

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Code Enforcement Lien – Thomas E. & Edith Ray, Respondent,
Parcel # 03-21-29-505-0J00-0050, 132 Lake Shore Drive, Altmonte Springs,
Seminole County

DEPARTMENT: Planning & Development **DIVISION:** Planning / Code Enforcement

AUTHORIZED BY: Sally Sherman **CONTACT:** Deborah Leigh **EXT.** 7487

Agenda Date <u>02-25-03</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

(A) Approve the request to waive the Code Enforcement Board lien on case number 02-28-CEB in the amount of \$ 25,400.00 on the property located at 132 Lake Shore Drive, Parcel # 03-21-29-505-0J00-0050 and authorize the Chairman to sign and execute the satisfaction of lien; or

(B) Approve a reduction of the Code Enforcement Board lien on case number 02-28-CEB in the amount of \$ 25,400.00 on the property located at 132 Lake Shore Drive, Parcel # 03-21-29-505-0J00-0050 and upon payment in full, authorize the Chairman to sign and execute the satisfaction of lien; or

(C) Approve a reduction to the Code Enforcement Board lien from \$ 25,400.00 to \$285.94, the estimated cost for processing case # 02-28-CEB on the property located at 132 Lake Shore Drive, Parcel # 03-21-29-505-0J00-0050 and upon payment in full, authorize the Chairman to sign and execute the satisfaction of lien; or

(D) Deny the request to waive or reduce the Code Enforcement Board lien on case number 02-28-CEB in the amount of \$ 25,400.00 on the property located at 132 Lake Shore Drive, Parcel # 03-21-29-505-0J00-0050

District 3 – Van Der Weide

(Deborah Leigh-Code Enforcement)

BACKGROUND:

In October of 2001, the Code Enforcement Office conducted a neighborhood clean-up sweep in the Mobile Manor area. During the sweep, an inspection on the property located at 132 Lake Shore Drive revealed violations of trash, debris, junk vehicles and uncultivated vegetation.

Notice of violation was sent to the property owner on November 29,

Reviewed by:
Co Atty: <u>SPC</u>
DFS: _____
Other: <u>MMW/MLL</u>
DCM: _____
CM: <u>DLG</u>
File No: <u>rpd02</u>

2001. A follow-up inspection conducted on January 16, 2002, revealed

the violations remained on the property. On January 18, 2002, the code inspector filed a Statement of Violation, Request for Hearing with the Clerk to the Code Enforcement Board.

On February 28, 2002, the Seminole County Code Enforcement Board issued its Findings of Fact, Conclusions of Law and Order on property, located at 132 Lake Shore Drive. This order found the respondents, Thomas E. & Edith Ray, to be the owner of record of the property (at the time of the CEB Hearing), in possession/control of the property and in violation of:

Section 95.4 as defined in Section 95.3 (g) (h) and (l).
The accumulation of trash and debris;
Uncultivated vegetation; and
Junk vehicles

The Code Enforcement Board further ordered the owner to bring the property into compliance on or before March 15, 2002 or a fine of \$100.00 per day would be imposed. The respondents were not present at this hearing.

On March 18, 2002, the code inspector inspected the property and found the property remained in violation and filed an affidavit of non-compliance.

On May 23, 2002, the Code Enforcement Board issued an Order Imposing Penalty/Lien in the amount of \$6,800.00 and the fine of \$100.00 per day was ordered to continue past the date of the order. The property remained in violation with the lien continuing to accrue.

On November 25, 2002, an inspection revealed the property was in compliance and an affidavit of compliance was filed and recorded.

On January 17, 2003, Code Enforcement received a request from Sandra Ray Wood, Personal Representative for Edith Ray, requesting the lien be rescinded. This request contends that Mr. Thomas E. Ray passed away on November 6, 1999 and Ms. Wood moved to the area September 17, 2002, to help care for her mother and worked to bring the property into compliance.

The Board's guidelines for reducing liens adopted February 9, 1999 are identified below:

1. If an individual has acquired a property in which the lien was recorded and the individual bought the property with this knowledge, a waiver or reduction in lien should not be granted. In such cases the lien should have been considered in reaching a purchase price.
2. If a lien is not considered when a title insurance policy is issued, a reduction of the lien to provide relief to a title insurer should not be granted. To do so would place the County in the position indemnifying an insurance company against its losses, which are reflected in premium charges.

3. If a lien has previously been reduced, and another request is received for a lien reduction, whether from the original property owner or a new owner, a reduction or waiver should not be granted. If the BCC Grants relief to a violator its action should be final and conclusive.
4. When considering a request and in developing a recommendation to the BCC, staff should evaluate the amount of the lien compared to the value of the property and the actions the violator did or did not take in attempting to resolve the code violation. **(According to the Seminole County Property Appraiser the property value for Parcel # 05-21-29-505-0J00-0050 is \$13,845.00.)**
5. When liens are satisfied as a result of either full payment or reduced/eliminated payment as directed by the BCC, the lien satisfaction instrument will be provided to the property owner who shall be responsible for recording the instrument in the land records.

STAFF RECOMMENDATION:

According to Chapter 162, Florida Statute, in determining the amount of the fine, the Code Enforcement Board considers the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

Based on the following facts:

1. The property is in compliance; and
2. The violation was not to the extent of becoming a life, health or safety issue.

Due to extenuating circumstances such as the death of one of the property owners, staff would recommend a reduction of the lien from \$ 25,400.00 to \$ 285.94, the amount calculated on the attached cost analysis sheet for Case # 02-28-CEB (Option C).

Attachments: 02/28/2002 Findings of Fact, Conclusions of Law and Order
 03/18/2002 Affidavit of Non-Compliance
 05/23/2002 Order Finding Non-Compliance and Imposing Fine/Lien
 11/27/2002 Affidavit of Compliance
 01/01/2003 Request from Sandra Ray Wood
 Property Appraiser Database Information
 Estimated Costs for processing Case # 02-28-CEB

CODE ENFORCEMENT BOARD RECORDED BY L Woodley
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

CASE NO. 02-28-CEB

Petitioner,

vs.

THOMAS E & EDITH RAY
109 CHAMPION AVE
ALTAMONTE SPRINGS FL 32714

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Respondents are in violation of Section 95.4 as defined in 95.3(g)(h)(l), Seminole County Code:

(a) The Respondents are the owners of record of the property (Tax Parcel ID #-03-21-29-505-0J00-0050) located at 132 Lake Shore Drive, located in Seminole County and legally described as follows:

LEG LOT 5 BLK J MOBILE MANOR PB 11 PG 48

(b) The Respondents are in possession/control of the property.

(c) On August 27, 2001, a Seminole County Code Inspector inspected the property and found junked, abandoned and/or non operating vehicle, trash and debris, and uncultivated vegetation.

(d) On November 29, 2001, Respondents were provided notice of the violation and given until December 13, 2001 to correct the violation.

(e) On January 16, 2002, a Seminole County Code Inspector reinspected the property and found the above violations remained on the property.

The Respondents shall correct the violations by **March 15, 2002**. In order to correct the violation, the Respondents shall take the following remedial action:

- 1) REMOVE THE JUNK VEHICLE NOT WITHIN AN ENCLOSED GARAGE OR CARPORT.
- 2) REMOVE THE TRASH AND DEBRIS
- 3) REMOVE THE UNCULTIVATED VEGETATION IN EXCESS OF 24" IN HEIGHT LOCATED WITHIN 75' OF A STRUCTURE.

Marcia Fuller

If the Code Inspector files an affidavit with the Code Enforcement Board stating that the Respondents have complied with this Order by the date set for compliance, then the Code Enforcement Board shall at a subsequent meeting issue an order confirming the compliance. The order shall be recorded in the official land records of Seminole County

If the Code Inspector files an affidavit with the Code Enforcement Board stating that the Respondents did not comply with this Order by the date set for compliance, then the Code Enforcement Board shall at a subsequent meeting issue an order confirming the non-compliance and ordering the Respondents to pay a fine of \$100.00 for each day the violation continues, or is repeated past the date set for compliance. Such order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

The Respondents must contact the Code Inspector to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order.

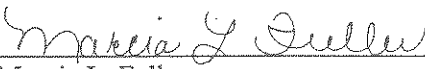
DONE AND ORDERED this 28TH day of February, 2002, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

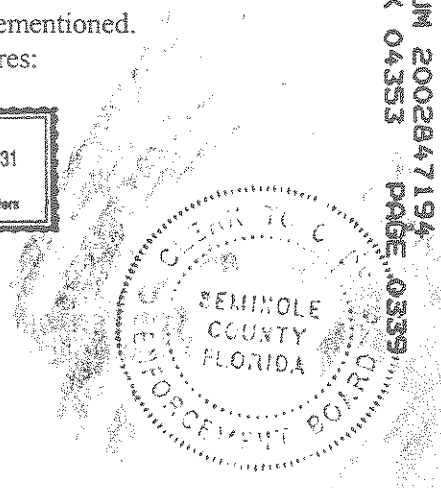
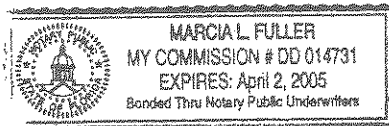

JEAN METTS, CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 6th day of March, 2002, by Jean Metts, who is personally known to me.


Marcia L. Fuller
Notary Public to and for the
County and State aforementioned.
My Commission Expires:

Order.ray



FILE NUM 2002847194
OR BOOK 04353
PAGE 0339

MARY... MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 04424 PG 0689
CLERK'S # 2002888040
RECORDED 06/04/2002 09:45:41 AM
RECORDING FEES 10.50
RECORDED BY L Woodley

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

CASE NO. 02-28-CEB

Petitioner,

vs.

THOMAS & EDITH RAY
109 CHAMPION AVENUE
ALTAMONTE SPRINGS FL 32714

Respondents.

ORDER FINDING NON-COMPLIANCE AND IMPOSING LIEN

The Respondents are the owners of record of the property (Tax Parcel ID #03-21-29-505-0J00-0050) located 132 Lake Shore Drive, Altamonte Springs, Florida, located in Seminole County and legally described as follows:

LEG LOT 5 BLK J MOBILE MANOR PB 11 PG 48

This case came on for public hearing before the Code Enforcement Board of Seminole County on the 28th day of February, 2002, after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law, and Order.

Said Order found Respondents in violation of Section 95.4, as defined in Section 95.3(g)(h)(l), Seminole County Code.

Said Order required Respondents to take certain corrective action by March 15, 2002.

Said Order stated that a fine of \$100.00 per day would be imposed if Respondents did not take certain corrective action by the date set for compliance.

An Affidavit of Non-Compliance bearing the date of March 18, 2002, has been filed with the Board by the Code Inspector, which Affidavit certifies under oath that the required action has not been taken as ordered.

Accordingly, it having been brought to the Board's attention that Respondents have not complied with the Order dated February 28, 2002, the Board orders that a fine of \$6,800.00 (total accrued fine up until hearing) is imposed against the property for each day the violation has continued past the date set for compliance and a fine of \$100.00 per day is ordered against the property for each day the violation continues past May 23, 2002.

The Respondents must contact the Code Inspector to arrange for an inspection of the property to verify compliance. The fine imposed shall continue until such time as the Code Inspector inspects the property and establishes the date of compliance.

CASE NO 02-28-CEB
THOMAS & EDITH RAY

This Order shall be recorded in the public records of Seminole County, Florida, and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.


DONE AND ORDERED this 23rd day of May, 2002, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

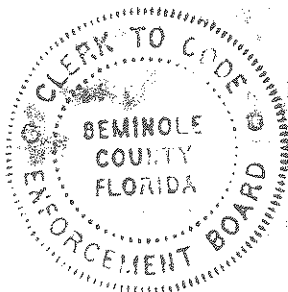

TOM HAGOOD, CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 31st day of May, 2002, by Tom Hagood, who is personally known to me.


Marcia L. Fuller
Notary Public to and for the
County and State aforementioned.
My Commission Expires:

lienray



CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida

CaseNo.02-28-CEB

Petitioner,
vs.

Thomas E & Edith Ray

Respondent.
_____ /

AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared Pamela Taylor, Code Inspector for **Planning Division**, who, after being duly sworn, deposes and says:

1. That on **FEBRUARY 28, 2002** the Board held a public hearing and issued its Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before **MARCH 15, 2002**.
3. That a re-inspection was performed and the Respondent was in compliance on **NOVEMBER 25, 2002**.
4. That the re-inspection revealed that the corrective action ordered by the Board has been taken.

FURTHER AFFIANT SAYETH NOT. DATED this 27th day of NOVEMBER 2002.

Pamela Taylor

Pamela Taylor, Inspector

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

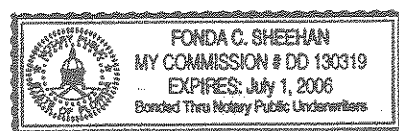
The foregoing instrument was acknowledged before me this 27th day of NOVEMBER 2002, by Pamela Taylor, who is personally known to me.

Fonda C. Sheehan

Notary Public in and for the County
and State Aforementioned

My commission expires:

CMPLAFF.CEB



Debbie Lee
 To Whom This may Concern. Apr 1 03

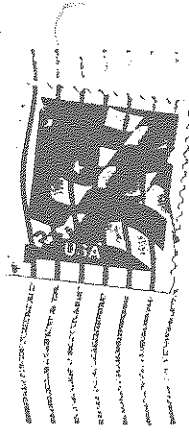
My name is Sandra Wood I
 am the caretaker rep. for my mother
 Edith O. Ray. She owns 132 Lake Shore Dr.
 Alt. Spg. and 109 Champion Ave. Alt. Spg.
 My father Thomas E. Ray died Nov 6 1999.
 Since then my mother has not been
 in the light of mind. My Brother
 was left here to care for the property.
 He died at 109 Burn down in May
 of 2000. No one had brought her to
 help with these problem. I've been home
 since Sept 17. 02 and have tried
 to comply with all code enforcement
 violations. I have done that on
 132 Lake Shore Dr. and also 109
 Champion Ave. Alt. Spg. I am in
 the process in doing the Burn down
 I ask that the Board send these
 items for the money is very short.
 My mother has been in and out of
 the hospital since and was not
 aware of these problems. I will make
 sure I comply in the future with
 and or all violations.

Rep for Edith O. B. Ray

Property Manager
 Sandra Ray Wood

Banda Bay Wood
Editho. Ray
109 Chambers Dr
Oak Spring, Fl. 32714


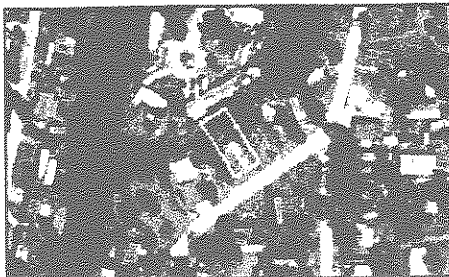

Editho
Ray



Sam Aug Toning Dept.
1101 E First St.
Dunford, Fl. 32711-1468

09 JAN 2008 1 09 45 AM



PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH																														
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																																		
<p align="center">GENERAL</p> <p>Parcel Id: 03-21-29-505-0J00-0050 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: RAY THOMAS E & EDITH Exemptions:</p> <p>Address: 109 CHAMPION AVE</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32714</p> <p>Property Address: 132 LAKE SHORE DR ALTAMONTE SPRINGS 32701</p> <p>Subdivision Name: MOBILE MANOR 2ND SECTION</p> <p>Dor: 02-MOBILE/MANUFACTURED</p>			<p>2003 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$5,645</p> <p>Land Value (Market): \$8,200</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$13,845</p> <p>Assessed Value (SOH): \$13,845</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$13,845</p>																															
<p align="center">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>01/1994</td> <td>02726</td> <td>1714</td> <td>\$11,000</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/1986</td> <td>01782</td> <td>1179</td> <td>\$40,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1984</td> <td>01551</td> <td>1490</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1974</td> <td>01018</td> <td>0624</td> <td>\$2,500</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	01/1994	02726	1714	\$11,000	Vacant	WARRANTY DEED	10/1986	01782	1179	\$40,000	Improved	WARRANTY DEED	02/1984	01551	1490	\$100	Improved	WARRANTY DEED	01/1974	01018	0624	\$2,500	Improved	<p align="center">2002 VALUE SUMMARY</p> <p>2002 Tax Bill Amount: \$248</p> <p>2002 Taxable Value: \$14,248</p>	
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<p align="center">LAND</p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT & DEPTH</td> <td>50</td> <td>100</td> <td>.000</td> <td>200.00</td> <td>\$8,200</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	50	100	.000	200.00	\$8,200	<p align="center">LEGAL DESCRIPTION PLAT</p> <p>LEG LOT 5 BLK J MOBILE MANOR 2ND SEC PB 11 PG 48</p>																			
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<p align="center">EXTRA FEATURE</p> <table border="1"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>MOBILE HOME</td> <td>1972</td> <td>672</td> <td>\$5,645</td> <td>\$10,752</td> </tr> </tbody> </table>					Description	Year Blt	Units	EXFT Value	Est. Cost New	MOBILE HOME	1972	672	\$5,645	\$10,752																				
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																		

[BACK](#) ● [PROPERTY APPRAISER HOME PAGE](#) ● [CONTACT](#)

Estimate of Costs
CEB Case # 02-28-CEB
Thomas E. (deceased) & Edith Ray

<u>Postage</u>				
Regular	1	\$.34	\$.34	
Certified	1	\$ 3.94	\$ 3.94	
				\$ 4.28
<u>Site Inspections</u>				
4 Site Visits	1 hour each	\$16.00	\$64.00	
15.3 miles – Est. driving time 25 minutes (as determined on Yahoo Maps)				\$ 64.00
<u>Processing Time for Code Enforcement and BCC Action</u>				
Inspector	1.5 hour	\$ 16.00	\$ 24.00	
Code Board Secretary	1.5 hour	\$ 15.00	\$ 22.50	
Associate Technician	1.5 hour	\$ 12.00	\$ 18.00	
Program Manager	2.5 hour	\$ 21.00	\$ 52.50	\$ 117.00
County Attorney's Review	Associated costs not calculated Figures are not available			
Planning Manager's Review				
Planning and Development Director's Review				
Deputy County Manager's Review				
<u>Unit Costs</u>				
Total 2001/2002 Code Enforcement Budget Costs / Total Violation Cases				
Unit Cost \$ 288,063 / 3540 Average cost per violation - \$ 81.37				
Total 2001/2002 Operating Expenses / Total Violation Cases				
Operating Expenses \$ 68,583 / 3540 Average cost per violation \$ 19.37				\$ 100.74
Other associated costs not captured: Fleet expense, Phone expense, Utilities, Computer Support				
<u>ESTIMATED COST FOR PROCESSING CASE # 02-28-CEB</u>				\$ 285.94