



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, April 13, 2016

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - March 23, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-167
Respondents: Linda Kennedy, Maureen Kennedy, & John Kennedy
Address of Violation: 5204 Sydney Street, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 03/18/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 304.11 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.9 (Overhanging Extensions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304-18 (Building Security) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.3 (Interior Surfaces) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

4. **CEB Case No.:** 16-162

Respondent: Brian M. Peterson and Brandy M. Peterson

Address of Violation: 767 Sandy Hill Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/04/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots.

5. **CEB Case No.:** 16-0237

Respondent: David M. Powell

Address of Violation: 775 Sugar Cane Lane, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 02/25/2016

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 15-2094

Respondent: Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS

Address of Violation: 4632 Golden Apples Trail, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 02/24/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage Junk, and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 16-0158

Respondent: John B. Clark

Address of Violation: Nova Road, Port Orange, FL 32127
Parcel ID: 6340-03-13-0040

Code Officer: Dena Joseph

First Notified: 02/24/2016

Compliance: No

Cited for violation(s) -

Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required): Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit;

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; and

Chapter 10 (Clearing, Grading and Stormwater Management), Article I (Clearing and Grading), Section 2 (Permit Requirements for Change of Grade) of the City of Port Orange Land Development Code.

C. ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 15-1367

Respondent: Country Manor Assisted Living & Retirement Home LLC

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

Code Officer: Dena Joseph

First Notified: 01/29/2016

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), (c) Maintenance of Commercial and Industrial Zoned Lots of the City of Port Orange Code of Ordinances: 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.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances: 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.

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.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MARCH 23, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:06 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Chris Hutchison, Code Enforcement Supervisor
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the March 9, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspector Dena Joseph was sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-0160
Respondent: Billy Gordon
Address of Violation: 890 Chipmunk Trail, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 02/04/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property general y-duty of owner), (f) Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances;

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

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 (Structure unfit for human occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (5) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (6) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (12) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure). 304.4 (Structural Members) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.6 (Exterior Walls) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.10 (Stairways, decks, porches and balconies) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.12 (Handrails and Guards) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.4 (Stairs and Walking Surfaces), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.5 (Handrails and Guards), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Ms. Joseph testified as to the code violations on the property and the notices provided to respondent and other interested parties. Special Magistrate Branch asked how the parties were served. Ms. Joseph said Michael Gordon (son of Billy Gordon, deceased) was served the notice by her via hand delivery and Bettie Gordon (daughter of Billy Gordon, deceased) was mailed a copy via certified mail to the Gadsden Correctional Facility, which was signed for on February 26, 2016. Notice was posted at the property as required and was also provided to the lender that is foreclosing on the property.

Adam Haba, Attorney for James B. Nudder and Company, advised that the property was determined vacant by them as of March 9, 2016; therefore, a rush work order was submitted to cure the violations. Ms. Joseph advised that as of last week, the property was still in violation. Special Magistrate Branch asked if Mr. Haba had any dispute as to the code violations. Mr. Haba is not contesting the violations. They are working on correcting the violations since the property is abandoned. He will confirm with his client as to the boarding of the property for safety reasons.

Ms. Joseph presented photos of the property showing the condition and testified as to the specific violation for each photo. The photos as presented were admitted into evidence.

Mr. Joseph asked for a 30 day continuance to allow the lender to abate the violations. The home should remain empty and boarded up until all violations are corrected. Special Magistrate Branch granted a continuance until April 27, 2016 to allow the lender to clean the property. The lender shall board the property and correct the violations. Once the abatement is complete, the lender will contact the Code Compliance Officer for inspections.

Mr. Haba asked for a copy of the violations to be corrected. Ms. Joseph will provide a list. No violation was entered.

Recessed at 10:07 a.m.

Reconvened at 10:17 a.m.

4. **CEB Case No.:** 16-0126

Respondent: Donald Crawford, Lauren Ayers, Donald Crawford TR

Address of Violation: 1062 Chelsea Way, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 02/12/2016

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and undergrowth), Section 42-26 (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

Ms. Joseph advised that the property is in compliance and requested a dismissal. Special Magistrate Branch granted the motion to dismiss.

5. **CEB Case No.:** 16-49

Respondent: Mildred E. Davison Life Estate (Deceased)

George R. Davison (Deceased)

Address of Violation: 5828 Spruce Creek Woods Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/22/2016

Compliance: Yes

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

Ms. Joseph advised that the property is in compliance and requested a dismissal. Special Magistrate Branch granted the motion to dismiss.

ORDER IMPOSING FINE/LIEN – There were no cases to be heard.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:18 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-167

Name	Activity	Activity_Date	Status	Cost
Linda Kennedy	Mailing Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	02/08/2016	Green card returned to City Clerk on 2/29/16 UNSIGNED	\$7.17
Maureen Kennedy	Mailing Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	02/08/2016	Mailing return unclaimed	\$7.17
John Kennedy	Mailing Notice of Violation/Notice of Hearing to 17 Brook Trail, Wurtsboro, NY 12790	02/08/2016		\$7.17
Linda Kennedy	Mailing Second Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt #2, Ellenville, NY 12790 (regular & certified)	03/21/2016	Nothing returned as of 4/7/16	\$8.09
Maureen Kennedy	Mailing Second Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt #2, Ellenville, NY 12790 (regular & certified)	03/21/2016	Nothing returned as of 4/7/16	\$8.09
John Kennedy	Mailing Second Notice of Violation/Notice of Hearing to 17 Brook Trail, Wurtsboro, NY 12790 (regular & certified)	03/21/2016	Nothing returned as of 4/7/16	\$8.09
Linda Kennedy	Mailing Finding of Fact, Conclusion of Law & Order to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	04/13/2016		\$7.17
Maureen Kennedy	Mailing Finding of Fact, Conclusion of Law & Order to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	04/13/2016		\$7.21
John Kennedy	Mailing Finding of Fact, Conclusion of Law & Order to 17 Brook Trail, Wurtsboro, NY 12790	04/13/2016		\$7.17
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00
NewsJournal	Publication for demolition	04/01/2016	Published per City Ordinance on 4/1/16 & 4/2/16	\$475.19

Total: 569.52



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO.:16-167

To: Linda Kennedy and Maureen Kennedy
Property Owners
40 Burlison Ave Apt 2
Ellenville, NY 12428

John Kennedy
Property Owner
17 Brook Trail
Wurtsboro, NY 12790

Re: 5204 Sydney Street
Port Orange, FL 32127
Parcel ID: 6315-07-21-0080

LEGAL DESCRIPTION: LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644
PGS 1030-1031 PER OR 6447 PGS 1442-1443

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 5, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 3, Section 304.11 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.9 (Overhanging Extensions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.18 (Building Security) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.3 (Interior Surfaces) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

On February 5, 2016, I observed high weeds, grass and overgrowth on the entire property along with trash in front of the home located at 5204 Sydney Street. Upon further inspection, I noted damaged and unsecured metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of the

ceiling inside the home. This property is abandoned and uninhabitable. These are repeat violations of case #15-018 where the Special Magistrate ruled this structure as a public health and safety nuisance. The violations still exist and need to be removed or repaired.

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

This correspondence will serve as official notification that the above stated violation must be corrected by **February 19, 2016**.

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

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

If the violation is not corrected within the time specified for correction ordered by the Special Magistrate, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE 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 \$ 21.51 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 the **9th day of March, 2016**, enters a Final Order finding a violation as alleged, pursuant to *Chapter 7, Code of Ordinances, City of Port Orange, Florida*, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **13th day of April 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 8th day of February, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH, 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 John, Linda and Maureen Kennedy, 5204 Sydney Street, Port Orange, FL 32127 was

- ☐ Hand-delivered
☒ Posted at the property

Time: 11:15 am

this 8th day of February, 2016.

Deborah Faircloth
DEBORAH FAIRCLOTH, 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 Linda Kennedy and Maureen Kennedy, 40 Burlison Ave., Apt 2, Ellenville, NY 12428 and John Kennedy, 17 Brook Trail, Wurtsboro, NY 12790 was

- ☒ Posted at City Hall
☐ Sent via certified

this 8 day of February, 2016.

Deborah Faircloth
Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6315-07-21-0080 **2016 Working Tax Roll** Last Updated: 01-31-2016

Owner Name and Address

Alternate Key	3637674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-07-21-0080	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-07-21-0080	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	33.3
Owner Name	KENNEDY LINDA &		
Owner Name/Address 1			
Owner Address 2	40 BURLISON AVE APT 2		
Owner Address 3	ELLENVILLE NY		
Owner Zip/Postal Code	12428		
Situs Address	5204 SYDNEY ST PORT ORANGE 32127		

Additional Owners

Ownership Type		Ownership Percent	33.30
Additional Owner Name	KENNEDY JOHN &		
Ownership Type		Ownership Percent	33.30
Additional Owner Name	KENNEDY MAUREEN &		

Legal Description

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6447	1442	12/2009	Personal Rep.	Unqualified Sale	Yes	100
4644	1030	01/2001	Warranty Deed	Qualified Sale	Yes	42,912
4110	0099	05/1996	Warranty Deed	Qualified Sale	Yes	42,500
3930	3323	06/1994	Warranty Deed	Qualified Sale	Yes	32,000
3722	3665	01/1992	Warranty Deed	Unqualified Sale	Yes	28,000
3714	2483	10/1991	Warranty Deed	Qualified Sale	Yes	30,000

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
2015	18,470	16,738	0	35,208	35,208	32,114	0	35,208	0	32,114
2014	18,470	16,059	0	34,529	34,529	29,195	0	34,529	0	29,195

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	60.0	155.0	60.00	FRONT FEET	259.99	118	100	100	100	18,470
Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG											
Total Land Classified											0
Total Land Just											18,470

Building Characteristics

Building Number: 116244 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review	
116244	Mobile Home		180	1973	150	Mobile Home	70%	0%	0%	2999
Rooft Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0	
Rooft Cover	METAL	Wall Type		Plywood Panel	X Fixture Bath	0	5 Fixture Bath		0	
Heat Type1	Forced Ducted	Heat Source1		Gas	2 Fixture Bath	0	6 Fixture Bath		0	
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0	
Foundation	Wd Conc Piers	Year Remodeled			Fireplaces	0	A/C		Yes	
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area		

Prepared by and return to:

Janet M. Strickland

Attorney at Law

Law Office of Janet M. Strickland, P.A.

4643 Clyde Morris Boulevard Suite 307

Port Orange, FL 32129

386-763-5083

File Number: B08-031

Will Call No.: [REDACTED]

[Space Above This Line For Recording Data]

Personal Representative's Deed

This Personal Representative's Deed made this 31 day of December, 2009, between **John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased** whose post office address is 17 Brook Trail, Wurtsboro, NY 12790, grantor, and **Linda Kennedy, a married person and John Kennedy, a single person and Maureen Kennedy, a single person** whose post office address is 40 Burlison Ave., Apt. 2, Ellenville, NY 12428, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantees heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

LOT 8, BLOCK 21, COMMONWEALTH MOBILE ESTATES-2ND ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 104, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A 1973 TAHO DOUBLE WIDE MANUFACTURED HOME HAVING IDENTIFICATION NUMBERS 3T60LJ35122A&B.

Parcel Identification Number: 6315-07-21-0080

Subject to taxes for 2008 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

This document was prepared at the request of the Grantor(s) and no title search was requested or rendered.

More Commonly Known As: 5204 Sydney Street, Port Orange, FL 32127.

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

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

And the grantor hereby covenants with said grantee that the grantor has good right and lawful authority to sell and convey said land; that the grantor warrants the title to said land for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantor.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Marta Rivas

Witness Name: MARTA RIVAS

Linda Rivas

Witness Name: LINDA RIVAS

John Kennedy
John Kennedy, Personal Representative

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 16th day of JANUARY, 2010 by John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]

Robert Gomez Jr.
Notary Public

Printed Name: Robert Gomez Jr.

My Commission Expires: October 31, 2010

ROBERT GOMEZ, JR.
Notary Public, State of New York
Qualified in Ulster County
No. 4943623
Commission Expires October 31, 2010

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-0018**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Linda Kennedy
Maureen Kennedy
John Kennedy
5204 Sydney Street
Port Orange, FL 32127
6315-07-21-0080

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 8, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Linda Kennedy and Maureen Kennedy, whose mailing address is 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy, whose mailing address is 17 Brook Trail, Wurtsboro, NY 12790 is/are the owner(s) of the property located at 5204 Sydney Street, and more particularly described as:

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-
106 INC PER OR 4644 PGS [REDACTED] PER OR 6447 PGS [REDACTED]

B. There are high weeds and grass, overgrowth along with garbage in front of the home, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of the ceiling inside the home observed at 5204 Sydney Street, Port Orange, FL 32127. This condition was first observed at the real property described above on January 8, 2015; re-inspections made on April 6, 2015 confirmed the condition as being the same. Respondent(s), Linda Kennedy, Maureen Kennedy, and John Kennedy, received notice via certified mail on March 9, 2015 and posted at City Hall. The notice was also posted on the property on March 6, 2015. The aforesaid conditions constituted a violation of Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port

Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, and was to be corrected by April 6, 2015.

C. At the time of the hearing on April 8, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Linda Kennedy, Maureen Kennedy, and John Kennedy, by reason of the foregoing, has/have violated Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass, overgrowth along with garbage in front of the home on the property, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, an a partial collapse of the ceiling inside the home that was observed at 5204 Sydney Street, Port Orange, FL 32127 is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violations by repairing all roof and soffit damage, by removing all loose and unsecured metal, by securing all doors and windows, by repairing all damaged walls, ceilings and rotted wood inside the mobile home, by mowing the entire property and trimming all high weeds and by removing all garbage and debris from the property on or before April 15, 2015. Additionally, the respondents are required to contact code compliance inspector Allman to discuss permitting for the repairs or demolition of the mobile home. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 15, 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 \$76.45 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 8 day of 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), Linda Kennedy and Maureen Kennedy at 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy at 17 Brook Trail, Wurtsboro, NY 12790, by Certified and Regular Mail this 14 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) *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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

GENERAL REQUIREMENTS

the structure that 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 *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. 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. Where substantiated otherwise by an *approved method*.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

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

305.3 Interior surfaces. 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 jacks,

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* or the *International Existing 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.



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO.:16-167

To: Linda Kennedy and Maureen Kennedy
Property Owners
40 Burlison Ave Apt 2
Ellenville, NY 12428

John Kennedy
Property Owner
17 Brook Trail
Wurtsboro, NY 12790

Re: 5204 Sydney Street
Port Orange, FL 32127
Parcel ID: 6315-07-21-0080

LEGAL DESCRIPTION: LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644
PGS 1030-1031 PER OR 6447 PGS 1442-1443
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 5, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 3, Section 304.11 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.9 (Overhanging Extensions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.18 (Building Security) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.3 (Interior Surfaces) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

On February 5, 2016, I observed high weeds and grass overgrowth on the entire property along with trash in front of the home located at 5204 Sydney Street. Upon further inspection, I noted damaged and unsecured metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of the

ceiling inside the home. This property is abandoned and uninhabitable. These are repeat violations of case #15-018 where the Special Magistrate ruled this structure as a public health and safety nuisance. The violations still exist and need to be removed or repaired.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by **February 19, 2016**.

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

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 on the **13th day of April, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 24,279 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 the **13th day of April, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **8th day of June, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 15th day of March, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH, 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 John, Linda and Maureen Kennedy, 5204 Sydney Street, Port Orange, FL 32127 was

- ☐ Hand-delivered
☒ Posted at the property

Time: 12:10 pm

this 18th day of March, 2016.

Deborah Faircloth
DEBORAH FAIRCLOTH, 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 Linda Kennedy and Maureen Kennedy, 40 Burlison Ave., Apt 2, Ellenville, NY 12428 and John Kennedy, 17 Brook Trail, Wurtsboro, NY 12790 was

- ☒ Posted at City Hall
☒ Sent via certified

this 21 day of March, 2016.

John Kennedy
Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Property Appraiser

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



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Location Address Property Information

Parcel Information: 6315-07-21-0080 2016 Working Tax Roll Last Updated: 01-31-2016

Owner Name and Address

Alternate Key	3637674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-07-21-0080	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-07-21-0080	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	33.3
Owner Name	KENNEDY LINDA &		
Owner Name/Address 1			
Owner Address 2	40 BURLISON AVE APT 2		
Owner Address 3	ELLENVILLE NY		
Owner Zip/Postal Code	12428		
Situs Address	5204 SYDNEY ST PORT ORANGE 32127		

Additional Owners

Ownership Type		Ownership Percent	33.30
Additional Owner Name	KENNEDY JOHN &		
Ownership Type		Ownership Percent	33.30
Additional Owner Name	KENNEDY MAUREEN &		

Legal Description

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6447 1442	12/2009	Personal Rep.	Unqualified Sale	Yes	100
4644 1030	01/2001	Warranty Deed	Qualified Sale	Yes	42,912
4110 0099	05/1996	Warranty Deed	Qualified Sale	Yes	42,500
3930 3323	06/1994	Warranty Deed	Qualified Sale	Yes	32,000
3722 3665	01/1992	Warranty Deed	Unqualified Sale	Yes	28,000
3714 2483	10/1991	Warranty Deed	Qualified Sale	Yes	30,000

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
2015	18,470	16,738	0	35,208	35,208	32,114	0	35,208	0	32,114
2014	18,470	16,059	0	34,529	34,529	29,195	0	34,529	0	29,195

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	60.0	155.0	60.00	FRONT FEET	259.99	118	100	100	100	18,470
Neighborhood	5773 COMMONWEALTH M-H EST MB 26-PG										
											0
											18,470

Building Characteristics

Building Number: 116244 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116244	Mobile Home	180	1973	150	Mobile Home	70%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	3	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Gas	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	2	7 Fixture Bath			0
Foundation	Wd Conc Piers	Year Remodeled		Fireplaces	0	A/C			Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish		Floor Area

Prepared by and return to:
Janet M. Strickland
Attorney at Law
Law Office of Janet M. Strickland, P.A.
4643 Clyde Morris Boulevard Suite 307
Port Orange, FL 32129
386-763-5083
File Number: B08-031
Will Call No.: [REDACTED]

[Space Above This Line For Recording Data]

Personal Representative's Deed

This Personal Representative's Deed made this 31 day of December, 2009, between John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased whose post office address is 17 Brook Trail, Wurtsboro, NY 12790, grantor, and Linda Kennedy, a married person and John Kennedy, a single person and Maureen Kennedy, a single person whose post office address is 40 Burlison Ave., Apt. 2, Ellenville, NY 12428, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantees heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

LOT 8, BLOCK 21, COMMONWEALTH MOBILE ESTATES-2ND ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 104, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A 1973 TAHO DOUBLE WIDE MANUFACTURED HOME HAVING IDENTIFICATION NUMBERS 3T60LJ35122A&B.

Parcel Identification Number: 6315-07-21-0080

Subject to taxes for 2008 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

This document was prepared at the request of the Grantor(s) and no title search was requested or rendered.

More Commonly Known As: 5204 Sydney Street, Port Orange, FL 32127.

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

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

And the grantor hereby covenants with said grantee that the grantor has good right and lawful authority to sell and convey said land; that the grantor warrants the title to said land for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantor.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Marta Rivas
Witness Name: MARTA RIVAS

Linda Rivas
Witness Name: LINDA RIVAS

John Kennedy
John Kennedy, Personal Representative

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 16th day of JANUARY, 2010 by John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]

Robert Gomez Jr.
Notary Public

Printed Name: ROBERT GOMEZ JR.

My Commission Expires: OCTOBER 31, 2010

ROBERT GOMEZ, JR.
Notary Public, State of New York
Qualified in Ulster County
No. 4943623
Commission Expires October 31, 2010

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-0018**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Linda Kennedy
Maureen Kennedy
John Kennedy
5204 Sydney Street
Port Orange, FL 32127
6315-07-21-0080

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 8, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Linda Kennedy and Maureen Kennedy, whose mailing address is 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy, whose mailing address is 17 Brook Trail, Wurtsboro, NY 12790 is/are the owner(s) of the property located at 5204 Sydney Street, and more particularly described as:

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-
106 INC PER OR 4644 PGS [REDACTED] PER OR 6447 PGS [REDACTED]

B. There are high weeds and grass, overgrowth along with garbage in front of the home, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of the ceiling inside the home observed at 5204 Sydney Street, Port Orange, FL 32127. This condition was first observed at the real property described above on January 8, 2015; re-inspections made on April 6, 2015 confirmed the condition as being the same. Respondent(s), Linda Kennedy, Maureen Kennedy, and John Kennedy, received notice via certified mail on March 9, 2015 and posted at City Hall. The notice was also posted on the property on March 6, 2015. The aforesaid conditions constituted a violation of Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port

Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, and was to be corrected by April 6, 2015.

C. At the time of the hearing on April 8, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Linda Kennedy, Maureen Kennedy, and John Kennedy, by reason of the foregoing, has/have violated Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass, overgrowth along with garbage in front of the home on the property, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, an a partial collapse of the ceiling inside the home that was observed at 5204 Sydney Street, Port Orange, FL 32127 is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

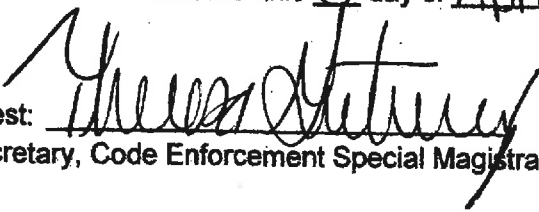
ORDER:

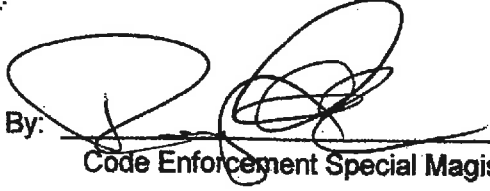
A. Respondent(s) shall correct the aforesaid violations by repairing all roof and soffit damage, by removing all loose and unsecured metal, by securing all doors and windows, by repairing all damaged walls, ceilings and rotted wood inside the mobile home, by mowing the entire property and trimming all high weeds and by removing all garbage and debris from the property on or before April 15, 2015. Additionally, the respondents are required to contact code compliance inspector Allman to discuss permitting for the repairs or demolition of the mobile home. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 15, 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 \$76.45 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 8 day of April, 2015.

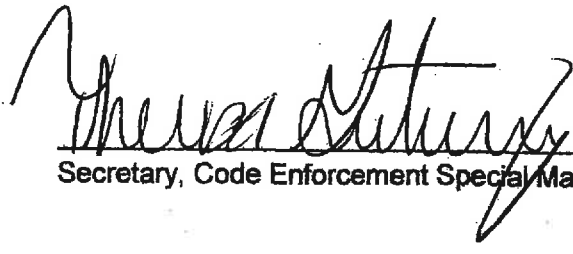
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Linda Kennedy and Maureen Kennedy at 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy at 17 Brook Trail, Wurtsboro, NY 12790, by Certified and Regular Mail this 14 day of April, 2015.


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) *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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

the structure that 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 *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. 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. Where substantiated otherwise by an *approved method*.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

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

305.3 Interior surfaces. 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* or the *International Existing 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.

Case Cost Sheet Log

Case No. 16-162

Name	Activity	Activity_Date	Status	Cost
Brian M. Peterson	Costs for mailing the Notice of Violation/Notice of Hearing to 767 Sandy Hill Circle, Port Orange, FL 32127	03/07/2016	Returned unclaimed	\$6.95
Brandy M. Peterson	Costs for mailing the Notice of Violation/Notice of Hearing to 767 Sandy Hill Circle, Port Orange, FL 32127	03/07/2016	Returned unclaimed	\$6.95
Brian M. Peterson	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 767 Sandy Hill Circle, Port Orange, FL 32127	04/13/2016		\$6.95
Brandy M. Peterson	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 767 Sandy Hill Circle, Port Orange, FL 32127	04/13/2016		\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00

Total: 54.80



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-162

To:
Brian M. & Brandy M. Peterson
767 Sandy Hill Cir
Port Orange, FL 32127

Re: 767 Sandy Hill Cir
Port Orange, FL 32127
Parcel ID: 6316-08-00-0230
LEGAL DESCRIPTION: LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 4, 2016 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

An inspection of the property was conducted on February 4, 2016. During the inspection, I observed a lawn violation. A re-inspection was conducted on February 11, 2016 and the property was still in violation. To correct the violation, the property must 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 **March 18, 2016**.

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 April 13, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13,960 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 **April 13, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 25, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 3 day of March, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Brian M. & Brandy M. Peterson, 767 Sandy Hill Cir, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 4 day of March, 2016.

Time: approx. 10:30

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 Brian M. & Brandy M. Peterson, 767 Sandy Hill Cir, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 7th day of March, 2016.
[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6316-08-00-0230 **2016 Working Tax Roll** Last Updated: 02-28-2016

Owner Name and Address

Alternate Key	4640703	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-08-00-0230	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-08-00-0230	2015 Final Mill Rate	20.86510
Created Date	20 FEB 1984		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	PETERSON BRIAN M & BRANDY M		
Owner Name/Address 1			
Owner Address 2	767 SANDY HILL CIRCLE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	767 SANDY HILL CIR PORT ORANGE 32127		

Legal Description
 LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5308	3307	04/2004	Warranty Deed	Qualified Sale	Yes	245,500
5015	2894	01/2003	Quit Claim Deed	Affiliated Parties	Yes	10
4447	2864	06/1999	Warranty Deed	Qualified Sale	Yes	184,000
3142	0680	05/1988	Warranty Deed	Qualified Sale	Yes	145,500
2853	0860	07/1986	Warranty Deed	Qualified Sale	Yes	142,000

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
2015	25,500	160,008	16,733	202,241	165,790	165,790	25,000	140,790	25,000	115,790
2014	25,500	141,620	15,240	182,360	164,474	164,474	25,000	139,474	25,000	114,474

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	0.0	0.0	1.00	LOT	25500.00	100	100	100	100	25,500
Neighborhood 5735 COUNTRYSIDE UNIT II											
Total Land Classified											0
Total Land Just											25,500

Building Characteristics
 Building Number: 146941 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
146941	Single Family	172	1986	400		18%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	4	4 Fixture Bath		2
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	1	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	0	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	COMMON BRICK	1.0	1986	N	0%	0%	1688 Sq. Feet
002	Upper Story, Finished (FUS)	COMMON BRICK	1.0	1986	N	0%	0%	376 Sq. Feet
003	Upper Story, Finished (FUS)	COMMON BRICK	1.0	1986	N	0%	0%	446 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1986	N	0%	0%	110 Sq. Feet
005	Finished Garage (FGR)	Non-Applicable	1.0	1986	N	0%	0%	529 Sq. Feet

05/03/2004 10:21 AM
Doc stamps 1718.50
(Transfer Amt \$ 245500)
Instrument# 2004-103971
Book: 5308
Page: 3307
Diane M. Matousek
Volusia County, Clerk of Court

Return to: Marilea Reese
Name: SOUTHERN TITLE HOLDING COMPANY, LLC.
Address: 801 BEVILLE ROAD, SUITE 201
SOUTH DAYTONA, Florida 32119

This Instrument Prepared:
Marilea Reese
SOUTHERN TITLE HOLDING COMPANY, LLC.
801 BEVILLE ROAD, SUITE 201
SOUTH DAYTONA, Florida 32119

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
6316-08-00-0230
Grantee(s) S.S.#(s):
File No: DB0412388

WARRANTY DEED

This Warranty Deed Made the 28th day of April, 2004, by DAVID E. SINGLETON, A SINGLE PERSON, hereinafter called the grantor, whose post office address is: 761 TARRYTOWN TRAIL, PORT ORANGE, Florida 32127

to BRIAN M. PETERSEN and BRANDY M. PETERSEN, HUSBAND AND WIFE whose post office address is: 767 SANDY HILL CIRCLE, PORT ORANGE, Florida 32127, hereinafter called the grantee,

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

LOT 23, COUNTRYSIDE SUBDIVISION - UNIT II, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 39, PAGES 79 AND 80, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is the homestead of the Grantor(s).

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to **DECEMBER 31, 2003**, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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

Signed, sealed and delivered in our presence:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 28th day of April, 2004, by DAVID E. SINGLETON, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:



Marilea J. Reese
MY COMMISSION # DD195253 EXPIRES
March 21, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

MARILEA J. REESE
Notary Public
Serial Number

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. 16-0237

Name	Activity	Activity_Date	Status	Cost
David M. Powell	Costs for mailing the Notice of Violation/Notice of Hearing to 775 Sugar Cane Lane, Port Orange, FL 32127	02/26/2016	Returned unclaimed	\$7.17
David M. Powell	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 775 Sugar Cane Lane, Port Orange, FL 32127	04/13/2016		\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00

Total: 41.12



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0237

To: David M. Powell
Property Owner
775 Sugar Cane Lane
Port Orange, FL 32129

Re: 775 Sugar Cane Lane
Port Orange, FL 32129
Parcel ID: 6337-08-03-0920

LEGAL DESCRIPTION: LOT 92 SUGAR FOREST PHASE III MB 35 PG 1 PER OR 3326 PG 1302 PER D/C 6194 PG 0689 PER OR 6194 PG 0694

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 24, 2016 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 (Maintenance 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 needs to be mowed in its entirety to include removal of all high weeds and grass on the property. All fallen limbs, branches, and debris shall be removed.

Original inspection conducted on February 24, 2016 after receiving a complaint that the yard at this location needs to be mowed again. This is to be considered a REPEAT VIOLATION per Case# (12-1384) which was heard by the Code Enforcement Board on July 11, 2012. Property was mowed prior to the compliance date as set by the board. Due to the nature of the violation and the yard being high, case to be considered a health and safety hazard due to the possible harboring of rodents, snakes, insects, etc.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate April 13, 2016 at 9:00 a.m. or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief.

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2) (d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 12.95 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 April 13, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on May 25, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 25th day of February, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to David M. Powell, Property Owner, 775 Sugar Cane Lane, Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: 12:33 PM

this 25th day of February, 2016.

Dena Joseph
Dena Joseph (Code Officer)

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to David M. Powell, Property Owner, 775 Sugar Cane Lane, Port Orange, FL 32129, was

- ☒ Posted at City Hall
☒ Sent via certified

this 26th day of February, 2016.

Robert E. Church
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6337-08-03-0920 **2016 Working Tax Roll** Last Updated: 02-21-2016

Owner Name and Address

Alternate Key	3684303	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-08-03-0920	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-08-03-0920	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	POWELL DAVID M		
Owner Name/Address 1			
Owner Address 2	775 SUGAR CANE LN		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	775 SUGAR CANE LN PORT ORANGE 32129		

Legal Description
 LOT 92 SUGAR FOREST PHASE III MB 35 PG 1 PER OR 3326 PG 1302 PER D/C 6194 PG 0689 PER OR 6194 PG 0694

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6194	0694	02/2008	Warranty Deed	Distress sale	Yes	168,000
3326	1302	06/1989	Warranty Deed	Qualified Sale	Yes	88,000
2025	0448	10/1978	Warranty Deed	Qualified Sale	No	9,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	25,300	101,890	112	127,302	127,302	123,147	0	127,302	0	123,147
2014	25,300	85,999	653	111,952	111,952	111,952	0	111,952	0	111,952

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	90.0	117.0	90.00	FRONT FEET	270.00	104	100	100	100	25,300

Neighborhood 5340 BANBURY SUB (6337-14)

Total Land Classified 0
Total Land Just 25,300

Building Characteristics
 Building Number: 120345 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120345	Single Family	188	1979	325		22%	0%	0%	2999

Roof Type	Roof Cover	Heat Type1	Heat Type2	Foundation	Floors	Wall Type	Heat Source1	Heat Source2	Year Remodeled	Bedrooms	X Fixture Bath	2 Fixture Bath	3 Fixture Bath	Fireplaces	4 Fixture Bath	5 Fixture Bath	6 Fixture Bath	7 Fixture Bath	Next Review
GABLE	ASPHALT SHINGL	Forced Ducted		Concrete Slab						3	0	0	2	1	4	0	0	0	0

Section Number **Area Type** **Exterior Wall Type** **Number Stories** **Year Built** **Attic Finish** **Bsmt Area** **Bsmt Finish** **Floor Area**

001	Res BASE Area (BAS)	WOOD ON SHEATING OR PLYWD	1.0	1979	N	0%	0%	1797 Sq. Feet
002	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1979	N	0%	0%	300 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1979	N	0%	0%	552 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1979	N	0%	0%	70 Sq. Feet

This Warranty Deed

Made this 15th day of February A.D. 2008
by Richard A. Belcher, Sr., a single person by
Eileen M. Lindley, his Attorney-in-Fact

hereinafter called the grantor, to
David M. Powell, a single person

whose post office address is:
**775 Sugar Cane Lane
Port Orange, Florida 32127**

hereinafter called the grantee:

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

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

Lot 92, SUGAR FOREST PHASE III, according to the plat thereof as recorded in Map Book 35, Pages 1 and 2, Public Records of Volusia County, Florida.

SUBJECT TO Covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 6337-08-03-0920

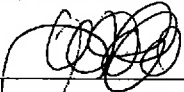
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

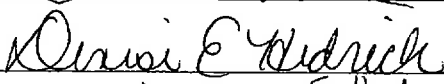
To Have and to Hold, the same in fee simple forever.

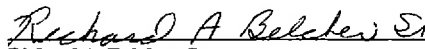
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2007.

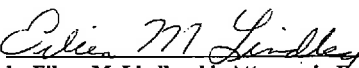
In Witness Whereof, The said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name John Wolfe

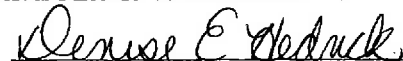

Witness Printed Name DENISE E Hedrick

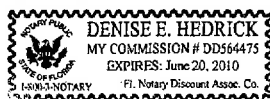

Richard A. Belcher, Sr., (Seal)
Address:


by Eileen M. Lindley, his Attorney-in-Fact (Seal)
Address:

State of **Florida**
County of **Volusia**

The foregoing instrument was acknowledged before me this 15th day of February, 2008, by
Eileen M. Lindley, Attorney-in-Fact for Richard A. Belcher, Sr., a single person
who is/are personally known to me or who has produced **driver's license** as identification.


Notary Public
Print Name: _____
My Commission Expires: _____



PREPARED BY: Denise E. Hedrick
RECORD AND RETURN TO:
Columbia Title Research Corporation
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
FILE No.: 08-0080

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT BOARD
CASE NO. 12-1384**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

v.

David M. Powell
775 Sugar Cane Ln
Port Orange, FL 32129
6337-08-03-0920

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Board on July 11, 2012, after due notice to the Respondent, and the Board having heard testimony under oath, received evidence and heard argument, from Staff and Respondent, thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT :

A. Respondent, David M. Powell, whose mailing address is 775 Sugar Cane Ln, Port Orange, Florida, is the owner of the property located at 775 Sugar Cane Ln, Port Orange, FL, and more particularly described as:

LEGAL DESCRIPTION: LOT 92 SUGAR FOREST PHASE III MB 35 PG 1
PER OR 3326 PG 1302 PER D/C 6194 PG 0689 PER OR 6194 PG 0694

B. The condition of the lawn needing to be mowed and maintained was first observed at the real property described above on June 5, 2012; a re-inspection made on June 27, 2012 confirmed the condition as being the same. Respondent, David M. Powell, received notice via certified and regular mail and posting of property on June 28, 2012, that the aforesaid conditions constituted a violation of Section 42-26(d) of the City of Port Orange Code of Ordinances: Maintenance of improved residential lots and was to be corrected by June 23, 2012.

C. At the time of the hearing on July 11, 2012, the violations cited above continue to exist.

CONCLUSION OF LAW :

Respondent, David M. Powell by reason of the foregoing, has violated Section 42-26(d) of the City of Port Orange Code of Ordinances in that the respondent failed, on or before the date set in the notice of violation, to remedy the condition of the lawn needing to be mowed and maintained, and is therefore subject to the provisions of Chapter 162, Florida Statutes (2011).

ORDER

A. Respondent shall correct the aforesaid violation by abating all overgrowth, removing all yard debris and maintaining this property in compliance on or before July 21, 2012. In the event that the aforesaid violator has not complied as above described by July 21, 2012, then there shall be imposed against the Respondent, a fine of \$100.00 for each day the violation continues beyond July 21, 2012. The City of Port Orange shall have the option to abate the violation by mowing the property. The property shall incur a lien payable to the City of Port Orange each time this violation is abated. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$12.35 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. *Abatement Subject to Lawful Access*

B. In the event that the Respondent completes the requirements listed above, *E.S.F.* Respondent shall request a re-inspection by the Code Compliance Inspector to determine whether the violation has been brought into compliance.

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

DONE AND ORDERED this 11 day of July, 2012.

Attest:

Joyce Dombrowski
Code Enforcement Board Secretary

By:

[Signature]
Code Enforcement Board Chairman

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

T. S. D. Dombrowski
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 David M. Powell at 775 Sugar Cane Ln, Port Orange, FL 32129, by Certified and Regular U.S. Mail this 12 day of July, 2012.

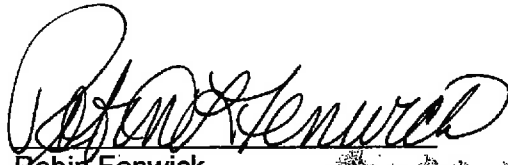
Joyce Dombrowski
Secretary, Code Enforcement Board

CERTIFICATION BY DEPUTY CITY CLERK

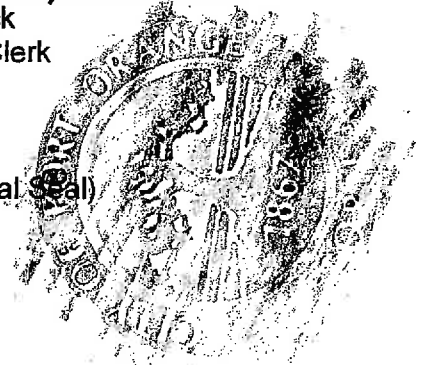
STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I, ROBIN FENWICK, Deputy City Clerk of the City of Port Orange, Volusia County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Finding of Fact, Conclusion of Law and Order, related to Code Enforcement Case No. 12-1384, for property located at 775 Sugar Cane Ln., Port Orange, FL, as the same appears of record in the Office of the City Clerk.

In my capacity as Deputy City Clerk, I have hereunto set my hand and affixed the official seal of the City of Port Orange, Florida, on the 12 day of July, 2012.


Robin Fenwick
Deputy City Clerk

(Official Seal)



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT BOARD**

CASE NO: CEB 12-1384

CITY OF PORT ORANGE,

Petitioner,

V

David M. Powell
775 Sugar Cane Ln, Port Orange, FL 32129
Parcel ID#: 6337-08-03-0920

Respondent.

Space Reserved for Recording

AFFIDAVIT OF COMPLIANCE

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That on July 11, 2012, the Board held a public hearing and issued its Findings of Fact, Conclusions of Law and Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action on or before July 21, 2012.
3. That at the request of the homeowner, a re-inspection was performed by the undersigned on July 23, 2012.
4. That the reinspection revealed that the corrective action ordered by the Board has been taken.

FURTHER AFFIANT SAYETH NOT.

DATED this 31st day of July 2012.


J. Scott Allman

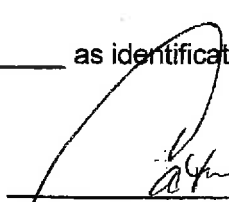
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

Sworn to and subscribed before me this 31st day of July 2012.

Notary to check one:

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



Notary Public, State of Florida at Large
Printed Name, Stamped Commission Seal and

Term Expiration Date

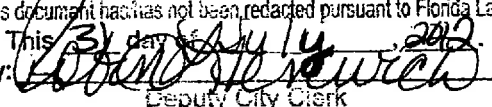


CATHERINE CAMPBELL
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD903338
Expires 8/10/2013

CITY OF PORT ORANGE, FLORIDA

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

This document has not been redacted pursuant to Florida Law.

This 31 day of July 2012
By: 
Deputy City Clerk



Case Cost Sheet Log

Case No. 15-2094

Name	Activity	Activity_Date	Status	Cost
Ryan Alan McDowell JTRS	Costs for mailing the Notice of Violation/Notice of Hearing to 4632 Golden Apples Trail, Port Orange, FL 32127	02/25/2016	Returned - vacant	\$6.95
Stacey Nicole Simon JTRS	Costs for mailing the Notice of Violation/Notice of Hearing to 4632 Golden Apples Trail, Port Orange, FL 32127	02/25/2016	Returned - vacant	\$6.95
Ryan Alan McDowell JTRS	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 4632 Golden Apples Trail, Port Orange, FL 32127	04/13/2016		\$6.95
Stacey Nicole Simon JTRS	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 4632 Golden Apples Trail, Port Orange, FL 32127	04/13/2016		\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00

Total: 54.80



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-2094

To: Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS
Property Owners
4632 Golden Apples Trail
Port Orange, FL 32129

Re: 4632 Golden Apples Trail
Port Orange, FL 32129
Parcel ID: 6307-15-00-1410

LEGAL DESCRIPTION: LOT 141 CROSS CREEK PHASE II MB 43 PG 56 PER OR 4353 PG 1394 PER OR 6320 PGS 3681-3683 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 30, 2016 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 (Maintenance 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 initially inspected on December 30, 2015 after noticing the condition of the lawn. The weeds were high and it was evident that the property was not being maintained. I left a 5 day door hanger to mow the entire property to include the high weeds in the landscaped areas. . A re-inspection performed on February 22, 2016 resulted in non-compliance. Due to the possibility of the harborage of rodents, snakes, insects, etc. the property is to be considered a health and safety violation.

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 March 6, 2016 by mowing entire property to include weed eating, edging etc. and removing all fallen limbs and debris.

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 April 13, 2016 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

At the event the Special Magistrate, during the hearing on April 13, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on May 25, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 24th day of February, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS, Property Owners, 4632 Golden Apples Trail, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 10:11 AM

this 24th day of February, 2016.

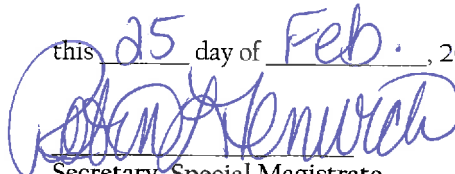
Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ryan McDowell JTRS & Stacey Nicole Simon JTRS, Property Owners, 4632 Golden Apples Trail, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified

this 25 day of Feb., 2016.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6307-15-00-1410 **2016 Working Tax Roll** Last Updated: 02-21-2016

Owner Name and Address

Alternate Key	5162460	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-15-00-1410	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-15-00-1410	2015 Final Mill Rate	20.86510
Created Date	22 FEB 1990		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	MCDOWELL RYAN ALAN JTRS &		
Owner Name/Address 1			
Owner Address 2	4632 GOLDEN APPLES TRL		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	4632 GOLDEN APPLES TR PORT ORANGE 32129		

Additional Owners

Ownership Type	Ownership Percent 100.00
Additional Owner Name	SIMON STACEY NICOLE JTRS &

Legal Description

LOT 141 CROSS CREEK PHASE II MB 43 PG 56 PER OR 4353 PG 1394 PER OR 6320 PGS 3681-3683 INC

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6320 3681	01/2009	Warranty Deed	Qualified Sale	Yes	145,000
4353 1394	09/1998	Warranty Deed	Qualified Sale	Yes	104,000
3750 3722	06/1992	Warranty Deed	Qualified Sale	Yes	82,400

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	16,800	109,443	164	126,407	126,407	126,407	0	126,407	0	126,407
2014	16,800	92,106	300	109,206	109,050	109,050	25,000	84,050	25,000	59,050

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	80.0	110.0	80.00	FRONT FEET	210.00	100	100	100	100	16,800
Neighborhood 5882 CROSS CREEK PHASE I & PHASE I											
Total Land Classified											0
Total Land Just											16,800

Building Characteristics

Building Number: 165944 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
165944	Single Family	194	1992	300		13%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1992	N	0%	0%	1593 Sq. Feet
002	Finished Enclosed Porch (FEP)	Non-Applicable	1.0	1992	N	0%	0%	140 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1992	N	0%	0%	60 Sq. Feet
005	Finished Garage (FGR)	Non-Applicable	1.0	1992	N	0%	0%	462 Sq. Feet

02/09/2009 11:14 AM
Doc stamps 1015.00
(Transfer Amt \$ 145000)
Instrument# 2009-022571 # 1
Book : 6320
Page : 3681

Prepared by
Natalie McKee, an employee of
First American Title Insurance Company
209 Dunlawton Avenue, Suite 17
Port Orange, Florida 32127
(386)761-7511

Return to: Grantee
File No.: 1019-2051763

WARRANTY DEED

Made this January 29, of 2009 by and between

Carmella A. Disanza, single widow and surviving spouse of James J. Disanza, deceased

whose address is: **25710 Mesa Edge Ct, Sun City, CA 92585**
hereinafter called the "grantor", to

Ryan Alan McDowell, a single man and Stacey Nicole Simon, a single woman as joint tenants with right of survivorship

whose post office address is: **4632 Golden Apples Trail, Port Orange, FL 32119**
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 141, CROSS CREEK PHASE II, as per map in Map Book 43, Page 56 of the Public Records of Volusia County, Florida.

Parcel Identification Number: **6307-15-00-1410**

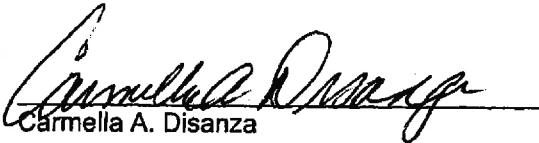
Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

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 2008.

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

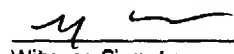

Carmella A. Disanza

Signed, sealed and delivered in the presence of these witnesses:


Witness Signature

Print

 Dooley


Witness Signature

Print Name:

NORMA GUERRERO

State of _____

See attached California Jurat

County of _____

Sworn To And Subscribed before me on _____, by **Carmella A. Disanza, a single widow and surviving spouse of James J. Disanza, deceased** ~~who is/are personally known to me or~~ who has/have produced a valid driver's license as identification and who did take an oath. This document has been notarized pursuant to Florida Statute, Chapter 668.

Notary Public

Print Name

My Commission Expires: _____

{Notarial Seal}

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on this

29th day of January, 2009, by
Date Month Year

(1) Carmella A. Disanza
Name of Signer

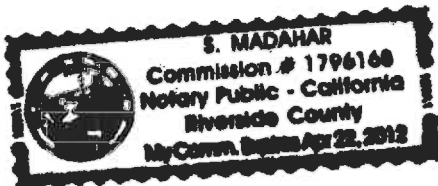
proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (X)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature D. Madahar
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

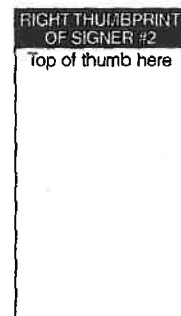
Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Warranty Deed

Document Date: 01/29/2009 Number of Pages: 2 + Jurat

Signer(s) Other Than Named Above: Dileen Dooley & Norma
Querrero



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. 16-0158

Name	Activity	Activity_Date	Status	Cost
John B. Clark	Costs for mailing the Notice of Violation/Notice of Hearing to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	02/24/2016	Returned unclaimed	\$6.95
John B. Clark	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	04/13/2016		\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00

Total: 40.90



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0158

To: John B. Clark
Property Owner
2518 Tortugas Ln
Fort Lauderdale FL 33312

Re: Nova Road
Port Orange, FL 32127
Parcel ID: 6340-03-13-0040

LEGAL DESCRIPTION: LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449 PER OR 6982 PG 3451

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **DECEMBER 28, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required): Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

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

Chapter 10 (Clearing, Grading and Stormwater Management), Article I (Clearing and Grading), Section 2 (Permit Requirements for Change of Grade) of the City of Port Orange Land Development Code: It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter.

Original inspection conducted on **December 28, 2015** after receiving a complaint that the residents are running a used car and truck business at this location. Inspection conducted on this date. Found one Jeep on site for sale. Main concern on this property is that they are clearing the property next door. Also, there is a large abundance of outside storage in this area along with a shed that has been placed on the property which was not permitted. Left 5 day door hanger to store all outside storage inside or behind an opaque fence. I also asked residents to call re: additional complaints such as the business and the clearing. As of January 12, 2016, nothing had been done and I had not heard from the residents. On January 13, 2016, I posted a stop work order for clearing and the installation of the shed. Photos taken of posting. The items being stored on the outside of the property were never removed. Property remains in non-compliance.

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 **MARCH 8, 2016 BY APPLYING FOR THE APPROPRIATE PERMITS AND COMPLYING TO THE PROVISIONS AS SET FORTH ON THOSE PERMITS, AND REMOVING ALL OUTSIDE STORAGE ON THE PROPERTY.**

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 April 13, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said **PUBLIC HEARING** and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 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 **April 13, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd **PUBLIC HEARING** will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate** on **May 25, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said **PUBLIC HEARING**. Please govern yourself accordingly.

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

DATED this 23rd day of February, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, 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 John B. Clark, Property Owner, 2518 Tortugas Lane, Ft. Lauderdale, FL 33312, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:46 PM

this 23rd day of February, 2016.

Dena Joseph
Dena Joseph, 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 John B. Clark, Property Owner, 2518 Tortugas Lane, Ft. Lauderdale, FL 33312, was

☒ Posted at City Hall

☒ Sent via certified

this 24 day of February, 2016.

John A. Keweenaw
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Parcel Number](#)
[Property Information](#)

Parcel Information: 6340-03-13-0040 **2016 Working Tax Roll** Last Updated: 02-21-2016

Owner Name and Address

Alternate Key	3692519	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6340-03-13-0040	Mill Group	402 Port Orange
Full Parcel ID	40-16-33-03-13-0040	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	CLARK JOHN B		
Owner Name/Address 1			
Owner Address 2	2518 TORTUGAS LN		
Owner Address 3	FORT LAUDERDALE FL		
Owner Zip/Postal Code	33312		
Situs Address	NOVA RD PORT ORANGE 32127		

Legal Description
 LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449 PER OR 6982 PG 3451

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6982 3451	02/2014	Warranty Deed	Unqualified Sale	No	5,000
6982 3449	08/1988	Death Certificate	Unqualified 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
2015	13,847	0	0	13,847	13,847	13,847	0	13,847	0	13,847
2014	13,293	0	0	13,293	13,293	13,293	0	13,293	0	13,293

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	60.0	150.0	60.00	FRONT FEET	250.01	103	80	100	45	5,539
Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)											
Total Land Classified											0
Total Land Just											5,539

Parcel Notes (Click button below to display Parcel Notes)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
Display Permits						

Total Values

Land Value	5,539 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	
Just Value	5,539 Previous Just Value	13,847
School Assessed	5,539 Previous School Assessed	13,847
Non-School Assessed	5,539 Previous Non-School Assessed	13,847
Exemption Value	0 Previous Exemption Value	0
Additional Exemption Value	0 Previous Additional Exemption Value	0
School Taxable	5,539 Previous School Taxable	13,847
Non-School Taxable	5,539 Previous Non-School Taxable	13,847

Name: JOHN B. CLARK
Address: 2518 TORTUGAS LANE
FORT LAUDERDALE, FL 33312
This Instrument Prepared by:
Name: SAME
Address:

Property Appraisers Parcel Identification

Folio Number(s): Full 40-16-33-03-13-0040
Grantee(s) S.S. # (s): Short 6340-03-13-0040

04/28/2014 09:12 AM
Doc stamps 35.00
(Transfer Amt \$ 5000)
Instrument# 2014-073857 # 1
Book: 6982
Page: 3451
Diane M. Matousek
Volusia County, Clerk of Court

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed, Made the 17 day of April, 2014, by
Dorothy A. Van Winkle, Jerry C. Van Winkle (Deceased) Debra L. Williams
hereinafter called the Grantor, to John B. Clark
whose post office address is 2518 TORTUGAS LANE FORT LAUDERDALE, FL 33312
hereinafter called the Grantee.

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

Witnesseth, That the Grantor, for and in consideration of the sum of \$ 5,000 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, State of Florida, viz:

LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS
44 & 45

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining. To Have and to Hold, the same in fee simple forever.

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

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

Signed, sealed and delivered in the presence of:

Bill Farrell
Witness Signature (as to first Grantor)

Bill Farrell
Printed Name

Bill Leavelle
Witness Signature (as to first Grantor)

Bill Leavelle
Printed Name

Michael Swan
Witness Signature (as to Co-Grantor, if any)

Michael Swan
Printed Name

Witness Signature (as to Co-Grantor, if any)

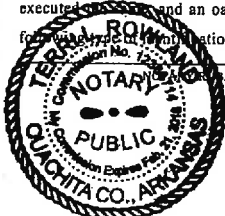
Printed Name

STATE OF Arkansas

COUNTY OF Quachita

Debra L. Williams

known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she
executed the same and an oath was not taken. (Check one: ☒ Said person(s) is/are personally known to me. ☐ Said person(s) provided the
following type of identification: AR DL



Debra L. Williams P.O.A. for

Dorothy Allen Horton Van Winkle
Grantor Signature

Debra L. Williams
Printed Name

Post Office Address

Co-Grantor Signature, (if any)

Printed Name

Post Office Address

I hereby Certify that on this day, before me, an officer duly authorized
to administer oaths and take acknowledgments, personally appeared

Witness my hand and official seal in the County and State last aforesaid
this 27 day of Feb, A.D. 2014.
Terri L. Rowland
Notary Signature
Printed Name

[A] **104.9 Approved materials and equipment.** Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] **104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] **104.10 Modifications.** Reserved.

[A] **104.10.1 Flood hazard areas.** Reserved.

[A] **104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

[A] **104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] **104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION 105 PERMITS

[A] **105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

[A] **105.1.1 Annual facility permit.** In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office sys-

tem(s), the *building official* is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

[A] **105.1.2 Annual permit records.** The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.3 Food permit. In accordance with Section 500.12, *Florida Statutes*, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

[A] **105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. *Permits* shall not be required for the following:

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

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)

Section 2: - Permit requirements for change of grade.

It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter. The following procedure shall apply for unsubdivided property or subdivided lots with no approved development or building plan. However, the provisions of article II of this chapter shall supersede the following for those activities requiring a stormwater management permit as reflected in article II of this chapter.

- (a) *Application procedure.* Application shall be made to the community development department on an appropriate form provided by the city. Application submittal shall include the necessary drawings of documents to show the following:
 - (1) All existing trees eight inches or over DBH; other vegetation depicted by canopy area or spread with average density, height, and trunk dimensions; the trees and vegetation to be removed shall be clearly noted and all specimen trees proposed for removal shall be individually noted.
 - (2) The existing and proposed grades, in one-foot contours, of the property of the applicant and that of all abutting property owners. The nature of the proposed changes of grade and justification for such changes shall be noted.
 - (3) The name, address and telephone number of the applicant to which all notices and communications relating to such application may thereafter be sent, as well as a brief statement describing the need for, and intent of, the proposed work.
- (b) *Standards of review.* The application shall be reviewed on the following criteria:
 - (1) The extent to which the actual or intended use of the property requires changes of grade.
 - (2) The desirability of preserving any tree by reason of its size, age, or some other outstanding quality, such as uniqueness, rarity or status as an historic or specimen tree.
 - (3) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the trees and changes of grade.
 - (4) The heightened desirability of preserving or enhancing tree cover in densely developed populated areas.
 - (5) The need for visual screening in transitional areas, or relief from glare, blight, commercial or industrial unsightliness or any other affront to the visual or aesthetic sense in the area.
 - (6) The effect that changes in the natural existing grade will have on the trees to be protected and preserved.
 - (7) The effect that changes in the natural or existing grade will have on drainage and its impact on adjoining properties.

Case Cost Sheet Log

Case No. 15-1367

Name	Activity	Activity_Date	Status	Cost
Country Manor Assisted Living & Retirement Home LLC	Mailing Notice of Violation/Notice of Hearing to 3101 Archer Avenue, Orlando, FL 32833	02/01/2016	Mail returned unclaimed	\$6.95
Country Manor Assisted Living & Retirement Home LLC	Mailing Finding of Fact, Conclusion of Law & Order to 3101 Archer Avenue, Orlando, FL 32833	03/09/2016		\$7.17
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	03/09/2016		\$27.00
Country Manor Assisted Living & Retirement Home LLC	Mailing Order Setting Fine/Lien to 3101 Archer Avenue, Orlando, FL 32833	04/13/2016		\$6.95
Clerk of Court	Recording Order Setting Fine/Lien to 3101 Archer Avenue, Orlando, FL 32833	04/13/2016		\$18.50

Total: 66.57



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1367

To: Country Manor Assisted Living & Retirement Home LLC
Property Owner
3101 Archer Avenue
Orlando, FL 32833

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

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **August 7, 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), (c) Maintenance of Commercial and Industrial Zoned Lots of the City of Port Orange Code of Ordinances: 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.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances: 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.

Initial inspection conducted on **August 7, 2015**. While in the area, I noticed that this property was abandoned and very overgrown. In addition, there is trash and debris on site. I left a 10 day door hanger to mow the entire property and remove any trash and debris on site. A re-inspection was conducted on **October 15, 2015** and no corrections have been made and property remains in non-compliance as of this date. Due to the extreme height of the grass, case is to be considered a health and safety violation due to the possible harboring of rodents, snakes, insects, etc. as well as a home for vagrants.

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 FEBRUARY 7, 2016. BY MOWING ENTIRE PROPERTY AND REMOVING ALL TRASH AND DEBRIS.

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 **Code Enforcement Special Magistrate on March 9, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 **March 9, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on April 13, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 29th day of January, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living & Retirement Home LLC, Property Owner, 3101 Archer Avenue, Orlando, FL 32833, was

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

Time: approx. 3:15 PM

this 29th day of January, 2016.

Dena Joseph
Dena Joseph, Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living & Retirement Home LLC, Property Owner, 3101 Archer Avenue, Orlando, FL 32833, was

☒ Posted at City Hall

☒ Sent via certified

this 15th day of February, 2016.



Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE 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: 6305-04-00-0021 **2016 Working Tax Roll** Last Updated: 01-10-2016

Owner Name and Address

Alternate Key	3585747	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-04-00-0021	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-04-00-0021	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	74 Homes for the Aged		
Ownership Type		Ownership Percent	100
Owner Name	COUNTRY MANOR ASSISTED LIVING		
Owner Name/Address 1	& RETIREMENT HOME LLC		
Owner Address 2	3101 ARCHER AVE		
Owner Address 3	ORLANDO FL		
Owner Zip/Postal Code	32833		
Situs Address	1152 OLD HAMMOCK RD PORT ORANGE 32129		

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

Sales History

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

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	361,004	120,055	5,533	486,592	486,592	486,592	0	486,592	0	486,592
2014	361,004	114,848	10,662	486,514	486,514	486,514	0	486,514	0	486,514

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
7400	HOMV AGED	0.0	0.0	130680.00	SQUARE_FEET	4.25	100	65	100	100	361,004

Neighborhood C5502 PORT ORANGE- NOVA ROAD

Total Land Classified 0
Total Land Just 361,004

Building Characteristics

Building Number: 111590 (Building 1 of 1)

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

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	9.00	2	1976	0.00	1250 Home for the Aged, Average (74C)		100.00	No	Yes
002	9.00	1	1976	0.00	132 Porch, Open Unfinished (UOP)		0.00	No	No
003	9.00	1	1984	0.00	133 Porch, Open Finished (FOP)		0.00	No	No
004	9.00	1	1976	0.00	8498 Home for the Aged, Average (74C)		100.00	No	No
005	9.00	1	1976	0.00	626 Porch, Screen Unfinished (USP)		0.00	No	No
006	9.00	1	1976	0.00	28 Porch, Open Finished (FOP)		0.00	No	No
007	9.00	1	1986	0.00	28 Porch, Open Finished (FOP)		0.00	No	No
008	9.00	1	1976	0.00	112 Porch, Open Finished (FOP)		0.00	No	No

Exterior Wall Type

44 Concrete Block, Stucco	84%
11 Wood Frame, Wood Siding	10%
43 Concrete Block, Stone Veneer	6%

This Instrument Prepared By:

John B. Crowther
Attorney at Law
279 East Graves Avenue
Orange City, Florida 32763
(86) 775-6179

County Appraiser's Parcel Identification Number:
57-04-00-0021

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

RETURN TO 1813053
VOLUSIA TITLE SERVICES
109 WEST BICH AVENUE
DELAND FL 32720

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

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

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

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

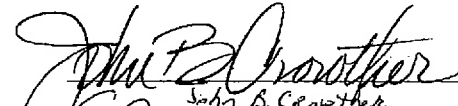
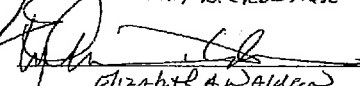
TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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

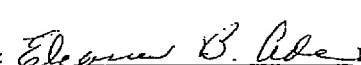
AND the Grantor hereby covenants with said Grantee that, except as above noted, at the time of the delivery of this deed the premises were free from all encumbrances made by the Grantor, except taxes accruing subsequent to December 31, 2007, and the Grantor will warrant and defend the same against the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

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

Signed, sealed and delivered in the presence of:

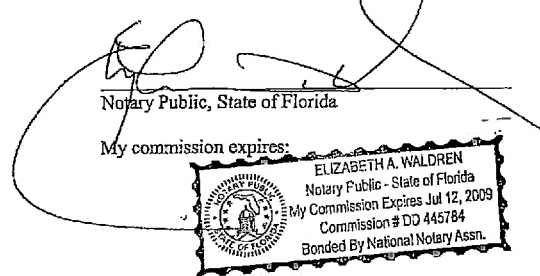

John B. Crowther

Elizabeth A. Waldren
STATE OF FLORIDA
COUNTY OF VOLUSIA

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

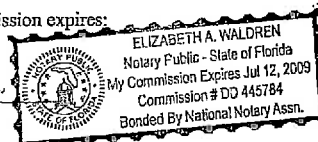
By:  L.S.
Eleanor B. Ade, as Vice President

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared ELEANOR B. ADE, as Vice President of EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC., a Florida corporation, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, that I relied upon the following form of identification of the above-named person: DRIVERS LICENSE, and that an oath was taken.

WITNESS my hand and official seal in the State and County last aforesaid this 23RD day of October, 2008.


Notary Public, State of Florida

My commission expires:



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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1367**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME LLC
1152 OLD HAMMOCK ROAD
PORT ORANGE, FL 32129
PARCEL ID: 6305-04-00-0021

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 9, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

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

W 222.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 AT 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

B. The property has high weeds and grass, as well as trash and debris in the yard. This condition was first observed at the real property described above on August 7, 2015; re-inspections made on February 8, 2016 and March 8, 2016 confirmed the condition as being the same. Respondent, COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME LLC, received notice via certified mail and posting at City Hall on February 1, 2016, as well as posted on the property on January 29, 2016, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (c) and (f), and was to be corrected by February 7, 2016.

C. At the time of the hearing on March 9, 2016, the violations cited above: ☒ continued to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME LLC, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26 (c) and (f), in that the Respondent failed, on or before the date set in the notice of violation, to remedy the conditions of high weeds and grass, as well as trash and debris in the yard is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

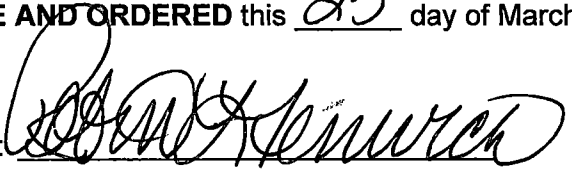
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before March 21, 2016. In the event that the property is not brought into compliance on or before March 21, 2016, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond March 21, 2016. 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 \$41.12 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

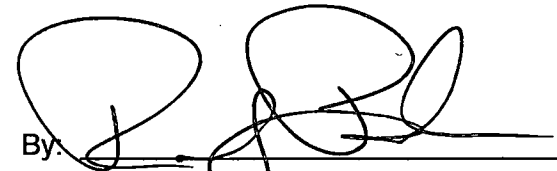
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 25 day of March, 2016.

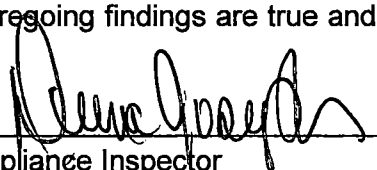
Attest:


Secretary, Code Enforcement Special Magistrate

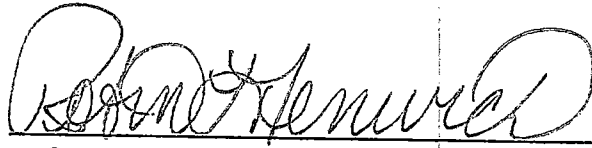
By:


Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME LLC , ADDRESS by Certified and Regular Mail this 25 day of March, 2016.

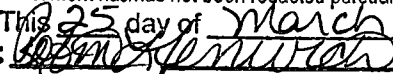


Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA

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

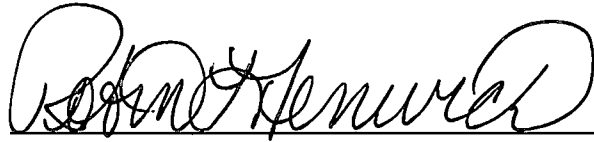
This document has/has not been redacted pursuant to Florida Law.

This 25 day of March, 2016.
By: 

/s/ Robin L. Fenwick



I **HEREBY CERTIFY** that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME LLC , ADDRESS by Certified and Regular Mail this 25 day of March, 2016.



Secretary, Code Enforcement Special Magistrate