card signed and returned to City Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015	BK: 7159 PG: 250	\$27.00
Aki Bexhet Rexha	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$44.00

Total: \$85.64



**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.

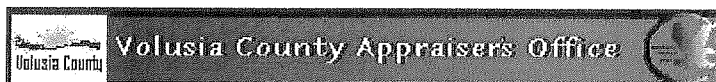
Theresa Gutierrez
Secretary, Special Magistrate

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.

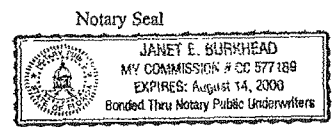
SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: <u>Janet E. Burkhead</u> Print Name: JANET BURKHEAD	Signature: <u>Kenneth L. Love</u> KENNETH L. LOVE
Signature: <u>Diana Drollett</u> Print Name: DIANA DROLLETT	Signature: <u>Zuleica L. Love</u> 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.

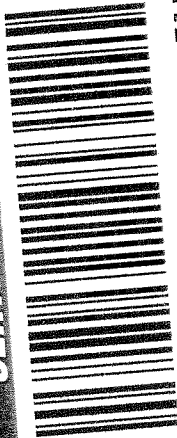
Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (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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CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

7014 2870 0000 2137 6716
7014 2870 0000 2137 6716

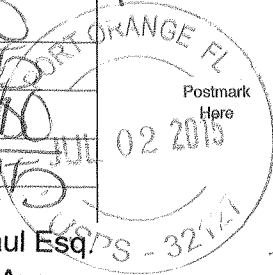
7014 2870 0000 2137 6716

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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

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

Postmark
Here

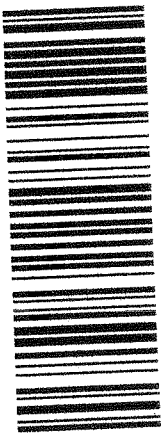
Sent To: Christopher B. Paul Esq.
142 E. New York Avenue
Street or PO: DeLand, FL 32724
City, S: Case #15-785 SM 8/12/2015

PS Form 3800, October 2010 Edition

Hasler
07/02/2015
USPS
ZIP 32129
011011644012

\$06.95

CERTIFIED MAIL



AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
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 - 32129

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-822**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Aki Bexhet Rexha
Mills Rd. Lane
Port Orange, FL 32127
6316 [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 August 12, 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), Aki Bexhet Rexha, whose mailing address is 23 Straus Street, Staten Island, NY 10305, is/are the owner(s) of the property located at Mills Rd. Lane, Port Orange, FL 32127, and more particularly described as:

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

B. The property is very overgrown with fallen trees and limbs throughout the lawn. The condition was first observed at the real property described above on May 6, 2015; re-inspections made on August 3, 2015 and August 11, 2015 confirmed the condition as being the same. Respondent(s), Aki Bexhet Rexha, received notice via certified mail on July 2, 2015. Additionally, the notice was posted on the property and City Hall on July 1, 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) of the City of Port Orange Code of Ordinances, and was to be corrected by July 31, 2015.

C. At the time of the hearing on August 12, 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), Aki Bexhet Rexha, 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) 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 and fallen trees and limbs 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 maintain the overgrown grass and removing all fallen trees and limbs on or before August 21, 2015. In the event that the property is not brought into compliance on or before August 21, 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 August 21, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by August 21, 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 \$40.94 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 12 day of August, 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), Aki Bexhet Rexha, 23 Strauss Street, Staten Island, NY 10305 by Certified and Regular Mail this 27 day of August, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate



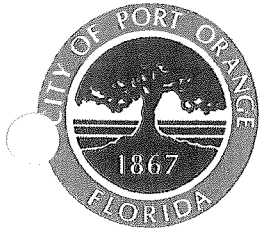
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
By: [Signature] This 27 day of August, 2015.

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	09/23/2015	Certified Green Card signed and returned to City Clerk's Office.	\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015	BK: 7159 PG: 253	\$27.00
Home Depot USA, Inc.	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$44.00

Total: \$78.43



**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.

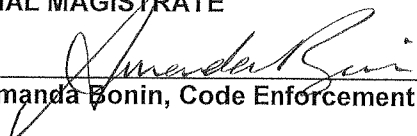
NOTICE OF HEARING SETTING FINE AND LIEN

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

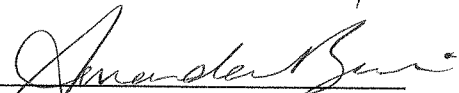
By: 
Amanda Bonin, Code Enforcement Officer

☒ 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 Fdez
Print Name: SONIA FUENTES

[Signature] (SEAL)
JEROME H. UNATIN

April Hurtado
Print Name: April Hurtado

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

[Signature] (SEAL)
MARIE-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

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

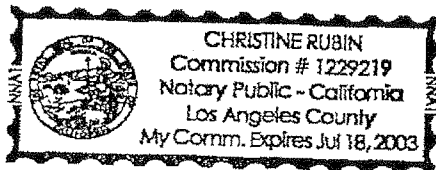
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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

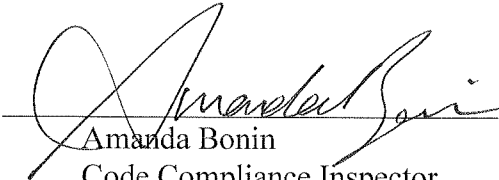
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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**

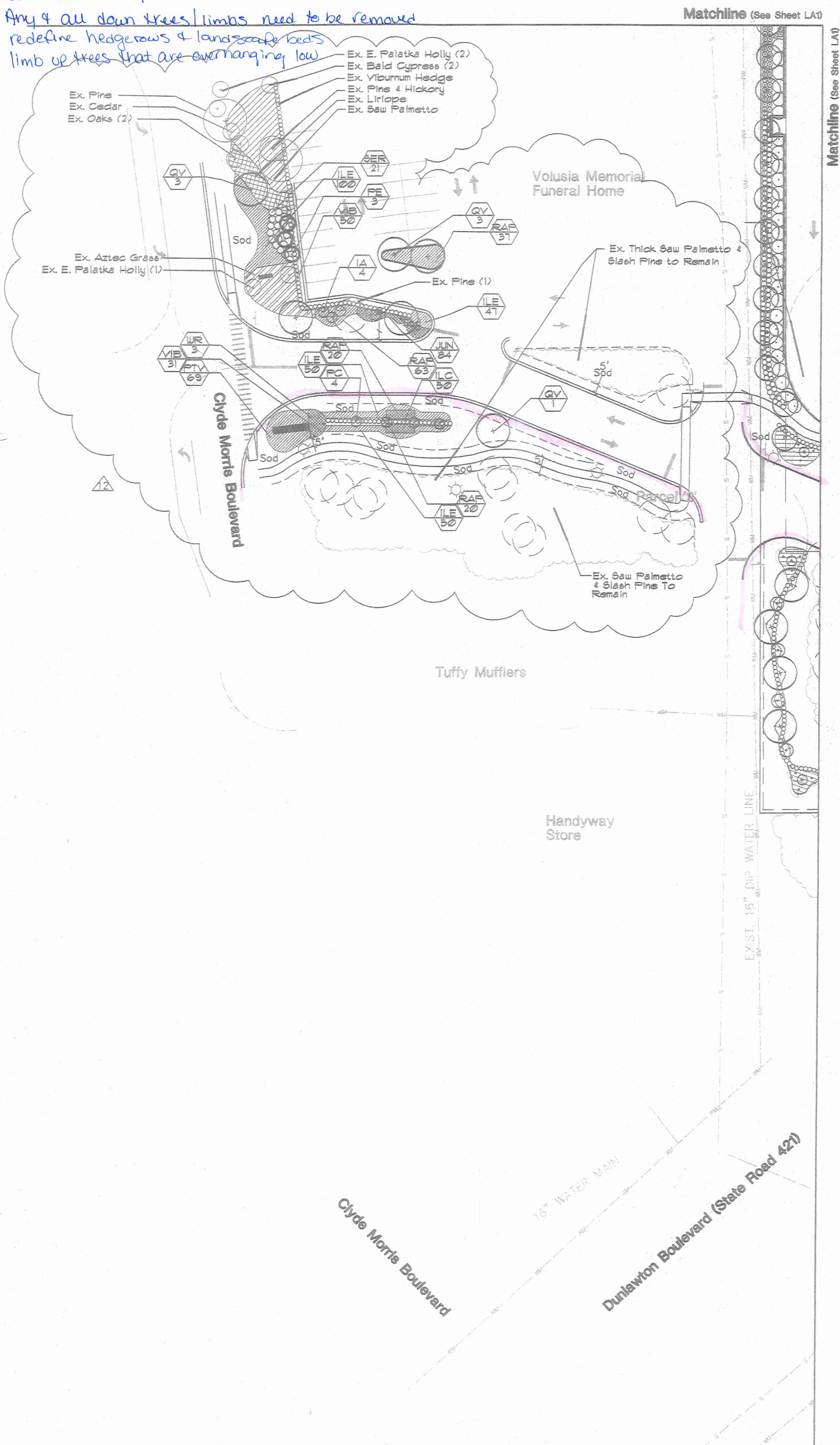
The foregoing instrument was sworn to before me on the 17 day of July, 2015, by Amanda Bonin, who is personally known to me.


Cynthia Dodson
Notary Public, State of Florida

Commission No. 4/22/15



Fertilize
All landscape beds & hedgerows need to be weeded & mulched
All 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
Shrubs (20/100 IF)	1276	1235
East Property Line (10' wide Buffer) = 25 IF		
Shade Trees (20/100 IF)	5	12
Understory Trees (20/100 IF)	43	5
Shrubs (20/100 IF)		97

	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	539
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)	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 143,962.56 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' hxd' apr, 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' hxd' apr, multi-trunk, tree form, 5' trunk min, 1 1/2" cal. min
MG	39	Magnolia grandiflora	Southern Magnolia	10' hxd' apr, 2 1/2" cal., straight, single trunk, 4' cl.
MLG	4	Magnolia grandiflora	Little Gem Magnolia	4-5' hxd' 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' hxd' apr, 1" cal.
QV	97	Quercus virginiana	Live Oak	10' hxd' apr, 2 1/2" cal. min, straight, single trunk, 4' cl.
SA	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.
UR	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" hxd' apr, 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	144	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	567	Liriodendron tulipifera	Variegated Liriodendron	15, full 5' bide/pot (min), 18" O.C.
MYR	210	Myrica carterii	Wax Myrtle	15, 36" x 24" apr, full to base, 48" O.C.
PHI	250	Philodendron sellowianum	Philodendron	15, 36" x 24", full, 48" O.C.
POD	80	Podocarpus neriifolius	Podocarpus	15, 36" hxd' apr, full to base, 24" o.c.
PTY	236	Pittosporum tobira	Variegated Pittosporum	15, 18" x 18", full to base, 24" o.c.
RAP	326	Raphiophora indica	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.
SRA	842	Spartina bakeri	Sand Cordgrass	15, 18" hxd' apr, full 36" O.C.
TCA	90	Taxodium distichum	Dwarf Cypress	15, 12" apr, 24" o.c.
VIB	1480	Viburnum odoratissimum	Sweet Viburnum	15, 24" hxd' apr, full to base, 36" O.C.
VIS	224	Viburnum suspensum	Sandbar Viburnum	15, 24" hxd' apr, full to base, 36" O.C.

Miscellaneous

SCD	TBD	Stenotaphrum secundatum	St. Augustine	800, 100% insect/disease free, laid light, rolled
		Paspalum	Paspalum	

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.

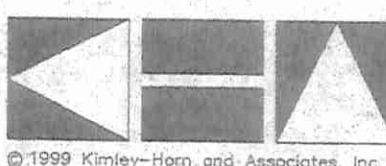
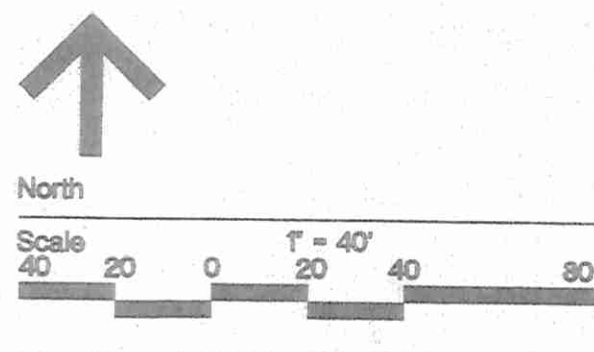
All landscaped areas shall be fully irrigated with an automatic irrigation system.

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

DATE	BY	REVISION
12FEB02	DTW	1
08OCT00	DTW	2
21SEP00	DTW	3
20JUN00	DTW	4
12FEB02	DTW	5
08OCT00	DTW	6
21SEP00	DTW	7
20JUN00	DTW	8

JOB NO.	DRAWN BY	CHECKED BY	APPROVED BY	FILENAME	DATE
047027046	URG	DTW	DTW	270461-NEW3	12FEB02

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

Sod Temporary Spreader Swale
as necessary with Argentine Bahia Grass

Out Parcel 2

Fine Straw
Mulch

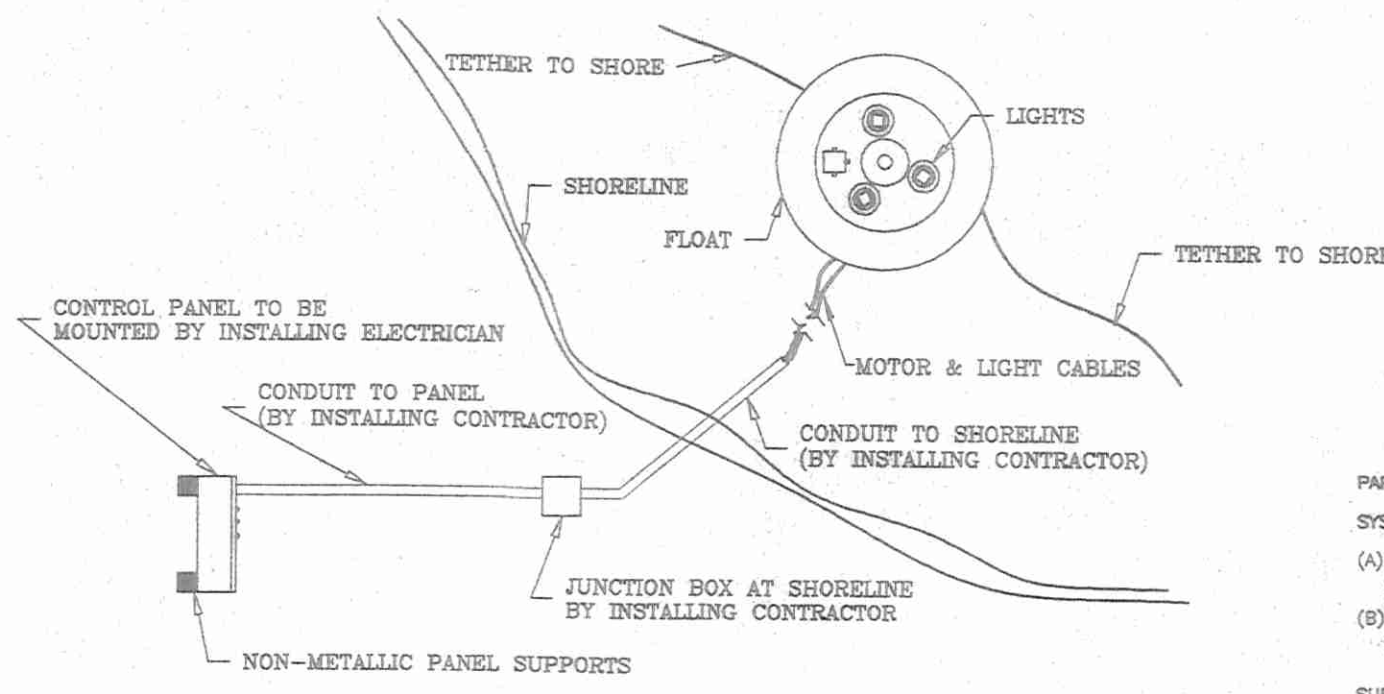
Undisturbed
Turf Area

Fine Straw
Mulch

Hatch Area Depicts
Conservation Easement

Remove & replace
dead vegetation

replace dead
ligustrum



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

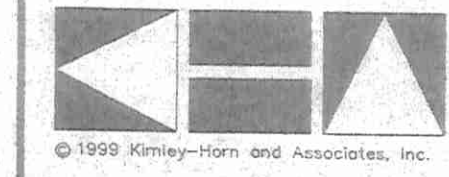
WARRANTY
The manufacturer shall deem the fountain equipment as provided in PART TWO: PRODUCTS
of these specifications, free of defects in material and workmanship for a period of one (1) year
from delivery.

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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Suite 108
1080 Woodcock Road
Orlando, Florida
32803
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
20JUN00	DTW	27MAR00
	DTW	19APR00
	DTW	02MAY00
	DTW	17MAY00
	DTW	30MAY00

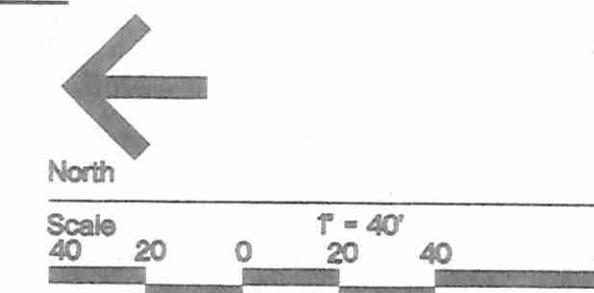
Per As-Built Drawings
12 Per City Comments
11 Per City Comments
10 Per City Comments
9 Per City Comments

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

SCALE 1" = 40'

SHEET NO.
LA-2

Matchline (See Sheet LA2)



Note:
Where existing median is being modified, contractor shall ensure that disturbed ground is backfilled, graded and seeded 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.

Provide as per plan. May substitute for lime & juniper for similar growing vegetation.

Hatch Area Depicts Conservation Easement

Provide as per plan

Provide as per plan

#1 dead tree remove

Clean up dead material tree branches in this area

Existing Thick Saw Palmetto Scrub Oak & Sand Pine To Remain

Replace all dead or missing shrubs to ensure complete regrowth

Remove dead tree shrub material

Prune & remove vines from tree

Notes: Drainage Openings in Wall Approx. 15' O.C. At These Locations Provide Sod Strip 4' Wide vs. Landscape To Allow Free Drainage Flow.

Notes: Leave Ex. Stand of Small Slash Pines

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

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Matchline (See Sheet LA3)

NO.	REVISION	DATE	BY
1	Per City Comments	06OCT00	DTW
2	Per City Comments	21SEP00	DTW
3	Per City Comments	20JUN00	DTW

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

JOB NO.	047027046
DRAWN BY	URG
CHECKED BY	DTW
APPROVED BY	DTW
FILENAME	27046L1 - NEW
DATE	12FEB02

LANDSCAPE AS-BUILT PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'

SHEET NO.

LA-1



Kimley-Horn
and Associates, Inc.

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

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

As-Built Master Plant List

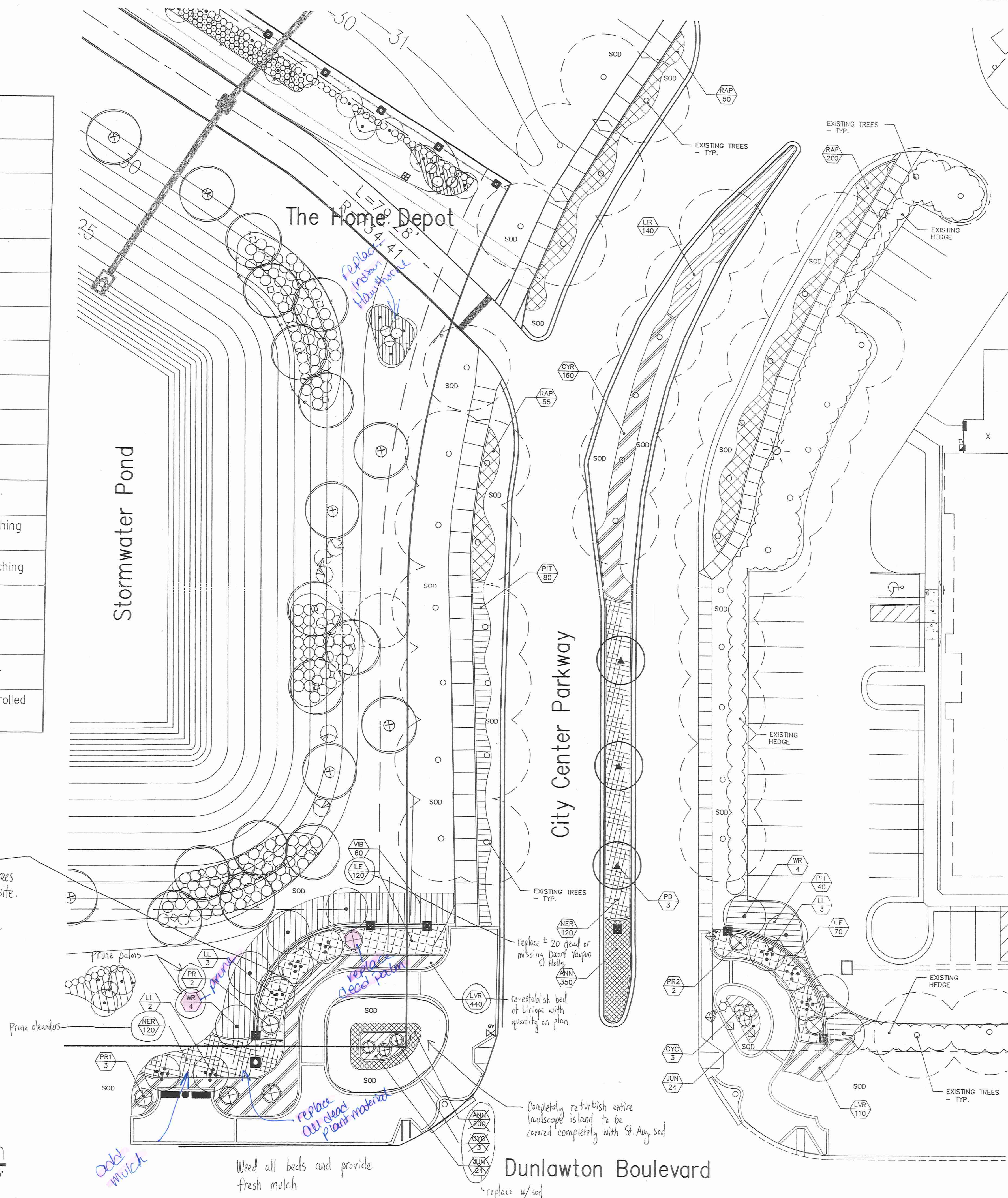
Sym.	Qty.	Botanical Name	Common Name	Size/Remarks
Trees				
LL	8	Ligustrum lucidum	Tree Ligustrum	8' ht.x6'spr., multi-trunk, tree form, 5 trunk min., 1 1/2" cal. min.
WR	8	Washingtonia robusta	Washington Palm	20' ht., straight, matching, full
Shrubs And Groundcover				
ANN	550	Annuals	Bronze Leaf Begonia	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 32789
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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-374**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Home Depot USA, Inc.
1551 Dunlawton Avenue
Port Orange, FL 32129
6317 [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 August 12, 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), Home Depot USA, Inc., whose mailing address is 2455 Paces Ferry Rd., Atlanta, GA 30339, is/are the owner(s) of the property located at 1551 Dunlawton Avenue, Port Orange, FL 32129, and more particularly described as:

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

B. For the front entrance way at the corner of Dunlawton Avenue and City Center Parkway; all landscape beds and hedgerows need to be mulched and free of any weeds. The condition was first observed at the real property described above on March 13, 2015; re-inspections made on August 8, 2015 confirmed the condition as being the same. Respondent(s), Home Depot USA, Inc., received notice via hand delivery on July 16, 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 14-314 (d) (5), and was to be corrected by August 7, 2015.

C. At the time of the hearing on August 12, 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), Home Depot USA, Inc., 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 14-314 (d) (5). In that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of dead and missing plant material, overgrown weeds, non-working irrigation, and application of mulch 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 applying mulch to all landscape beds and hedgerows on or before September 21, 2015. In the event that the property is not brought into compliance on or before September 21, 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 September 21, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by September 21, 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 \$33.73 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 12 day of AUGUST, 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

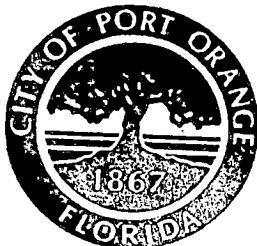
By: [Signature]
Code Enforcement Special Magistrate

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), Home Depot USA, Inc., 2455 Paces Ferry Rd., Atlanta, GA 30339 by Certified and Regular Mail this 27 day of AUGUST, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

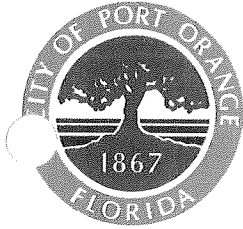


CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 27 day of AUGUST, 2015.
By: [Signature]

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	USPS attempted to deliver item at 2:23 pm on August 31, 2015 in PORT ORANGE, FL 32129 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting http://www.usps.com/redelivery or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by September 30, 2015 then it will be returned to sender.	\$7.21
Balbina A. McDaniels	Mailing Finding of Fact/Conclusion of Law & Order to 1218 Jeffrey Drive, Port Orange, FL 32129	08/12/2015	Certified Green Card signed by Willilam K. McDaniels and returned to City Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	08/12/2015	BK: 7159 PG: 262	\$27.00
William K. McDaniels	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$0.70
Balbina A. McDaniels	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$44.00

Total: \$86.82



**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.

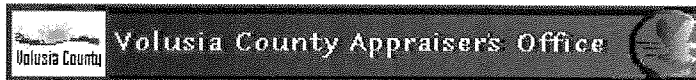
Secretary, Special Magistrate

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		07-16-33-03-00-1050	Mill Group		402 Port Orange
Short Parcel ID		6307-03-00-1050			
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]
Print Name: J. Leigh Crumbley
Signature: [Signature]
Print Name: DIANE S. KIRWIN

[Signature]
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

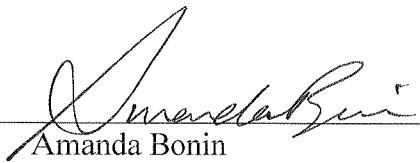
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-316**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

William K. & Balbina A. McDaniels
1218 Jeffrey Drive
Port Orange, FL 32129
6307 [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 August 12, 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), William K. & Balbina A. McDaniels, whose mailing address is 1218 Jeffrey Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 1218 Jeffrey Drive, Port Orange, FL 32129, and more particularly described as:

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

B. The condition was first observed at the real property described above on March 6, 2015; re-inspections made on August 5, 2015 confirmed the condition as being the same. Respondent(s), William K. & Balbina A. McDaniels, received notice via hand delivery on July 17, 2015. The aforesaid conditions constituted a violation 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., Chapter 70 Traffic, Article II, Section 70-36 (K), (1) (2) (3) Stopping, standing or parking prohibited in specified places, and Chapter 70 Traffic, Article II, Section 70-49 (c), (1) (a) (b), & Restrictions, and was to be corrected by July 27, 2015.

C. At the time of the hearing on August 12, 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), William K. & Balbina A. McDaniels, by reason of the foregoing, has/have violated 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., Chapter 70 Traffic, Article II, Section 70-36 (K), (1) (2) (3) Stopping, standing or parking prohibited in specified places, and Chapter 70 Traffic, Article II, Section 70-49 (c), (1) (a) (b), & Restrictions, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of parking the trailer 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 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 parking the trailer in the driveway, parking the green mustang in the garage, covering it with an approved car cover, or properly licensing the car and making it operable, and by cleaning up all outside storage or properly storing it in an enclosed building on or before August 22, 2015. In the event that the property is not brought into compliance on or before August 22, 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 August 22, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by August 22, 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 \$41.42 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 12 day of AUGUST, 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

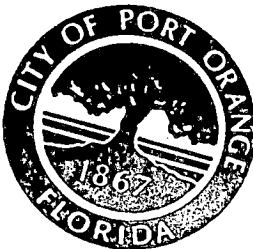
By: [Signature]
Code Enforcement Special Magistrate

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), William K. & Balbina A. McDaniels, 1218 Jeffrey Drive, Port Orange, FL 32129 by Certified and Regular Mail this 27 day of AUGUST, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate



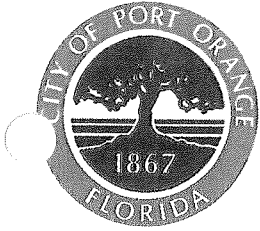
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 27 day of August, 2015.
By: [Signature]

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	09/23/2015	Certified Green Card signed and returned to City Clerk's Office.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/23/2015	BK: 7159 PG: 256	\$27.00
Home Depot USA, Inc.	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	09/23/2015		\$44.00

Total: \$78.91



**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.

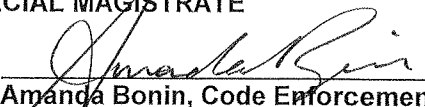
NOTICE OF HEARING SETTING FINE AND LIEN

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

this 16th day of July, 2015.

Time: approx. 10:40 am


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.



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: 7-16-2015		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

Jerome H. Unatin (SEAL)
JEROME H. UNATIN

April Hurtado
Print Name: April Hurtado

Marta D. de la Cruz
Print Name: Marta D. de la Cruz
Sonia Fdez
Print Name: SONIA FUENTES

Maria-Joelle Unatin (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

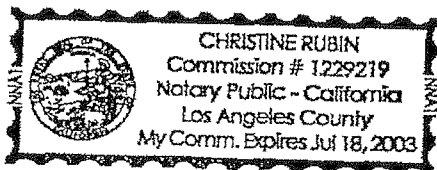
**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles } ss.
On May 4, 2001, before me, Christine Rubin, Notary Public,
Date 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.

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. 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

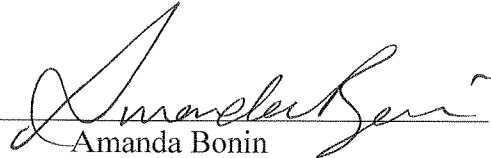
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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**

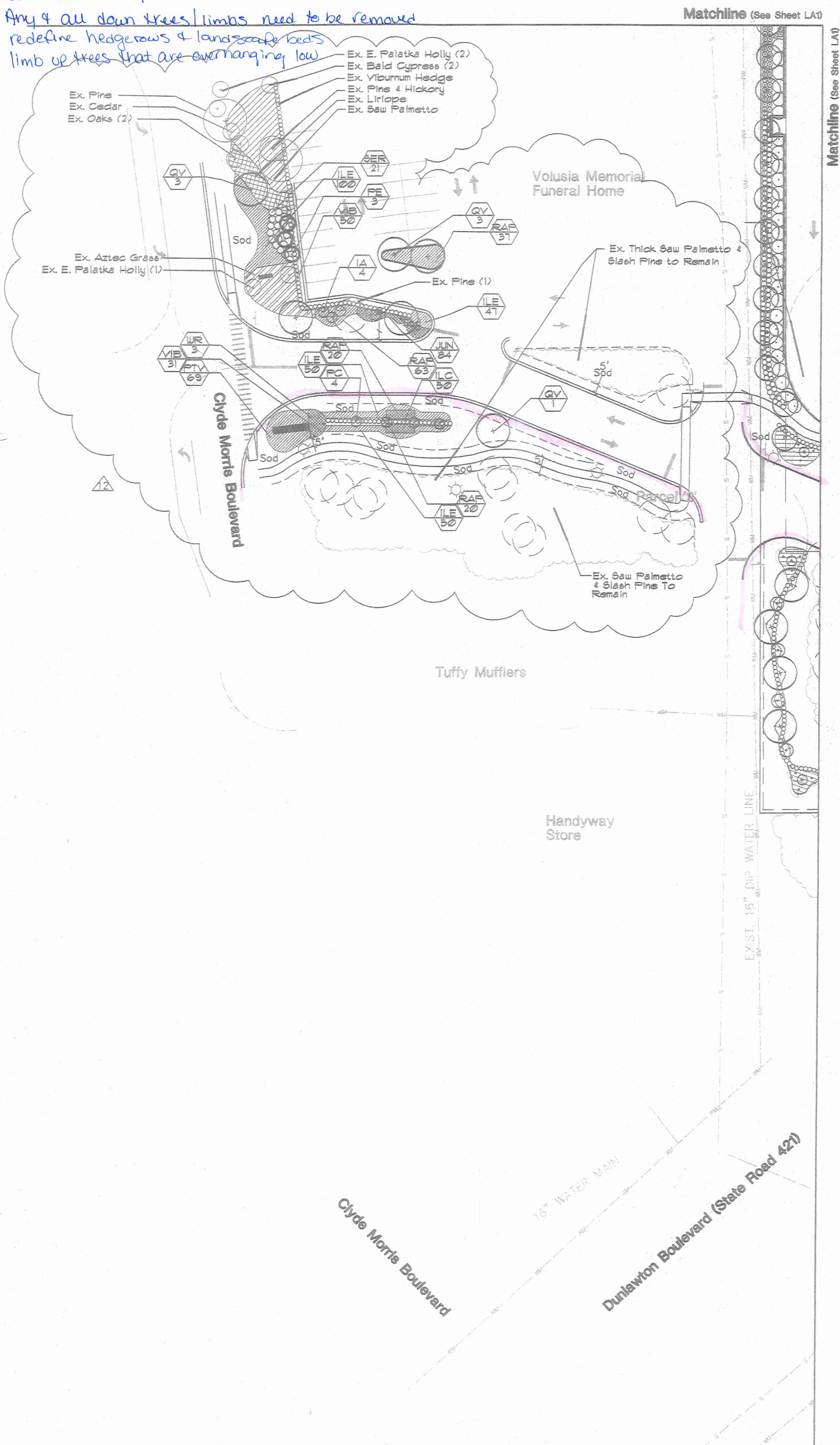
The foregoing instrument was sworn to before me on the 17 day of July, 2015, by Amanda Bonin, who is personally known to me.


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
Shrubs (20/100 IF)	1276	1235
East Property Line (10' wide Buffer) = 25' IF		
Shade Trees (20/100 IF)	5	12
Understory Trees (20/100 IF)	43	5
Shrubs (20/100 IF)		97

	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	539
5' 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 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)	112	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' hlx4' apr, 2 1/2" cal. min, single trunk, straight
LA	25	Ilex attenuata	East Palatka Holly	10' hlx4' apr, 2 1/2" cal. min, single trunk, straight
JE	147	Juniperus stricta	Southern Red Cedar	8' hlx 1 1/2" cal. min, full to base, straight
LI	53	Lagerstroemia indica	Crape Myrtle Standard	8' hlx4' apr, 1 1/2" cal. min, 3' cl., straight, staked, tree standard
LL	67	Ligustrum lucidum	Tree Ligustrum	8' hlx4' apr, multi-trunk, tree form, 5' trunk min, 1 1/2" cal. min
MC	53	Myrica carterii	Wax Myrtle	8' hlx x 6' apr, multi-trunk, tree form, 5' trunk min, 1 1/2" cal. min
MG	39	Magnolia grandiflora	Southern Magnolia	10' hlx x 4' apr, 2 1/2" cal., straight, single trunk, 4' cl.
MLG	4	Magnolia grandiflora	Little Gem Magnolia	4-5' hlx x 2-3' apr, single trunk, straight, full, staked, 1 1/2" cal. min
NO	16	Nerium oleander	Pink Oleander Standard	8' hlx4' apr, 1 1/2" cal. min, 3' cl., straight, staked
PE	52	Pinus elliotii	Slash Pine	10' hlx4' apr, straight, full, single trunk, 2 1/2" cal. min, 4' cl.
PC	4	Prunus caroliniana	Cherry Laurel	8' hlx, 1" cal.
QV	97	Quercus virginiana	Live Oak	10' hlx 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 hlx.
TD	36	Taxodium distichum	Bald Cypress	10' hlx4' apr, straight, full, single trunk, 2 1/2" cal. min, 4' cl.
WR	19	Washingtonia robusta	Washington Palm	16'-22' cal., straight, full, stagger hlx. 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" hlx, 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' bble/pot (min), 18" o.c.
LMA	587	Liriodendron tulipifera	Variiegated Liriodendron	15, full 5' bble/pot (min), 18" O.C.
MYR	210	Myrica carterii	Wax Myrtle	15, 36" x 24" apr, full to base, 48" O.C.
PHI	250	Philodendron sellowii	Philodendron	15, 36" x 36", full, 48" O.C.
POD	80	Podocarpus neriifolius	Podocarpus	15, 36" hlx, full to base, 24" o.c.
PTY	736	Pittosporum tobira	Variiegated Pittosporum	15, 18" x 18", full to base, 24" o.c.
RAP	326	Raphiolepis indica	Dwarf White Indian Hawthorn	15, 18" x 18" apr, full to base, 24" O.C.
SER	718	Serenoa repens	Saw Palmetto	15, 12"x36", full to base, 48" o.c.
SPA	842	Spartina bakeri	Sand Cordgrass	15, 18" hlx, full 36" O.C.
TCA	90	Taxodium distichum	Dwarf Cypress	15, 12" apr, 24" o.c.
VIB	1480	Viburnum odoratissimum	Sweet Viburnum	15, 24" hlx, full to base, 36" O.C.
VIS	224	Viburnum suspensum	Sandbar Viburnum	15, 24" hlx, full to base, 36" O.C.

Miscellaneous

SCD	TBD	Stenotaphrum secundatum	St. Augustine	800, 100% insect/disease free, laid light, rolled
		Paspalum	Paspalum	

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.

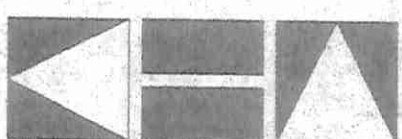
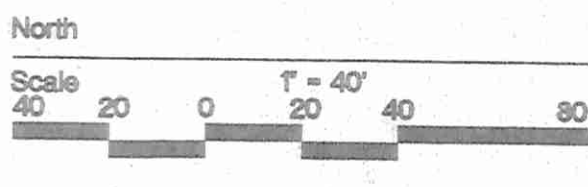
All landscaped areas shall be fully irrigated with an automatic irrigation system.

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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DATE	BY	REVISION
12FEB02	DTW	1 Per City Comments
08OCT00	DTW	2 Per City Comments
27SEP00	DTW	3 Per City Comments/Coordination
20MAR00	DTW	4 Add Fountain Specs and Detail
27MAR00	DTW	5 Per City Comments/Coordination
19APR00	DTW	6 Per City Comments/Coordination
02MAY00	DTW	7 Per City Comments/Coordination
17MAY00	DTW	8 Per City Comments
30MAY00	DTW	

JOB NO.	DATE	BY	REVISION
047027046	12FEB02	DTW	1 Per City Comments
		DTW	2 Per City Comments
		DTW	3 Per City Comments/Coordination
		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

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

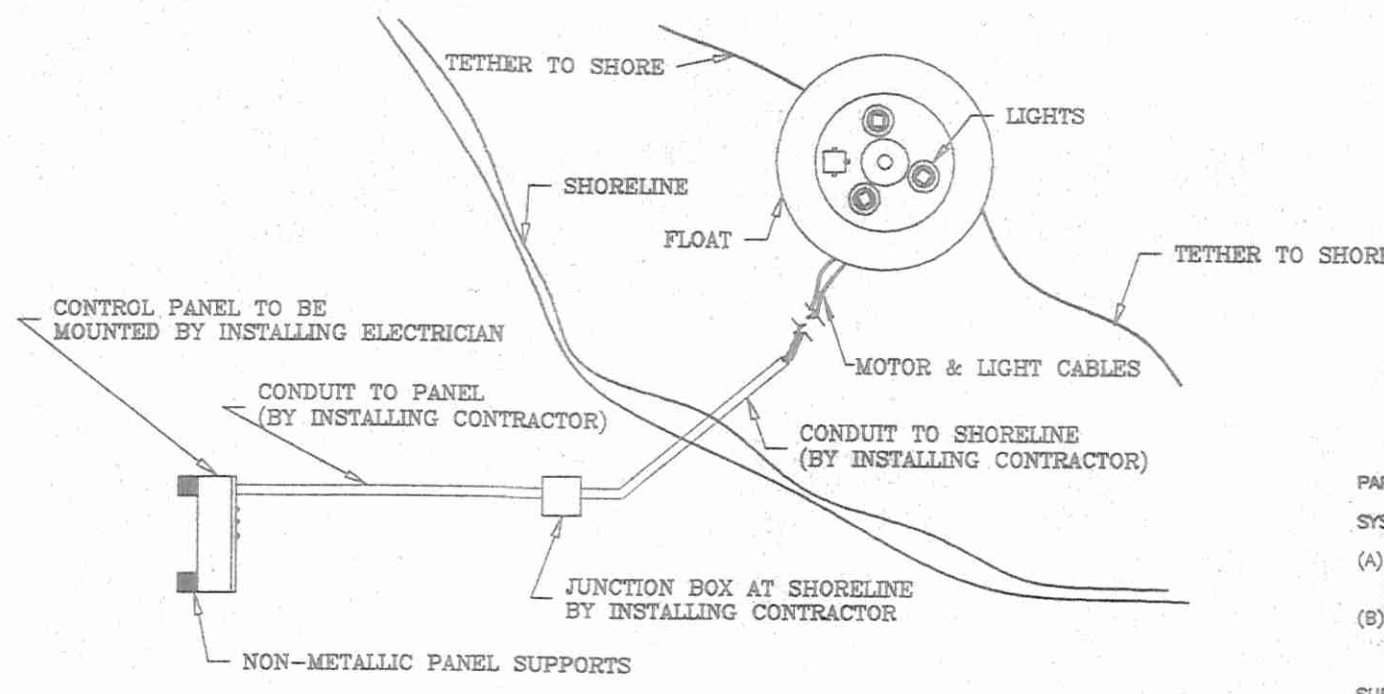
Undisturbed
Turf Area

Undisturbed
Turf Area

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(s) 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 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.

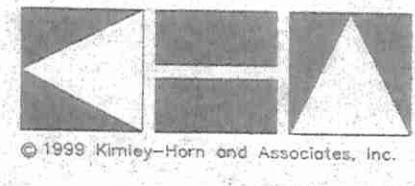
WARRANTY
The manufacturer shall deem the fountain equipment as provided in PART TWO: PRODUCTS
of these specifications, free of defects in material and workmanship for a period of one (1) year
from delivery.

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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1/13/02
FL LA # 1168

DATE	BY	REVISION
12FEB02	DTW	21FEB02
06OCT00	DTW	07MAR00
21SEP00	DTW	20MAR00
20JUN00	DTW	27MAR00
	DTW	19APR00
	DTW	02MAY00
	DTW	17MAY00
	DTW	30MAY00

Per As-Built Drawings
Per City Comments
Per City Comments
Per City Comments

12
11
10
9

JOB NO.	DRAWN BY	CHECKED BY	APPROVED BY	FILE NAME	DATE
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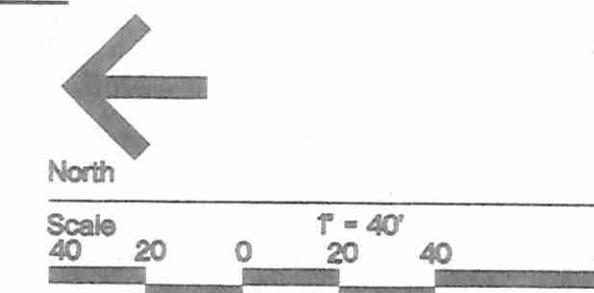
LANDSCAPE AS-BUILT PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'

SHEET NO.
LA-2

Matchline (See Sheet LA2)



Note:
Where existing median is being modified, contractor shall ensure that disturbed ground is backfilled, graded and seeded 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.

Provide as per plan. May substitute for lime & juniper for similar growing vegetation.

Hatch Area Depicts Conservation Easement

Provide as per plan

Provide as per plan

#1 dead tree remove

Clean up dead material tree branches in this area

Existing Thick Saw Palmetto Scrub Oak & Sand Pine To Remain

Replace all dead or missing shrubs to ensure complete regrowth

Remove dead tree shrub material

Prune & remove vines from tree

Notes: Drainage Openings in Wall Approx. 15' O.C. At These Locations Provide Sod Strip 4' Wide vs. Landscape To Allow Free Drainage Flow.

Notes: Leave Ex. Stand of Small Slash Pines

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

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Notes: Leave Ex. Stand of Small Slash Pines

Matchline (See Sheet LA3)

NO.	DATE	BY	REVISION
1	21FEB00	DTW	Per City Comments
2	21FEB00	DTW	Per City Comments
3	21FEB00	DTW	Per City Comments
4	21FEB00	DTW	Per City Comments
5	21FEB00	DTW	Per City Comments
6	21FEB00	DTW	Per City Comments
7	21FEB00	DTW	Per City Comments
8	21FEB00	DTW	Per City Comments

JOB NO.	DATE	BY	REVISION
047027046	21FEB00	DTW	Per City Comments
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047027046	21FEB00	DTW	Per City Comments
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047027046	21FEB00	DTW	Per City Comments
047027046	21FEB00	DTW	Per City Comments

LANDSCAPE AS-BUILT PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

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



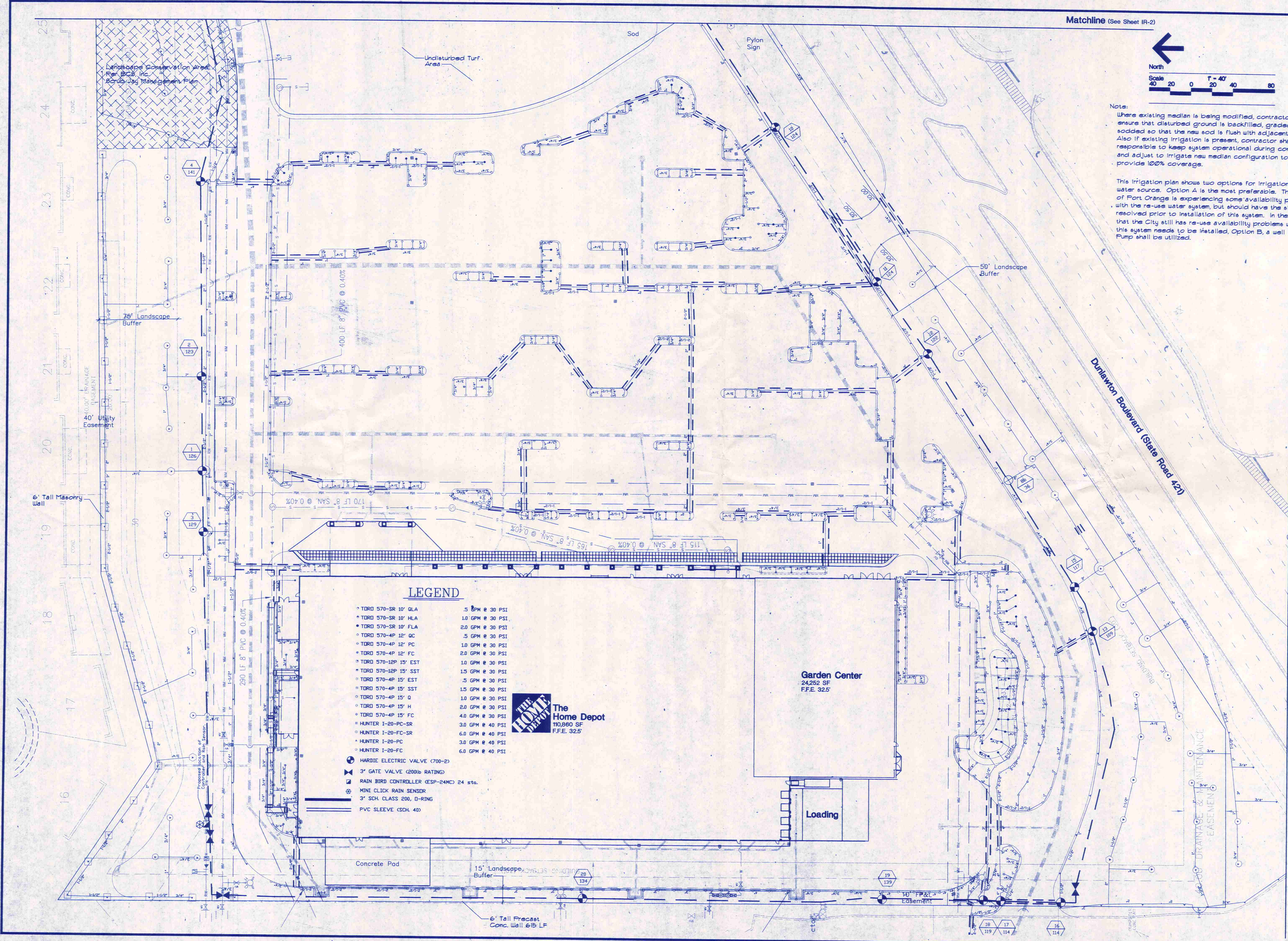
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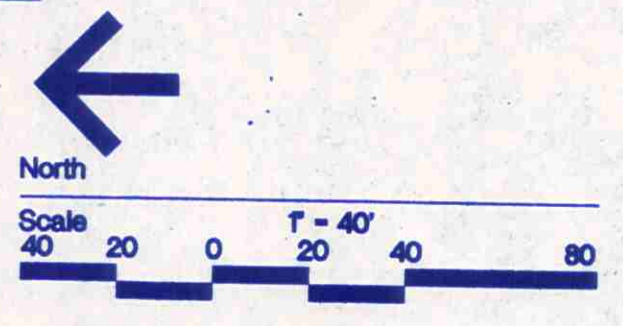
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David T. Woodward, L.A.
FL L.A. #1168

6:17027046: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 Fort 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' 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
- 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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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

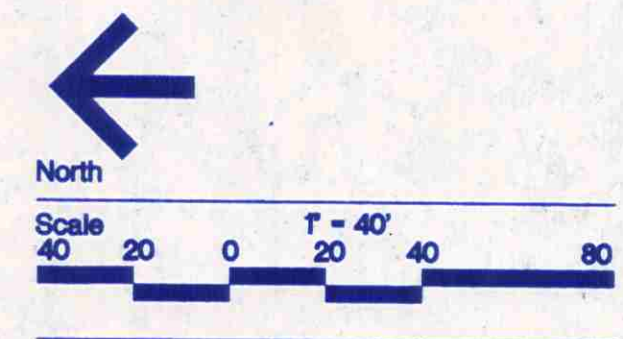
THE HOME DEPOT
PORT ORANGE, FLORIDA

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

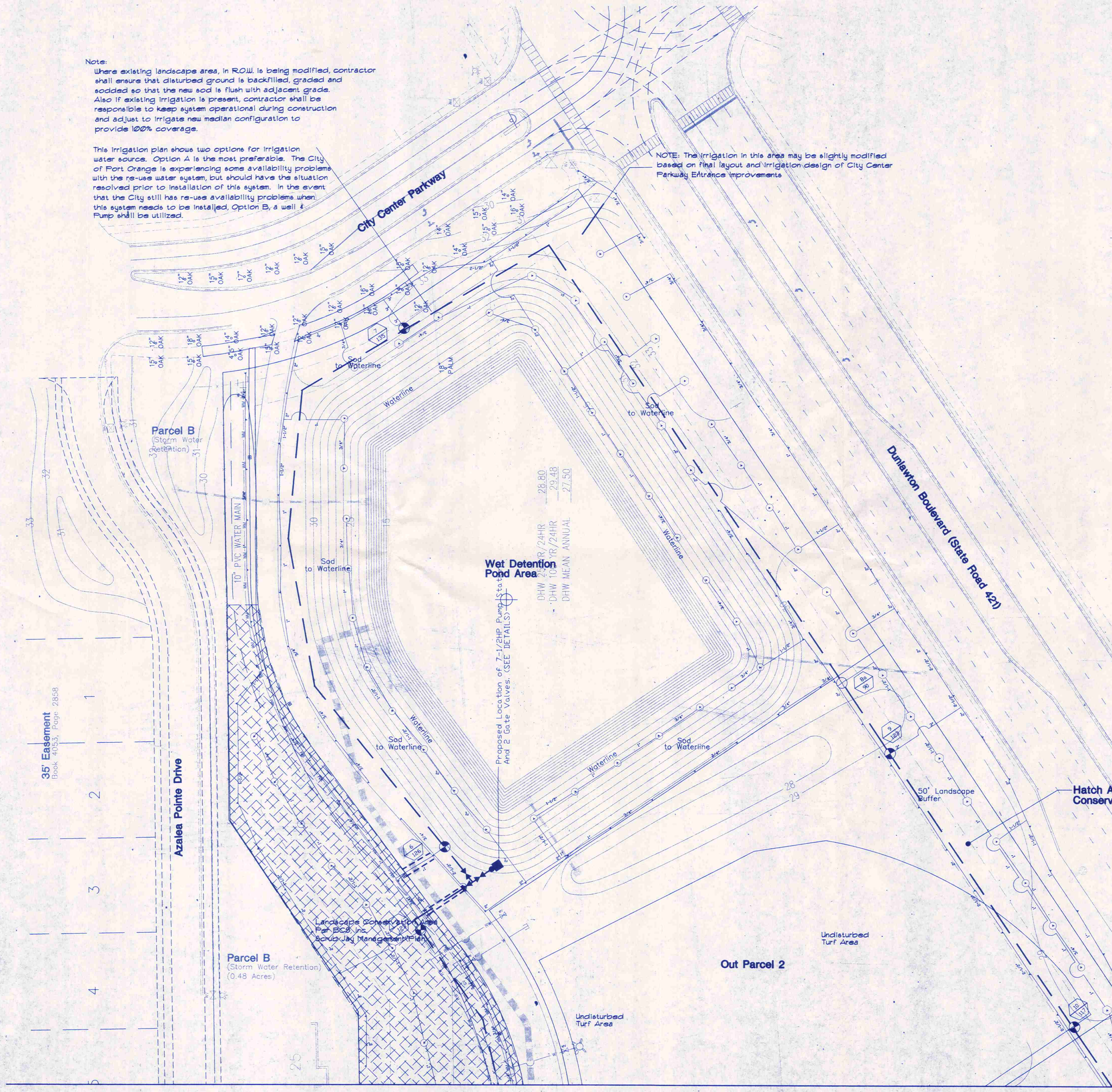


LEGEND

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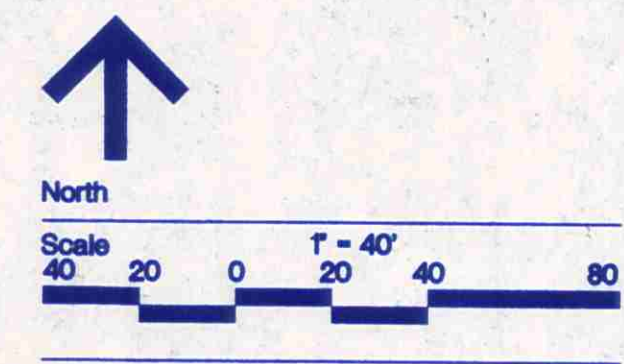
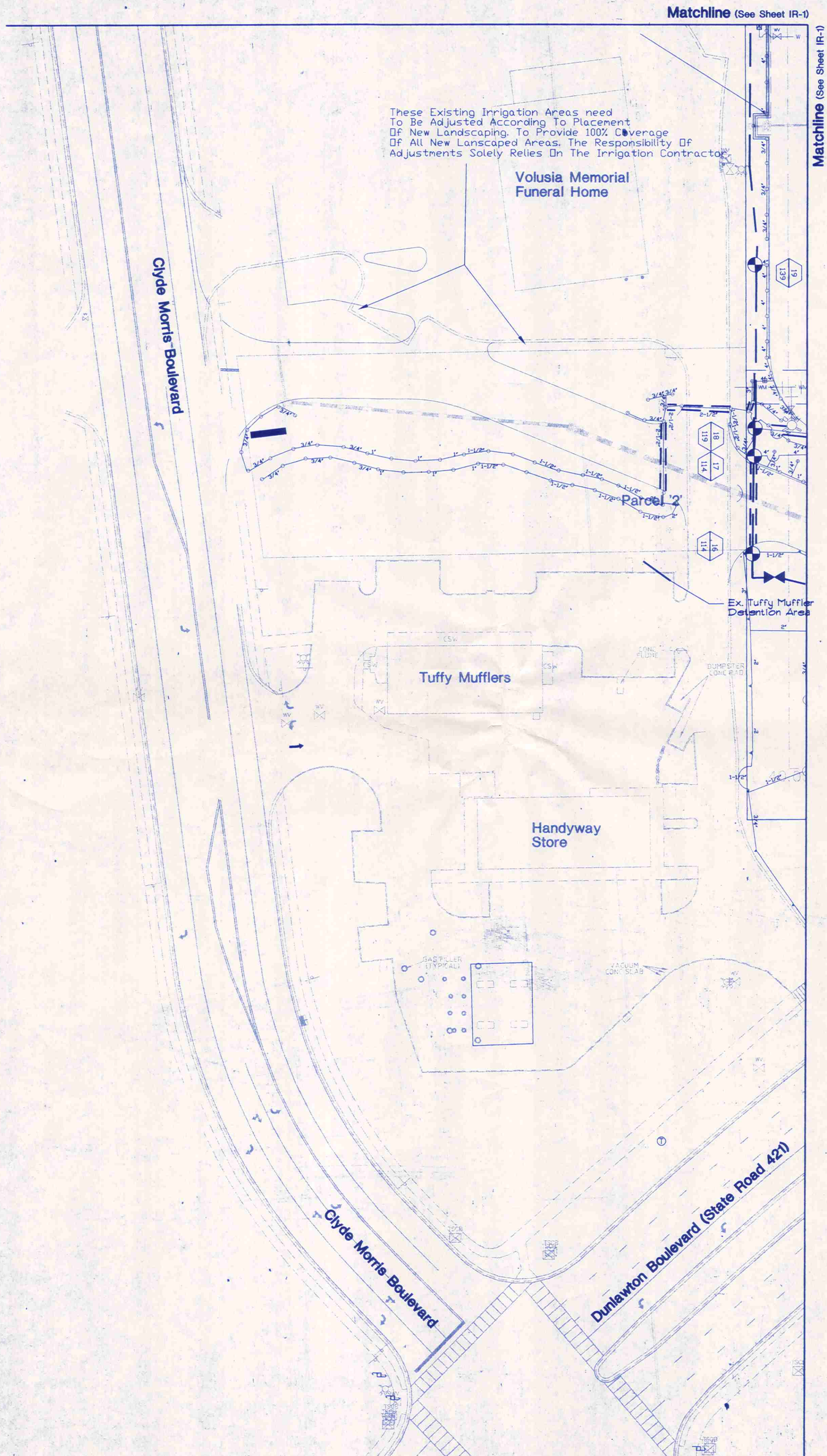
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NO.	REVISION	BY	DATE
8	Per City Comments	DTW	30MAY00
9	Per City Comments	DTW	22JUN00
10	Per City Comments	DTW	18JUL00
11	Per City Comments	DTW	06OCT00

JOB NO. 047026046	DRAWN BY 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



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
• 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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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 will 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:

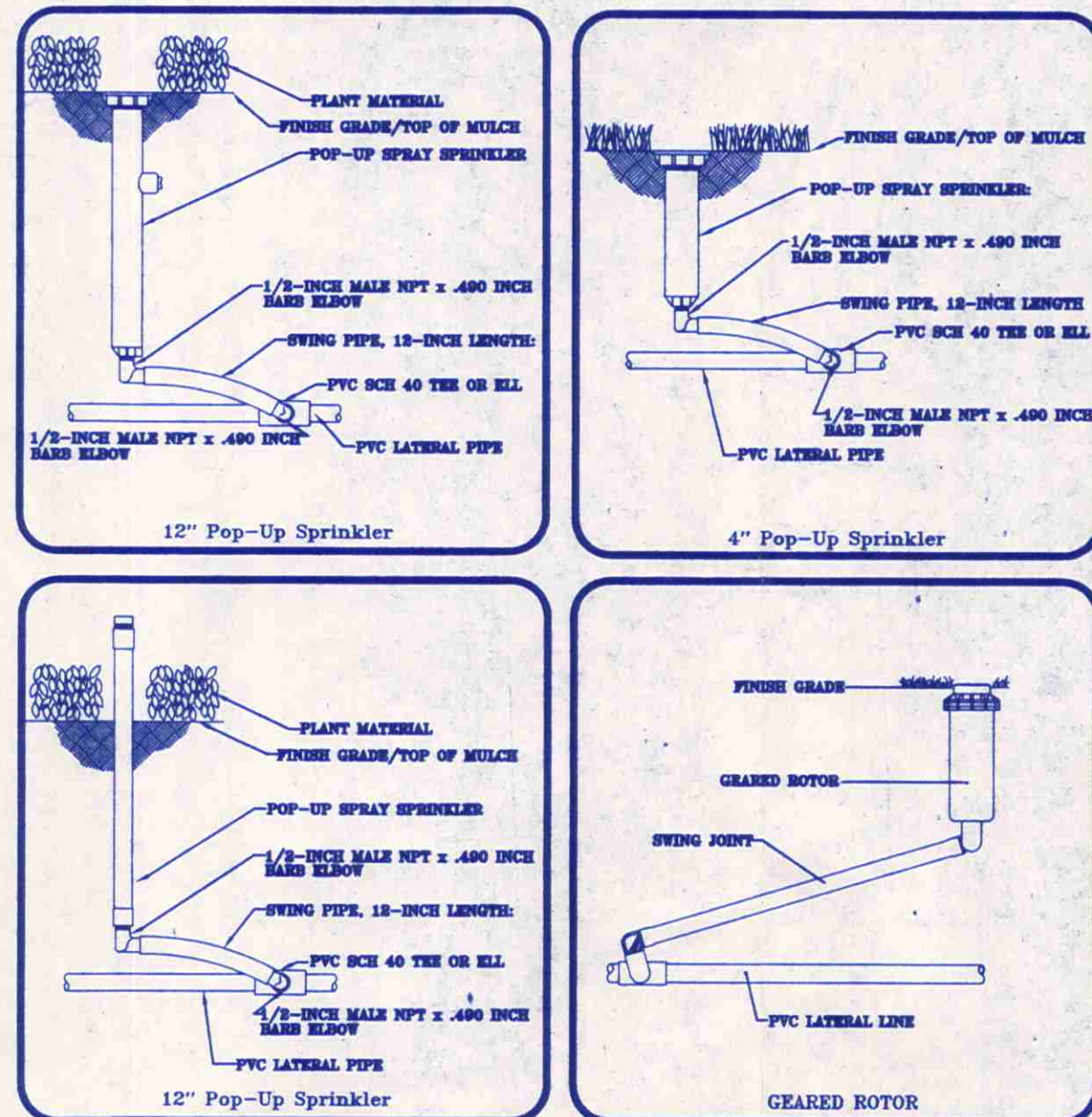
- Excavation and Trenching:
 - Perform all excavations as required for the installation of the work including under this section, including shoring of earth banks to prevent cave-ins. Restore all surfaces, existing underground installations, etc., damaged or cut as a result of the excavations to their 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:
 - 1) 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 guage
 - 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"

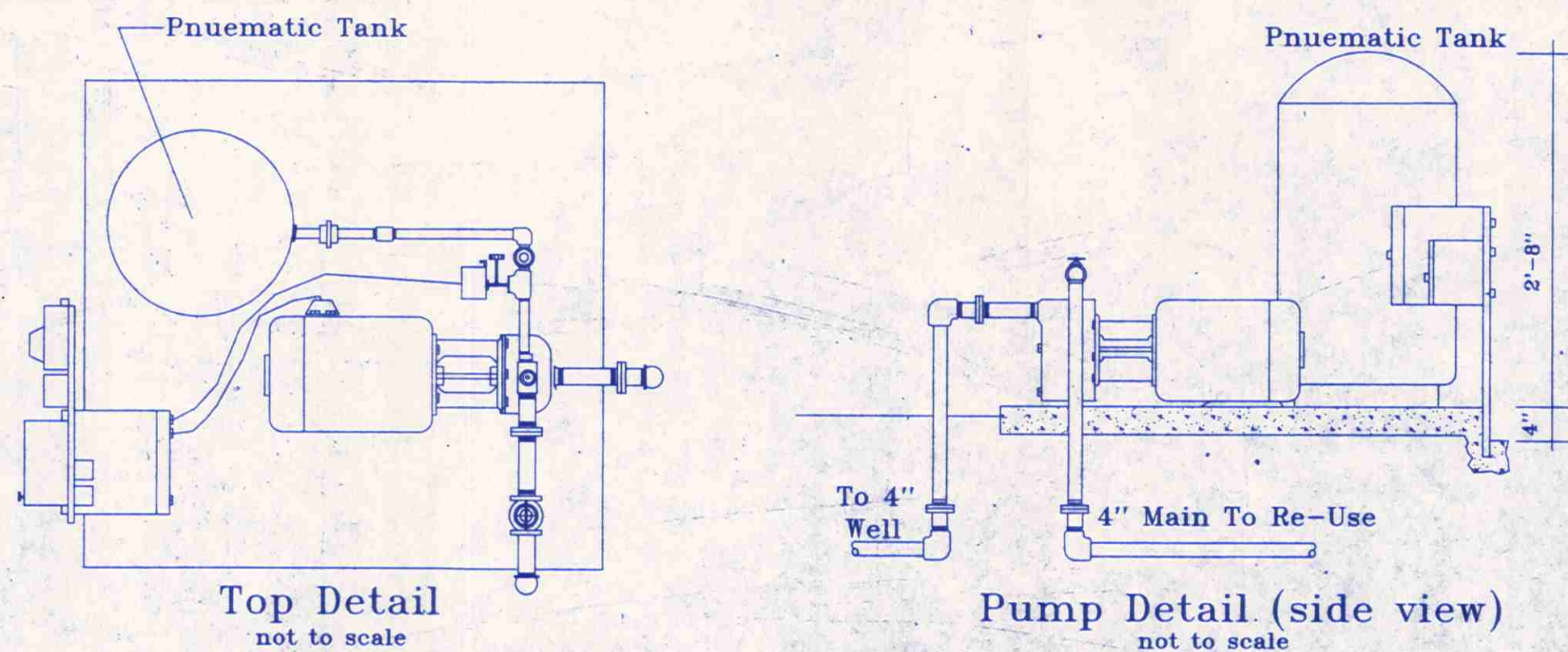
OPTION A (Pump Detail)

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

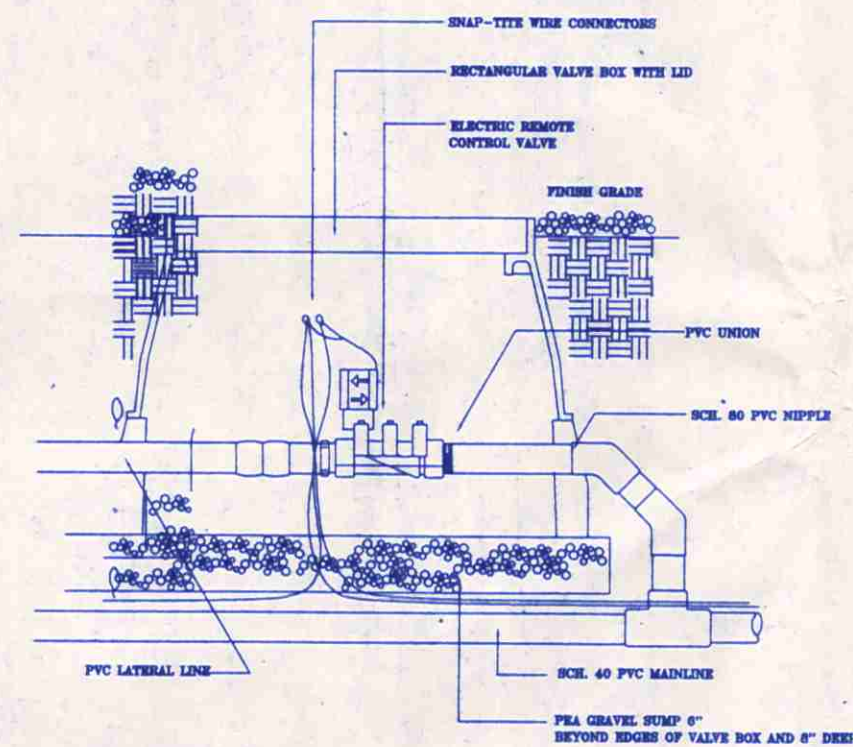


LEGEND

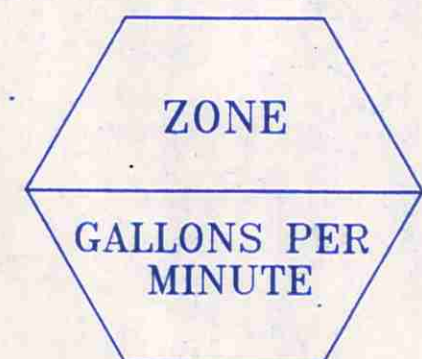
- TORO 570-SR 10' QLA .5 GPM @ 30 PSI
- TORO 570-SR 10' HLA 1.0 GPM @ 30 PSI
- TORO 570-SR 10' FLA 2.0 GPM @ 30 PSI
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- HUNTER I-20-FC-SR 6.0 GPM @ 40 PSI
- HUNTER I-20-PC 3.0 GPM @ 40 PSI
- HUNTER I-20-FC 6.0 GPM @ 40 PSI
- 7-1/2 HP CENTRIFUGAL PUMP
- 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

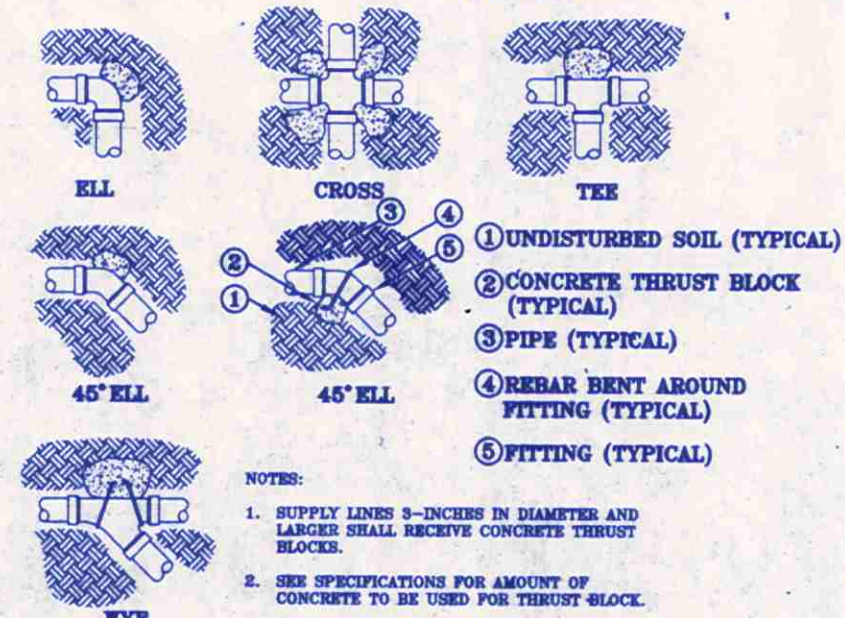


SYMBOL DESIGNATION



THRUST BLOCK

NOT TO SCALE



NOTES:

- SUPPLY LINES 3-INCHES IN DIAMETER AND LARGER SHALL RECEIVE CONCRETE THRUST BLOCKS.
- SEE SPECIFICATIONS FOR AMOUNT OF CONCRETE TO BE USED FOR THRUST BLOCK.



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David T. Woodward, LA
FLA #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

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

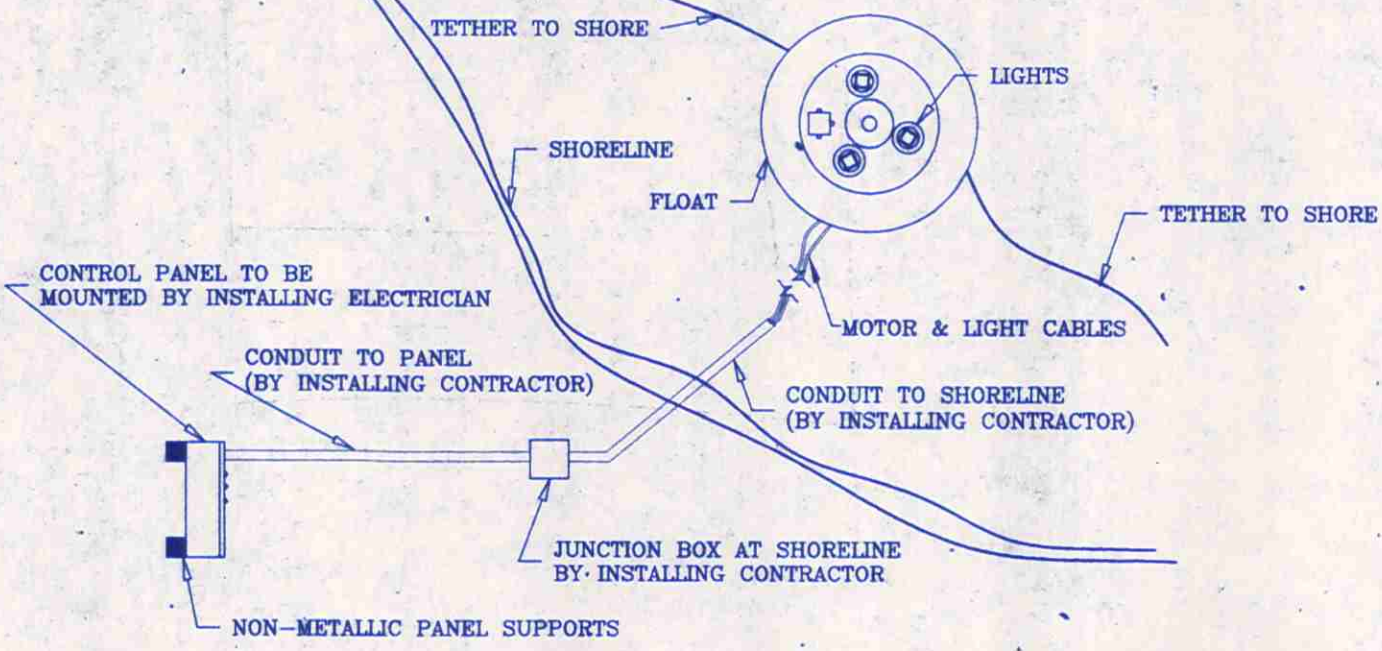
Floating Fountain
(See Specifications & Detail
This Sheet)

Sod Temporary Spreader Swale
as necessary with Argentine Bahia Grass

Out Parcel 2

Hatch Area Depicts
Conservation Easement

Fountain Detail
N.T.S.



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 approval must comply with the requirements listed in the SUBMITTALS section under the Product Data paragraph.
(B) Shop Drawings: A complete plan and section shall accompany the submittal 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) 886-8039. 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 insulation 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 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.
(C) 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, washers, screws and adjusting rods.
(D) 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 DFLS-500 freestanding underwater lights with angular adjustability and a long life quartz halogen lamp. Units include 500W, 120V Per 56 lamp, clear lens, stainless steel facing ring and rack guard and heat sensing low water cut-off. Fixture supplied with 9 1/2' cord.
(B) One 05B-400 heavy duty bronze constructed junction box with casting 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 0550-22 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 bimetallic 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.
(F) 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.

Matchline (See Sheet LA1)



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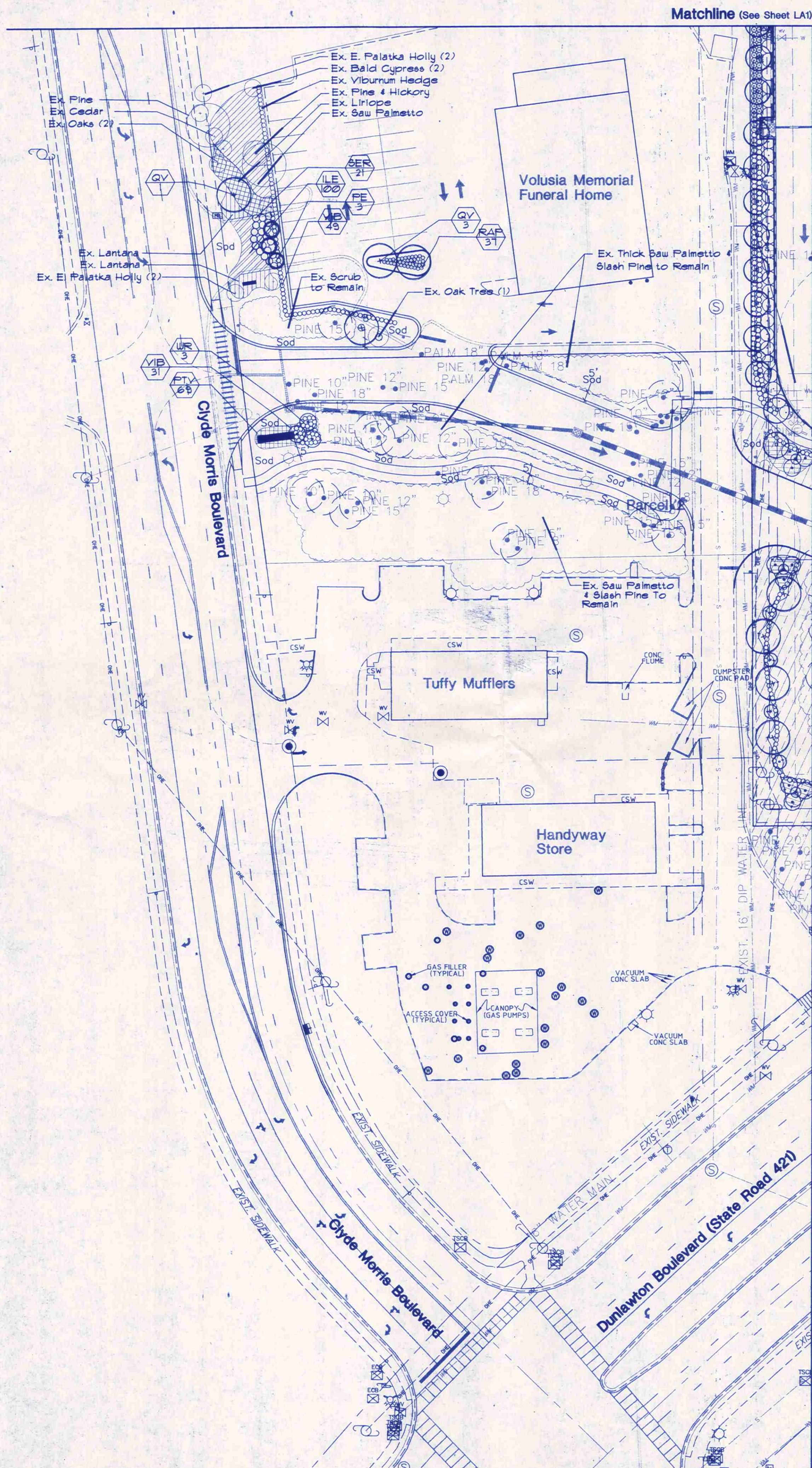
David T. Woodward, L.A.
FL LA # 1168

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.	DATE
047027046	15NOV99

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
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6	02MAY00	DTW	Per City Comments/Coordination
7	17MAY00	DTW	Per City Comments
8	30MAY00	DTW	Per City Comments

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 Privacy 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 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 = 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 142 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

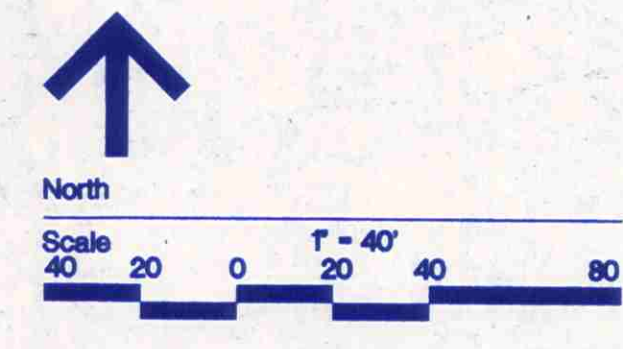
	Required	Proposed
Tree Preservation Area	15% or 145,969.56 sf	47.65% or 463,686.40 sf

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 attenuata 'East Palatka'	East Palatka Holly	18' h x 3' apr. 2 1/2" cal. min. single trunk, straight
JB	147	Juniperus elliptica	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 muscari	Evergreen Giant Liriodendron	5' full 5' bble/pt (min), 18" O.C.
LMA	557	Liriodendron muscari 'Variegata'	Variegated Liriodendron	5' full 5' bble/pt (min), 18" O.C.
MYR	210	Myrica cerifera	Wax Myrtle	5' 30" x 24" apr. full to base, 48" O.C.
PHI	250	Philodendron sellowii	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	Phytolacca tobiana	Variegated Phytolacca	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	St. Augustine	Sod, 100% insect/disease free, laid tight, rolled
		Florida	Florida Grass	

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
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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/Coordination	DTW	07MAR00
5	Add Fountain Specs and Detail	DTW	20MAR00
6	Per City Comments/Coordination	DTW	19APR00
7	Per City Comments/Coordination	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

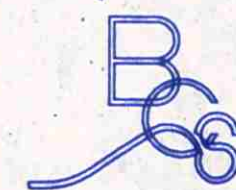
LANDSCAPE PLAN

THE HOME DEPOT
PORT ORANGE, FLORIDA

SCALE 1" = 40'

SHEET NO.

LA-3



BIOLOGICAL CONSULTING SERVICES, INC.

Joe H. Young III
Bioscience/Field Manager
208 Rush Street
New Smyrna Beach, FL 32168
904-483-3408

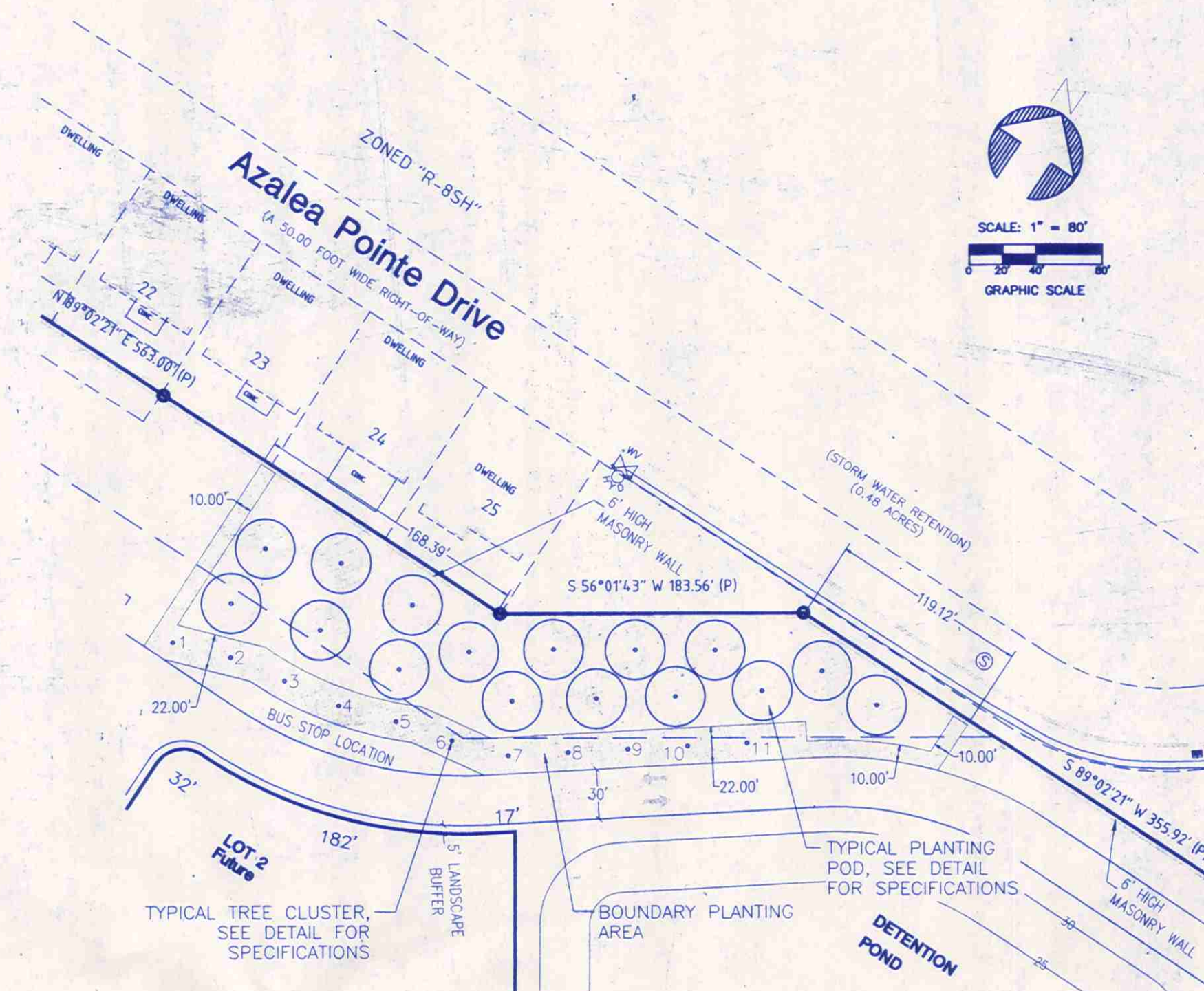


Kimley-Horn
and Associates, Inc.

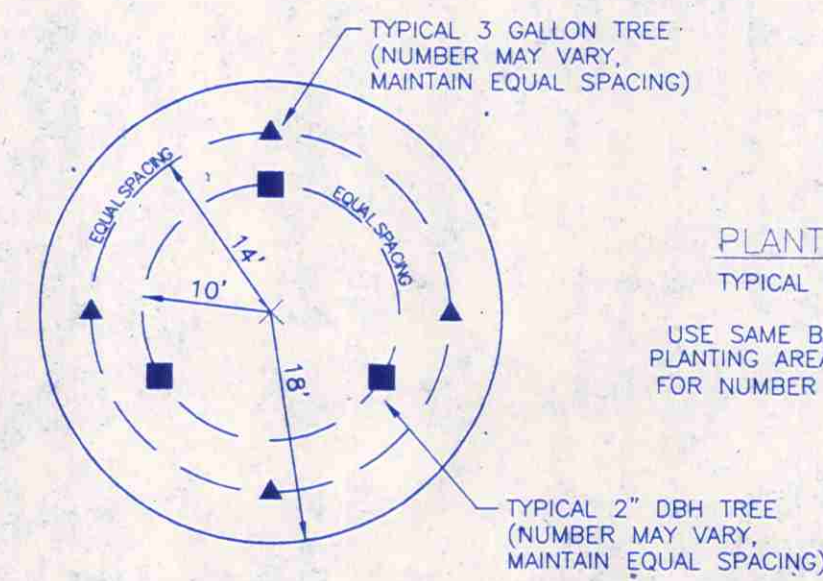
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FL L.A. # 1168



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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1086**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Home Depot USA, Inc.
1551 Dunlawton Avenue
Port Orange, FL 32129
6317 [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 August 12, 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), Home Depot USA, Inc., whose mailing address is 2455 Paces Ferry Rd., Atlanta, GA 30339, is/are the owner(s) of the property located at 1551 Dunlawton Avenue, Port Orange, FL 32129, and more particularly described as:

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

B. The condition was first observed at the real property described above on March 13, 2015; re-inspections made on August 8, 2015 confirmed the condition as being the same. Respondent(s), Home Depot USA, Inc., received notice via hand delivery on July 16, 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 14-314 (a) (1) (2) (d) (1), (2), (5), & (6), Section 14-315 (a), & Section 14-318 (d), and was to be corrected by August 7, 2015.

C. At the time of the hearing on August 12, 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), Home Depot USA, Inc., 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 14-314 (a) (1) (2) (d) (1), (2), (5), & (6), Section 14-315 (a), & Section 14-318 (d). In that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the dead or missing tree and plant material and 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 replacing all dead or missing tree and plant material, removing all weeds and applying mulch to all landscape beds and hedgerows, removing all trash and debris from the property, removing fallen trees and limbs, and redefining the hedgerows onsite on or before September 21, 2015. In the event that the property is not brought into compliance on or before September 21, 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 September 21, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by September 21, 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 12 day of AUGUST, 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), Home Depot USA, Inc., 2455 Paces Ferry Rd., Atlanta, GA 30339 by Certified and Regular Mail this 27 day of AUGUST, 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 12 day of AUGUST, 2015.
By: [Signature]