

March 7, 2017 - Regular Meeting  
Agenda Item #23

Subject

Reduction of Code Enforcement Fines for William T. Barrett Sr. PIN# 4739700005 - 2610 5th Street East, and  
PIN# 4739500009 - 406 26th Avenue East, Bradenton

Briefings

None

Contact and/or Presenter Information

Jeff Bowman, Division Chief, Ext. 6854

**APPROVED** in Open Session  
March 7, 2017  
Manatee County Board of County  
Commissioners

Action Requested

Motion to reduce the fines for case numbers CE1995110057 totaling \$11,899.34 to \$0.00 and CE2003020538 totaling \$194,837.61 to \$0.00 (as previously recommended by the Special Magistrate on January 25, 2017), subject to the following conditions:

1. Recording Fees need to be collected which total \$16.00 for case number CE1995110057 and \$32.00 for case number CE2003020538.
2. Building and Development Services Department Director is authorized to sign satisfactions of liens if recording fees are paid.

Enabling/Regulating Authority

Section 162.09, Florida Statutes

Background Discussion

The liens were recorded when Mr. Barrett Sr. owned the properties. His son (William Barrett Jr.) inherited these properties in 2013 from his father who is deceased. On January 23, 2017, Code Enforcement collected \$6,913.05 through Surplus Funds from tax deed sales on two (2) other properties owned by Mr. Barrett. That money was applied to the liens on these subject properties as code enforcement liens attached to all real property owned by a violator. Mr. Barrett Jr. is requesting a fine reduction on the remaining amounts owed and are outlined in number 7 below.

Below is a brief synopsis regarding the case history:

1. Violation: CE1995110057 Parking a commercial vehicle on property and CE2003020538 Unscreened outdoor storage and junk vehicles.
2. Notice of Violations issued:
  1. CE1995110057 11/7/1995
  2. CE2003020538 2/24/2003

3. Special Magistrate Hearing:
  1. CE1995110057 on 1/24/1996 - ordered to comply or a \$100.00 fine plus \$25.00 per day would be imposed.
  2. CE2003020538 on 5/28/2003 - ordered to comply or a \$65.00 fine plus \$65.00 per day for Section 703.2.22 and a \$75.00 fine plus \$70.00 per day for Section 703.2.20 would be imposed.
4. Complied:
  1. CE1995110057 on 6/20/1997 - 512 days
  2. CE2003020538 Sections 703.2.22 & 703.2.20 on 7/25/2007 - 1,486 days
5. Fines for both cases total \$213,650.00 plus \$48.00 recording fees.
6. Property owner's Representative/Agent paid all delinquent lot clearing/mowing fees and Tax Surplus Funds of \$6,913.05 have been collected. Property owner is offering \$0.00 plus \$48.00 recording fees for both cases.
7. Special Magistrate Mitigation Hearing was January 25, 2017. The Magistrate determined that justification exists to reduce the total fine amounts and to forward the request to the Board of County Commissioners with a recommendation to reduce the fine amounts totaling \$11,899.34 to \$0.00 plus \$16.00 recording fees for Case CE1995110057 and \$194,837.61 to \$0.00 plus \$32.00 recording fees for case number CE2003020538. Staff recommends approval.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please forward a stamped copy of the agenda to Administrative Specialist Vicki Gipson ([vicki.gipson@mymanatee.org](mailto:vicki.gipson@mymanatee.org)) in the Code Enforcement Division following disposition.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Application for Relief CE1995110057.pdf](#)

Attachment: [Application for Relief CE2003020538.pdf](#)

Attachment: [Order of Referral CE1995110057.pdf](#)

Attachment: [Order of Referral CE2003020538.pdf](#)

Attachment: [Justification Letter.pdf](#)

# Application For Relief - Code Enforcement Liens

## Manatee County Code Enforcement Division

1112 Manatee Avenue West  
Bradenton, FL 34205  
Tel: (941) 748-2071 Fax: (941) 749-3094

**Notice: This application is available as a WORD document for your convenience.**

Manatee County accepts applications for Code Enforcement Lien relief from owners of properties that have corrected ALL of the violations on the subject property. Please complete the form in its entirety. Incomplete applications will not be accepted.

Case # CE2003020538 Manatee County - vs – William T Barrett, Sr

### Property Information

Parcel Identification Number:4739500009		
Lot: 2,3 & 23	Block: B	Subdivision: Beverly Heights
Address: 406 26th Ave E		
City: Bradenton	Zip Code: 34208	

### Property Owner Information

Current property owner: William Thomas Barrett, Jr		
Address: 2610 5 <sup>th</sup> St E		
City: Bradenton	State: FL	Zip: 34208
Phone #: none	Email address: none	
Representative/Agent: Peter Bernet		
Address: 5123 87 <sup>th</sup> CT E		
City :Bradenton	State: FL	Zip: 34211
Phone #: 941 735 8437	Email address: Peter@bernet.us	

### Lien Information

Amount of lien: \$200,750.00 + \$32.00 Recording Fees	Amount of offer: \$ Remainder of the surplus from Tax deed sale from property 2601 4 <sup>th</sup> Str. E + \$32.00 Recording Fees
Date lien was recorded: 7/21/2003	Number of days the property was in Violation: 1486
Date of Compliance: 7/16/2007	How much money was spent to abate the Violation:

The following documentation (when applicable) SHALL be submitted with the application:

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

1. Notice of Lis Pendens recorded with Manatee County Clerk of Courts with the date, book and page shown;
2. Foreclosure Order, with the recording date, book and page shown;
3. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;

- 4. New Certificate of Title, with the recording date, book and page shown;
- 5. County's Final Order of Imposition of Fine; and
- 6. Claim of Lien(s) with the recording date, book and page shown.

**FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:**

- 1. The nature and gravity of the violation(s);
- 2. Any actions you have taken to correct the violation(s);
- 3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- 4. Any actual costs you expended to cure the violation(s), if supported by documentation;
- 5. Any other prior or current violations you committed on the subject property or upon any other property you own within the County; and
- 6. Equitable considerations.
  - i. Whether there was any extraordinary hardship which existed or currently exists;
  - ii. Whether the applicant was the property owner when the fine or lien was imposed;
  - iii. Whether the property is homestead or non-homestead property;
  - iv. Whether the County lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

**Please provide written justification as to why relief should be granted:** (When you complete this section, at a minimum, address the above factors and reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

**PROPERTY LITIGATION:** (If applicable give detail here if this property is involved in litigation.)

**I certify that I am:** (Include documentation of the below)

- the owner of the subject property;
- an Attorney representing the owner,
- the legal representative for the property, or
- otherwise authorized to act on behalf of the property owner in this matter.

P T B  
Signature of Owner/Authorized Representative

10-16-16  
Date

Peter Barrett  
Print Name

*Note: County code section 2-36-8(f) allows the Board of County Commissioners to execute a satisfaction or release of lien. The application process requires two (2) public meetings. Once the application and documentation is found to be complete it will be scheduled and presented before a Special Magistrate. The findings of the Special Magistrate along with the application will be forwarded to the Board of County Commissioners for final approval or denial. All payments will need to be mailed to Manatee County, Attention Code Enforcement, P.O. Box 1000, Bradenton, FL 34206-1000 and payable to: Manatee County, and include the Case Number. Once payment is received a Satisfaction of Lien will be prepared and recorded.*

**Revised 3/20/15**

# Application For Relief - Code Enforcement Liens

## Manatee County Code Enforcement Division

1112 Manatee Avenue West  
Bradenton, FL 34205  
Tel: (941) 748-2071 Fax: (941) 749-3094

**Notice: This application is available as a WORD document for your convenience.**

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Case # CE1995110057 Manatee County - vs - William T Barrett, Sr

### Property Information

Parcel Identification Number:473970005		
Lot: 5	Block: B	Subdivision: Beverly Heights
Address: 2610 5 <sup>th</sup> St E		
City: Bradenton	Zip Code: 34208	

### Property Owner Information

Current property owner: William Thomas Barrett, Jr		
Address: 2610 5 <sup>th</sup> St E		
City: Bradenton	State: FL	Zip: 34208
Phone #: None	Email address: None	
Representative/Agent: Peter Bernet		
Address: 5123 87 <sup>th</sup> CT E		
City: Bradenton	State: FL	Zip:34211
Phone #: 941 735 8437	Email address: Peter@bernet.us	

### Lien Information

Amount of lien: \$12,900.00 + \$16.00 Recording Fees	Amount of offer: \$ Remainder of the Tax surplus from Taxdeed sale of property 2605 4 <sup>th</sup> Str. E + \$16.00 Recording Fees
Date lien was recorded: 5/9/1997	Number of days the property was in Violation: 512
Date of Compliance: 6/20/1997	How much money was spent to abate the Violation:

The following documentation (when applicable) SHALL be submitted with the application:

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

1. Notice of Lis Pendens recorded with Manatee County Clerk of Courts with the date, book and page shown;
2. Foreclosure Order, with the recording date, book and page shown;
3. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;



October 17, 2016

William Thomas Barrett, JR  
2610 5<sup>th</sup> CT E Bradenton, FL 34208

**Re: Manatee County Code Enforcement Liens**

**PROPERTY: 2610 5<sup>th</sup> St E, Bradenton, Florida: Lien No. CE1995110057 - \$12,900.00 plus \$16.00 (recording fees) – Commercial Vehicles**

**PROPERTY: 406 26<sup>th</sup> Ave E, Bradenton, Florida:**

- Lien No. CE2003020538 - \$200,750.00 plus \$32.00 (recording fees) - JV, T&D, Outdoor Storage
- Lien No. CE2014110122 - \$90.00 plus \$20.00 (recording fees) – Mowing
- Lien No. CE2015100227 - \$90.00 plus \$20.00 (recording fees) – Mowing

**PROPERTY: 2601 4<sup>th</sup> St E, Bradenton, Florida:**

- Lien No. CE2007100184 - \$235.00 plus \$20.00 (recording fees)– Mowing
- Lien No. CE2014110121 - \$70.00 plus \$20.00 (recording fees) – Mowing

**PROPERTY: 2605 4<sup>th</sup> St E, Bradenton, Florida: Lien No. CE2007100185 - \$280.00 plus \$20.00 (recording fees) – Mowing**

To Whom It May Concern:

I Peter Bernet represent Mr. William Barret Jr, (Notarized proof is on record with code enforcement) Mr. Barrett the current owner of the property 406 26<sup>th</sup> Ave E, Bradenton, Florida and 2610 5<sup>th</sup> St E, Bradenton, Florida, and the purpose of this letter is to inform you of the hardships which describe the unfortunate circumstances for the above-mentioned liens which have been assessed against these properties.

Mr. William Barret inherited each of the above properties by probate on June 6, 2013. Two of the fines associated with Lien Nos. CE1995110057 CE2003020538 were assessed by Manatee County Code Enforcement before the probate from the estate of William Barrett Sr.

Mr. Barrett's current place of residence is the property located at 2610 5<sup>th</sup> Street E, Bradenton, Florida. The home on the property is old and small. For your convenience, I have attached a picture, below..



Mr. Barret is retired, and his source of income are the Social Security benefits. There are no cash reserves. Because of this hardship he was not able to buy a lawn mower for mowing the properties which provoked the mowing fines.

Mr. Barrett was not able to pay the taxes on the properties located at 2610 5<sup>th</sup> Street,  
406 26<sup>th</sup> Ave E,  
2601 4<sup>th</sup> Ctr. E  
2605 4<sup>th</sup> Str. E.

2601 4<sup>th</sup> Str. E and 2605 4<sup>th</sup> Street E where auctioned off by the Manatee County Tax Deed sale a few months ago.

With the surplus of the property 2605 4<sup>th</sup> Str. E, Mr. Barrett would like to pay the following mowing fines:

**406 26<sup>th</sup> Ave E - CE2014110122 - \$90.00 & \$20.00 recording fees – Mowing**

**CE2015100227 - \$90.00 & \$20.00 recording fees– Mowing**

**2601 4<sup>th</sup> St E - CE2007100184 - \$235.00 & \$20.00 recording fees– Mowing**

**CE2014110121 - \$70.00 & \$20.00 recording fees– Mowing**

**2605 4<sup>th</sup> St E - CE2007100185 - \$280.00 & \$20.00 recording fees – Mowing**



Mr. Barrett offers to settle all the fines to use the remaining surplus, from the property 2605 4<sup>th</sup> Str. E.

For satisfy

**Lien No. CE1995110057 - \$12,900.00 plus \$16.00 (recording fees) – Commercial Vehicles**

**And**

**Lien No. CE2003020538 - \$200,750.00 plus \$32.00 (recording fees) - JV, T&D, Outdoor Storage**

Which are attached to the property 406 26<sup>th</sup> Ave E, 2601 4<sup>th</sup> St E, 2605 4<sup>th</sup> St E and 2605 4<sup>th</sup> Str. E.

Mr. Barrett was also behind in paying taxes on the 2 remaining properties. can pay the back taxes on the 2 remaining properties, Mr. Barrett was hoping that the Board forgive the fines and that he will get some of the surplus back to pay his back taxes

Based on the above promises, I therefore plead to the Board to forgive the fines and release the following liens:

- **2610 5<sup>th</sup> St E** - CE1995110057 - \$12,900.00 plus \$16.00 (recording fees) – Commercial Vehicles
- **406 26<sup>th</sup> Ave E** - CE2003020538 - \$200,750.00 plus \$32.00 (recording fees) - JV, T&D, Outdoor Storage

As stated above, Mr. William Barrett has no ability to pay these fines or remedy the issues causing the liens otherwise.

Sincerely and Respectfully

  
Peter Bernet.

CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,  
Complainant,

vs.

CASE NO. CE2003020538

WILLIAM T BARRETT SR.,  
Respondent.

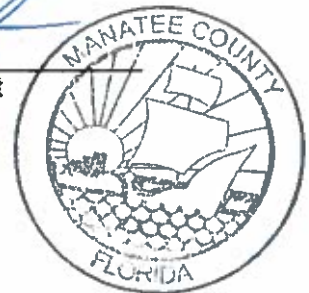
ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on January 25, 2017, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order of Referral Order as follows:

1. The Order Imposing Fine issued on May 28, 2003 found that Respondent(s), William T. Barrett Sr., was/were the owner(s) or person(s) in charge of the property located at 406 26<sup>th</sup> Avenue East, Bradenton, FL, and identified in the Manatee County Property Appraiser's records as: PIN 4739500009, and that the property was in violation of Sections 703.2.22 and 703.2.20 of the Manatee County Land Development Code, in that Respondent has constructed a garage without a valid permit and Certificate of Completion and has failed to remedy the aforesaid violation.
2. The Order Imposing Fee imposed a fine of \$100.00 for each day each violation(s) continued to exist past the compliance date ordered.
3. As of the date of the hearing, fines imposed against Respondent(s) totaled \$194,837.61, and a certified copies of the Orders of Imposing Fine/Lien issued on May 28, 2003 were recorded in the Public Records of Manatee County Book 1846, Page 7674 and Book 1846, Page 7673 and thereafter constituted a lien against the above-described property and upon any other real or personal property owned by Respondent(s) pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.
4. The corrective action ordered in the Orders Imposing Fine/Lien has been completed and the property is now in compliance with Manatee County Land Development Code.
5. Justification exists to refer this case to the Manatee County Board of County Commissioners with a recommendation to reduce the outstanding fines to \$0.00 plus \$32.00 in recording fees.

DONE AND ORDERED this 26 day of January, 2017

  
Manatee County Code Enforcement  
Special Magistrate



ATTEST: Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By:   
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been furnished to Respondent, William T Barrett, Sr. 2610 5<sup>th</sup> Street East, Bradenton, FL 34208 and Peter Bernet 5123 87<sup>th</sup> Court East, Bradenton, FL 34211 by US Mail and to the Manatee County Code Enforcement Division, this 26 day of January, 2017.

Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By: Amelia Colonnese  
Deputy Clerk

For further information on this matter contact Code Enforcement at 941-748-2071.

CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,  
Complainant,

vs.

CASE NO. CE1995110057

WILLIAM T BARRETT SR.,  
Respondent.

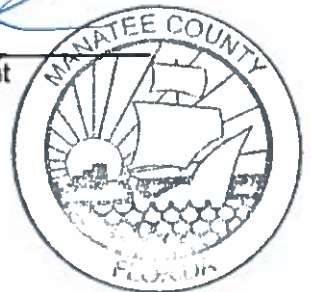
ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on January 25, 2017, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order of Referral Order as follows:

1. The Order Imposing Fine issued on January 24, 1996 found that Respondent(s), William T. Barrett Sr., was/were the owner(s) or person(s) in charge of the property located at 2610 5<sup>th</sup> Street East, Bradenton, FL, and identified in the Manatee County Property Appraiser's records as: PIN 47397.0000/5, and that the property was in violation of Sections 703.2.14 of the Manatee County Land Development Code, in that Respondent has constructed a garage without a valid permit and Certificate of Completion and has failed to remedy the aforesaid violation.
2. The Order Imposing Fee imposed a fine of \$100.00 for each day each violation(s) continued to exist past the compliance date ordered.
3. As of the date of the hearing, fines imposed against Respondent(s) totaled \$11,899.34.00, and a certified copy of the Order of Imposing Fine/Lien issued on January 24, 1996 was recorded in the Public Records of Manatee County Book 1517, Page 7635 and thereafter constituted a lien against the above-described property and upon any other real or personal property owned by Respondent(s) pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.
4. The corrective action ordered in the Compliance Order has been completed and the property is now in compliance with Manatee County Land Development Code.
5. Justification exists to refer this case to the Manatee County Board of County Commissioners with a recommendation to reduce the outstanding fines to \$0.00 plus \$16.00 in recording fees.

DONE AND ORDERED this 25 day of January, 2017.

  
Manatee County Code Enforcement  
Special Magistrate



ATTEST: Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By:   
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been furnished to Respondent, William T Barrett, Sr. 2610 5<sup>th</sup> Street East, Bradenton, FL 34208 and Peter Bernet 5123 87<sup>th</sup> Court East, Bradenton, FL 34211 by US Mail and to the Manatee County Code Enforcement Division, this 26 day of January, 2017.

Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By:   
Deputy Clerk

For further information on this matter contact Code Enforcement at 941-748-2071.