

March 7, 2017 - Regular Meeting  
Agenda Item #24

Subject

Reduction of Code Enforcement Fines for Charles E Calloway & Cora Chandler PIN#2536500057 - Address 2212 1st Avenue East, Palmetto, FL

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 number CE2002060224 totaling \$61,815.00 to \$3,000.00 (as previously recommended by the Special Magistrate on February 22, 2017), subject to the following conditions:

1. The reduced fines shall be paid within 90 days or will revert back to the original fine amount of \$61,815.00 for case number CE2002060224.
2. Recording fees need to be collected, which total \$16.00.
3. Building and Development Services Department Director is authorized to sign satisfactions of liens if reduced fines are paid.

Enabling/Regulating Authority

Section 162.09, Florida Statutes

Background Discussion

Janet Davis is requesting a fine reduction as she states she was unaware of any fines on the property until December 2016 when the title company she is using to sell her property informed her.

Below is a brief synopsis regarding the case history:

1. Violation: Junk vehicles.
2. Notice of Violation issued 6/12/2002
3. Special Magistrate Hearing was held on 8/28/2002.
4. Complied on February 18, 2005.
5. Fines for this case total \$61,815.00 plus \$16.00 recording fees.
6. Property owner offered \$3,000.00 plus \$16.00 recording fees to settle the case.
7. Special Magistrate Mitigation hearing was held on February 22, 2017. The Magistrate determined that justification exists to reduce the total fine amount and to forward the request to the Board of County Commissioners with a recommendation to reduce the fine amount totaling \$61,815.00 to

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - March 7, 2017

\$3,000.00 plus \$16.00 recording fees to settle the case. 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 and Justification.pdf](#)

Attachment: [Order of Referral CE2002060224.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 # CE 2002 06 0224

### Property Information

Parcel Identification Number: <u>2536500057</u>		
Lot: <u>2</u>	Block: <u>11</u>	Subdivision: <u>2529300</u>
Address: <u>8818 1st AVE E</u>		
City: <u>Palmetto FL</u>	Zip Code: <u>34121</u>	

### Property Owner Information

Current property owner: <u>Morning Light Enterprises of Palmetto Inc.</u>		
Address: <u>8808 1st AVE East</u>		
City: <u>Palmetto</u>	State: <u>FL</u>	Zip: <u>34121</u>
Phone #: <u>941-981-9622</u>	Email address: <u>pkelly47@live.com</u>	
Representative/Agent: <u>JANET L. DAVIS</u>		
Address: <u>8808 1st AVE EAST</u>		
City: <u>Palmetto</u>	State: <u>FL</u>	Zip: <u>34121</u>
Phone #: <u>941-981-9622</u>	Email address:	

call # 941-448-4502 MD

### Lien Information

Amount of lien: <u>\$61,815.00</u>	Amount of offer: \$ <u>0.00</u> ( <u>Recording Fees</u> )
Date lien was recorded: <u>UNKNOWN</u>	Number of days the property was in Violation: <u>N/A UNKNOWN</u>
Date of Compliance: <u>UNKNOWN</u>	How much money was spent to abate the Violation: <u>NO COST</u>

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;

Case # CE2002060224 - Calloway Chandler

- 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); *request movement / next step have remarks*
- 3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance; *Two to four weeks*
- 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; *NO*
  - iii. Whether the property is homestead or non-homestead property; *NOT CLAIMED*
  - 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. *YES*

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.

Janet L. Davis  
Signature of Owner/Authorized Representative

12-29-2016  
Date

Janet L. Davis  
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

Exhibit #1



MANATEE COUNTY  
CODE ENFORCEMENT DIV.  
1112 MANATEE AVE W  
BRADENTON, FL 34205  
941-748-2071

### Courtesy Notice

An inspection was conducted today 12/01/16 at 3:50 am/pm by Code Enforcement Officer Steven Roman resulting in the following, which requires your immediate attention:

- Address numbers are required on all structures, four (4) inches for residential and six (6) inches for commercial structures. Code of Ordinances, Section 2-9-106(e).
- Clean up/dispose of trash and debris. Code of Ordinances, Section 2-9-105 (c).
- Vehicles (cars, trucks, etc.) - must be tagged and operable or stored entirely within an enclosed garage or building. Code of Ordinances, Section 2-9-108(c).
- Restricted vehicles (boats, trailers, motor homes, etc.) must be tagged and operable and are not permitted to be stored in the front yard - exceeding three consecutive days in any 30 day period. Code of Ordinances, Section 2-9-108(b).
- Two commercial vehicles, not to exceed one (1) ton and (9) nine feet in height are allowed per premise if parked in a garage, carport or driveway. Code of Ordinances, Section 2-9-108(a).
- Cut grass, weeds, overgrowth. COO, Section 2-9-109 (e).
- Outdoor storage - Items must be stored within a 200 square foot area in the rear yard and screened from view. Code of Ordinances, Section 2-9-105(f).
- Agricultural Animals (roosters, cows, goats, etc.) are prohibited in residential districts. LDC Section 531.1.
- Other/Comments \_\_\_\_\_

Your attention and voluntary compliance is appreciated. Compliance must be met by the revisit date of 12/15/16. Non-compliance will result in a Notice of Violation or Citation with possible fines. If you have any questions please call Code Enforcement Officer Steven Roman at 941-737-2356; [steven.roman@mymanatee.org](mailto:steven.roman@mymanatee.org)

Janet Davis  
2208 1<sup>st</sup> Ave East  
Palmetto, FL 34221

Re: Letter For Relief - Morning Light Enterprises Of Palmetto Inc.  
2212 1<sup>st</sup> Ave East Palmetto, FL 34221

Dear Special Magistrate,

I, Janet Davis, owner of Morning Light Enterprises of Palmetto Inc. am writing you in reference to a fine mitigation relief.

Please note I was unaware of any lien or fees until this last week when the title company I am using to sell my property informed me of the information. From my knowledge I have not received any letters or documentation of a lien or penalty. I did however, receive a courtesy letter Re: 2212 1<sup>st</sup> Ave East Palmetto, FL 34221 that's dated 12/1/2016 from a Mr. Steven Roman (Exhibit #1 included) And several years ago a courtesy notice. However all were brought to compliance within weeks. The nature and gravity of the violation does not warrant the lien amount of \$61,815.00, as action was taken immediately to correct all and any violations.

I currently have no registered equipment, as my last equipment sale was January 7<sup>th</sup> 2012. I did allow a relative to park on the property but it was supposed to be for a short period of time, in which I a little after, made a strong request to move their vehicle, and for this I am sorry. I still however have no documentation or cost to cure violations and know of no current or prior violations.

Some equitable considerations to consider: I am unaware of when fine or lien was imposed however; I have been maintaining the property since on or around year 2000 excluding the undeveloped street adjacent. In which I didn't actually take possession of the property in question until March 2010 (exhibit #2 included) and I have not claimed a Homestead Exemption.

I have had a rough time with keeping the business going and revenue generation, which is the reason I listed the property for sale in which the new owner was to take possession 1/29/2016. The sale was a way to give the business a boost, in which I have now ran into this issue (exhibit #3 included) from the title search with the lien. Other considerations were up front out of pocket expenses, costly unexpected equipment repairs and some unproductive business ventures. There is no way I want to be in violation or have any liens, I do however want to give the business a boost by proceeding with the sale of the property, and have any and all liens removed.

In conclusion, I want to get this matter rectified, but don't have the funds to pay for any liens that may be attached to the property and ask that they be considered satisfied.

Thank you so much for taking the time to read this letter and I hope you find it in your heart to release and remove all fees that may be due.

*Janet L. Davis*  
12-29-2016

4/1/17  
Exhibit # 3

ELITE FILE # 2016-34738

CLIENT FILE # 1160168



*Elite*

**PROPERTY RESEARCH, LLC**

Office: 941.747.0600 | Fax: 866.491.3226

1401 Manatee Avenue W, Suite 900 | Bradenton, FL 34205

PROPERTY RESEARCH REPORT

PROPERTY INFORMATION

OWNER: MORNING LIGHT ENTERPRISES INC AND JANET L. DAVIS

PROPERTY ADDRESS: 2212 1ST AVE E

CITY/ZIP: PALMETTO, FL 34221

PARCEL ID #: 2536500057

REAL ESTATE TAX INFORMATION

DATE RESEARCHED: 12/19/2016

2016:  DUE  PAID \$ 103.69 GOOD THRU DATE 12/31/2016

2015:  DUE  PAID \$ 153.66 GOOD THRU DATE 12/31/2016

2014:  DUE  PAID \$ 154.96 GOOD THRU DATE 02/18/2016

SPECIAL ASSESSMENTS:  YES  NO AMOUNT DUE: \$ 257.35  
 TANGIBLE TAXES APPLICABLE SEE ATTACHED

PERMITTING INFORMATION

DATE RESEARCHED: 12/20/2016

OPEN  EXPIRED  CLOSED  NONE FOUND OF RECORD  
 PLEASE SEE ATTACHED FOR PERMITTING DETAILS

UTILITIES / PUBLIC WORKS INFORMATION

DATE RESEARCHED: 12/19/2016

WATER  SEWER  SOLID WASTE  OTHER  
AMOUNT DUE: \$ vacant lot UTILITY LIEN:  YES  NO

PLEASE SEE ATTACHED FOR UTILITY / PUBLIC WORKS DETAILS

CODE ENFORCEMENT INFORMATION

DATE RESEARCHED: 12/20/2016

VIOLATIONS:  OPEN  CLOSED  PENDING TRIAL  NONE FOUND OF RECORD

FEES DUE \$ 61,815.00+ CODE ENFORCEMENT LIEN:  YES  NO

PLEASE SEE ATTACHED FOR CODE ENFORCEMENT DETAILS



**Kristin Horie**

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**From:** Lien Searches <liensearches@mymanatee.org>  
**Sent:** Tuesday, December 20, 2016 11:27 AM  
**To:** Kristin Horie  
**Subject:** RE: Permit and Code Request 2212 1ST AVE E \*\*PLEASE RUSH IF POSSIBLE, NEED TODAY IF POSSIBLE\*\* CE2002060224

There is one open Code Enforcement Case with Fines owed of \$61,815.00 plus recording fees. – The property is in compliance but fines remain due.

There are no open code enforcement violations at this time on the listed address(es) and/or parcel(s).

If you also need a search of the utility records you can contact [UCSpayoff@mymanatee.org](mailto:UCSpayoff@mymanatee.org) or call 941-792-8811.

\*Disclaimer: The County's Code Enforcement and Permitting Divisions record data in the public records of Manatee County, by submitting an application. The County does not warrant that performance of this search by these Divisions does not relieve the requesting party from responsibility of searching the public records of Manatee County, Florida and all other records maintained by the County of Manatee. Please be advised that this information does not constitute an endorsement in any way, public or private, and should not be used as a substitute for conducting a proper title search. It is intended that the County of Manatee be liable for any direct, indirect, consequential, special or exemplary damages, of any kind or nature whatsoever, arising out of, or in connection with the provision of this information.

Please be advised that information provided on building permits issued by the County of Manatee does not represent the status of permits issued by a third party and that there may be discrepancies in coordination with encroachments of the subject property.

PARID: 2536500057

MORNING LIGHT ENTERPRISES OF PALMETTO

2212 1ST AVE E

**ID Block**

Account#	2536500057
T/R/S	34S / 17E / 12
Primary Address Location	2212 E 1ST AVE PALMETTO 34221 NCT



CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,  
Complainant,

vs.

CASE NO. CE2002060224

CHARLES E CALLOWAY & CORA CHANDLER,  
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 February 22, 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 August 28, 2002 found that Respondent(s), Charles E. Calloway and Cora Chandler, was/were the owner(s) or person(s) in charge of the property located at 2212 1<sup>st</sup> Avenue East, Palmetto, FL, and identified in the Manatee County Property Appraiser's records as: PIN 2536500057, and that the property was in violation of Sections 703.2.22 of the Manatee County Land Development Code, in that Respondent has junk vehicles on the property and has failed to remedy the aforesaid violation.
2. The Order Imposing Fines imposed a minimum fine of \$75.00 a fine of \$70.00 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 **\$61,815.00**, and a certified copy of the Order of Imposing Fine was issued on August 28, 2002 and was recorded in the Public Records of Manatee County Book 1772, Page 5572, 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 Order Imposing Fine 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 **\$3000.00 plus \$16.00 in recording fees.**

DONE AND ORDERED this 22nd day of February, 2017.

  
Manatee County Code Enforcement  
Special Magistrate



ATTEST: Angelina Coloneso, 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 Order has been furnished to Respondent, Charles E. Calloway and Cora Chandler at 1729 34<sup>th</sup> Street, Sarasota, FL 34234 and Janet L. David at 2208 1<sup>st</sup> Avenue East, Palmetto, FL 34221, by US Mail and to the Manatee County Code Enforcement Division, this 22 day of February, 2017.

Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By: Amanda J. Brawley  
Deputy Clerk

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