

May 22, 2018 - Regular Meeting
Agenda Item #16

Approved in Open Session 5/22/18,
Manatee County
Board of County Commissioners

Subject

Authorization for staff to secure property - Steven Smith, Code Enforcement Case #CE2017080267

Briefings

None

Contact and/or Presenter Information

Jeff Bowman, Division Chief, Ext 6854

Action Requested

Motion for approval authorizing staff to secure the property located at 3419 21st Street East, Bradenton (PID# 1624700009).

Enabling/Regulating Authority

Section 162.09, Florida Statutes

Section 2-7-26, Code of Ordinances

Background Discussion

The property owner, Steven Clyde Smith, was cited for maintaining an unsecured vacant property. There have been numerous calls to the Sheriff's department due to unauthorized persons (squatters) and drug use at this property. The property is not in foreclosure. Staff is requesting approval to board up this property as it is within the Commission's authority as outlined in Statutes and the Code of Ordinances.

Violation: Section 2-9-106(c) of the County Code of Ordinances

History:

1. Notice of Violation was issued August 10, 2017.
2. The Special Magistrate Hearing was held October 25, 2017. The property owner was ordered to secure the structure by November 27, 2017, or a fine of \$75 per day to a maximum amount of \$10,000.00 would be imposed.
3. The order also states that if the violation is not corrected, the County is authorized pursuant to Florida Statutes 162.09(1) to make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of repairs along with the fine imposed.
4. Property is still not secured
5. Staff seeks approval to board up the property

Note: Staff has funding that is dedicated to securing unsafe structures. Once a property is secured, the property owner is sent a bill which, if unpaid, becomes a lien on the property until paid in full.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A **Distributed to J. Bowman 5/23, RT**

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [BOCC Attachments May 22, 2018 - Steven Clyde Smith.pdf](#)



Manatee County Code Enforcement Division
1112 Manatee Avenue West
Bradenton, FL 34205
941-748-2071

Notice of Violation Case # 2017080267

Date Issued: 8-10-17 Time Issued: 4:18 AM PM

Violators Name: Steven Clyde Smith Owner Tenant
 Phone #: _____

Location of Violation: 3419 21ST ST E PID#: 1624700009
 City: Bradenton Repeat Violation: Yes No

| Description of Violation: | |
|--|---|
| LDC = Land Development Code CCO = County Code of Ordinances | |
| <input type="checkbox"/> Fence (Height and Location) LDC, Section 511.6(b) | <input type="checkbox"/> Trash & Debris CCO, Section 2-9-105(c) |
| <input type="checkbox"/> Fence (Maintenance) CCO, Section 2-9-107(a) | (Lot clearing) CCO, Section 2-9-109(e) |
| <input type="checkbox"/> Inoperable/Improperly Stored Vehicle CCO, Section 2-9-108(c) | <input type="checkbox"/> Restricted Vehicle CCO, Section 2-9-108(b) |
| <input type="checkbox"/> Commercial Vehicle CCO, Section 2-9-108(a) | <input type="checkbox"/> Outdoor Storage (Residential) CCO, Section 2-9-105(f) |
| <input type="checkbox"/> Pool Maintenance CCO, Section 2-9-107(c) (1) & (2) | <input type="checkbox"/> Building Permit Required LDC, Section 310.3 |
| <input type="checkbox"/> Pool Enclosure CCO, Section 2-9-107(d) | <input type="checkbox"/> Certificate of Occupancy Required LDC, Section 310.4 |
| <input type="checkbox"/> Parking Over/On a Sidewalk CCO, Section 2-9-108(d) | <input type="checkbox"/> Certificate of Completion Required LDC, Section 310.5 |
| <input type="checkbox"/> Portable Storage Units CCO, Section 2-9-107(e) | <input type="checkbox"/> Sign Permit Required LDC, Section 603 |
| <input type="checkbox"/> Vending/Soliciting/Peddling from ROW LDC, Section 531.55(c) | <input type="checkbox"/> Weeds, Brush & Debris CCO, Section 1-19-23 |
| <input type="checkbox"/> Structural Standards CCO, Section 2-9-106(b) | (Lot clearing and mowing) CCO, Section 2-9-109(e) |
| <input checked="" type="checkbox"/> Structural Standards (Vacant Property) CCO, Section 2-9-106(c) | <input type="checkbox"/> Fertilizer Certification CCO, Section 2-14-70(a) |
| <input type="checkbox"/> Address Numbers CCO, Section 2-9-106(e) | <input type="checkbox"/> Landscape Certification CCO, Section 2-14-70(b) |
| <input type="checkbox"/> Water Restrictions CCO, Section 2-31-75 | <input type="checkbox"/> Dumping into Storm Water System CCO, Section 2-31-195 |
| <input type="checkbox"/> Zoning/Land Use LDC, Section 401.2 Table 4- _____ Page _____ | <input type="checkbox"/> Vacant Property Registration CCO, Section 2-9-35 |
| <input type="checkbox"/> Other Violation | <input type="checkbox"/> Stop Work Order LDC, Section 106.4(b) |
| | <input type="checkbox"/> Agricultural Animals (Residential) LDC, Section 531.1 |
| | <input type="checkbox"/> Chickens (Residential) CCO, Section 2-4-28 |
| | <input type="checkbox"/> Whitfield Residential Overlay District LDC, Section 403.13 |

Violation Details: The structure is unsecured.

Corrective Action Required: The structure must be secured.

Correct on or before the 24th Day of August, 20 17

Officer's Signature: Vicki DiOrazio (Printed) Vicki DiOrazio Officer's Phone #: (941) 348-5463

IF THE VIOLATION(S) IS/ARE NOT CORRECTED, THE CODE ENFORCEMENT DIVISION/OFFICER MAY INSTITUTE FURTHER ACTION BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE OR MAY ISSUE A CITATION. IF YOU WISH TO DISCUSS THIS NOTICE OR SCHEDULE A RE-INSPECTION OF THE LOCATION, PLEASE CALL THE CODE ENFORCEMENT OFFICER AND LEAVE YOUR NAME, CASE NUMBER AND A PHONE NUMBER WHERE YOU CAN BE REACHED.

Received by (Signature): _____ Owner Tenant Date: _____

Print Name: _____ Revised: 3/27/2017

Office Use Only: Posted Date 8-10-17 Time _____ (if different than above)

Send Cert. Mail to: Owner Agent Vehicle Owner Printed: INRE Prop App ADDL Sunbiz

Cert mail 8/17/17 MJD



08/10/2017 16:18

CE2017080267 VD
3419 21st St E, Bradenton



08/10/2017 16:18

CE2017080267 VD
3419 21st St E, Bradenton



3419

08/10/2017 16:19

CE2017080267 VD
3419 21st St E, Bradenton

CE2017080267
VIOLATION OF SECTIONS 2-9-106(c)



3419 21st Street East, Bradenton

17

CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,
Complainant,

vs.

CASE NO. CE2017080267

Steven Clyde Smith,
Respondent.

COMPLIANCE ORDER

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

FINDINGS OF FACT

Respondent(s), Steven Clyde Smith, whose mailing address is 3419 21st St E, Bradenton, FL 34208-4809, is/are the owner(s) or person(s) in charge of the property located at 3419 21st St E, Bradenton, FL, and identified in the Manatee County Property Appraiser's records as: PIN 1624700009.

1. Respondent(s) was/were properly served with a Notice of Violation in accordance with Section 162.12, Florida Statutes, and Section 2-2-25 of the Manatee County Code. Respondent was/were was/were not] present at the hearing.
2. The violation: **structure is unsecured**
3. The Notice of Violation states that the violation must corrected on or before 8/24/2017
4. As of October 25, 2017, the condition described in paragraph 3 herein remained uncorrected.

CONCLUSIONS OF LAW

Respondent by reason of the foregoing, is in violation of Section 2-9-106(c) of the Manatee County Code of Ordinances, in that Respondent has **structure is unsecured** and has failed to remedy the aforesaid violation.

Respondent is subject to the provisions of Chapter 162, Part 1, Florida Statutes, and Chapter 2-9 of the Manatee County Code of Ordinances.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and the Manatee County Code of Ordinances, it is hereby ORDERED:

THAT Respondent correct the aforesaid violation by: **secure the structure by 11/27/2017, or a fine of \$75.00 per day to be imposed to a maximum amount of \$10,000.00, if the violation is not corrected the County is authorized pursuant to Florida Statutes 162.09(1) to make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed.**

THAT in the event that the aforesaid violation is not corrected on or before 11/27/2017, a fine of \$75 shall be imposed against the Respondent for each day the violation has continued past the compliance date ordered. This fine shall continue to accrue until Respondent comes into compliance with this Order to a maximum amount of \$10,000.00.

If the required corrective action is not taken as ordered on or before 11/27/2017, a certified copy of this Order shall be recorded in the public records of Manatee County, Florida, and shall thereafter constitute a lien against the above-described property and upon any other real or personal property owned by Respondent pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.

That this Order is self-executing upon an Affidavit of Non-compliance being filed with the Clerk of the Circuit Court of Manatee County.

DONE AND ORDERED this 25th day of October, 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, Steven Clyde Smith, at 3419 21st St E, Bradenton, FL 34208-4809, by US Mail and to the Manatee County Code Enforcement Division, this 25th day of October, 2017.

Angelina Colonnese, Clerk of the Circuit Court
Manatee County

By: 

Deputy Clerk

Attention: It is your responsibility to notify Code Enforcement at 941-748-2071 to verify that the violation has been brought into compliance and that any fines/liens have been satisfied.

LF298-04

QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 9th day of August, 2005 (year).

by first party, Grantor, DEBORAH SMITH HOWDESHELL

whose post office address is PO BOX 8243 Clearwater, FL 33758

to second party, Grantee, STEVEN CLIDE SMITH

whose post office address is 3419 21ST E. Bradenton FL 34208

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

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

South half of Lot 4 and all of Lot 5 of Hill Park annex as per plat thereof Reconsidered h plat Book 5, Page 11 of The public Records of manatee County Florida.

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

[Signature]
Signature of Witness

John J SEMANURK
Print name of Witness

[Signature]
Signature of Witness

Cladis Farique
Print name of Witness

[Signature]
Signature of First Party

DEBORAH SMITH HOWDESHELL
Print name of First Party

[Signature]
Signature of First Party

DEBORAH SMITH HOWDESHELL
Print name of First Party

State of Florida
County of Manatee
On August 9, 2005 before me, Patricia A. Queen
appeared Deborah Smith Howdeshell
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

[Signature]
Signature of Notary



Affiant Known Produced ID
Type of ID _____ (Seal)

State of _____
County of _____
On _____ before me,
appeared _____
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID
Type of ID _____ (Seal)

[Signature]
Signature of Preparer

Steven C. Smith
Print Name of Preparer

3419 21st E. Bradenton Fla.
Address of Preparer



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 14th day of November, 2005

R. B. SHORE
Clerk of Circuit Court
[Signature]

Return to: (enclose self-addressed stamped envelope)

Name

Address

This Instrument Prepared by:

Address:

INSTRUMENT PREPARED BY:
JAMES H. ROBACK
PASTER and ROBACK
A Partnership of P.A.'s
Attorneys At Law
6221 14th St. W., Suite 204
Bradenton, FL 34207

309113

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit-Claim Deed, Executed this 12th day of April, A. D. 19 89, by LESTER T. SMITH joined by his wife, ERIS JEANETTE SMITH, a/k/a JEANETTE E. SMITH, first party, to STEVEN CLYDE SMITH, a single man, and DEBORAH J. SPENCER, a single woman,

whose postoffice address is 3419 - 21st Street East, Bradenton, Florida 34208

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$ 10.00 (Ten) in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Manatee State of Florida, to-wit:

The South half of Lot 4 and all of Lot 5, of HILL PARK ANNEX, as per plat thereof, recorded in Plat Book 5, Page 11, of the Public Records of Manatee County, Florida.

Subject to restrictions, reservations, and easements of record, and taxes for 1989 and all subsequent years.

DOCUMENTARY TAX PD \$ 1.55
INTANGIBLE TAX PD. \$
H. B. SHORE, CLERK MANATEE COUNTY
BY: [Signature]
DEPUTY CLERK

FILED AND RECORDED
H. B. SHORE, CLERK
MANATEE COUNTY, FL.
APR 17 9 56 AM '89

RECORD VERIFIED
H. B. SHORE, CLERK OF CIRCUIT COURT
BY: [Signature]

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

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in presence of:

[Signature] _____
[Signature] _____
LESTER T. SMITH
ERIS JEANETTE SMITH

STATE OF FLORIDA,
COUNTY OF MANATEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, personally appeared LESTER T. SMITH joined by his wife, ERIS JEANETTE SMITH, a/k/a JEANETTE E. SMITH, to me known to be the person described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of April, A. D. 19 89.

My Commission Expires: 7/7/89 NOTARY PUBLIC

O.R. 1256 PG 0452