

Gadsden County Board of County Commissioners Agenda Request

Date of Meeting: January 20, 2015

Date Submitted: December 30, 2014

To: Honorable Chairperson and Members of the Board

From: Robert Presnell, County Administrator
Clyde Collins, Building Inspector

Subject: Debbie Atkins; Parcel ID No.2-15-3N-6W-0000-00413-1500/Code Enforcement

Statement of Issue:

This item seeks direction regarding the correction of a code violation on the property owned by Debbie Atkins (the “Property Owners”) located at 983 Lincoln Dr. Chattahoochee, Fl. 32324(the “Property”), and/or the request for an order assessing the associated costs and fine, to be recorded as a lien on the Property and other property owned by the Property Owners.

Background:

Ordinance No. 2012-005, titled the “Special Magistrate Alternate Code Enforcement System” (the “Ordinance”), provides an alternate code enforcement procedure whereby a special magistrate is authorized to conduct hearings and issue orders requiring compliance with codes and imposing fines for code violations. The Ordinance sets forth the following specific procedure for the initiation and conduct of non-emergency, non-repeat enforcement proceedings:

- 1) The County serves the property owner with a Notice of Violation, setting forth a reasonable time to correct the violation.
- 2) If the property owner does not correct the violation within the time set forth in the Notice of Violation, the County serves the property owner with a Notice of Hearing, setting a date and time to appear before the Magistrate.
- 3) If the property owner does not correct the violation prior to the scheduled hearing date, the Magistrate conducts the hearing and takes evidence and testimony from the Code Enforcement Officer and the property owner and/or its representative.
- 4) Following the hearing, the Magistrate may enter an order finding a code violation, requiring compliance by a date certain, authorizing the County to take necessary action upon non-compliance and a finding that the violation presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature, and reserving jurisdiction to enter further orders imposing costs and fines. A certified copy of the initial order may be recorded in the official records; and, if so recorded,

shall constitute notice to any subsequent purchasers, successors, or assigns. If the property owners comply with the initial order, the Magistrate must issue an order acknowledging compliance which must be recorded in the official records.

- 5) If the property owner does not comply with the initial order, the County may take the action necessary to correct the violation upon finding that the violation presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature.
- 6) The County may also seek a second order imposing a fine for each day that the violation continues past the date set by the Magistrate for compliance and assessing costs incurred, including those incurred in taking necessary action to correct the violation in such instances where the County has found that the violation presented a serious threat to the public health, safety, and welfare or was irreparable or irreversible in nature.
- 7) Ten days after entry of the second order, the County may request a certified copy of the order from the Clerk and record the certified copy of the order in the official records of Gadsden County and all other counties in which the property owner may have property currently or in the future. The recorded certified copy of the order then becomes a lien against the property on which the violation exists and any other real or personal property owned by the violators which is located in the county in which the order is recorded. Upon petition to the circuit court, the order is enforceable in the same manner as a court judgment, including execution and levy against the violators' property. After three (3) months from the recording of the order, the Magistrate may authorize the County Attorney to foreclose the lien or sue to recover a money judgment. The lien shall continue for a period of ten (10) years or until satisfied, and may be extended for an additional ten (10) years by re-recording a certified copy prior to the expiration of the initial ten (10) year period. The lien shall not continue for more than twenty (20) years and may not be foreclosed on homestead property.

The Ordinance also provides for appeals of final administrative orders to circuit court within thirty (30) days of the execution of the order. It also specifies that the special magistrate alternate code enforcement system is an additional or supplemental means of enforcing compliance with the County's codes, which does not prevent the County from enforcing its codes by other lawful means.

Analysis:

On June 10 2013, the County served the Notice of Violation on the Property Owners by Certified Mail, Return Receipt Requested, First Class United States Mail, and hand delivery (*if applicable*); and posted the Notice of Violation on the Property and on the bulletin board outside of the County Commission Chambers. On October 4, 2013, the County served the Notice of Hearing on the Property Owners by Certified Mail, Return Receipt Requested, First Class United States Mail, and hand delivery (*if applicable*); and posted the Notice of Violation on the Property and on the bulletin board outside of the County Commission Chambers. On March 27, 2014, the Magistrate conducted a hearing. Following the hearing, on March 31 2014, the Magistrate entered an Order finding a code violation on the Property, requiring compliance within fifteen (15) days, authorizing the County to take necessary action upon non-compliance and a finding that the violation presents a serious threat to the public health, safety, and welfare or is irreparable or

irreversible in nature, and reserving jurisdiction to enter further orders imposing costs and fines (the “Initial Order”). On March 31, 2014, the County served the Initial Order and a Notice of Initial Order on the Property Owners by Certified Mail, Return Receipt Requested, First Class United States Mail, and hand delivery (*if applicable*); and posted the Initial Order and Notice of Initial Order on the Property and on the bulletin board outside of the County Commission Chambers. The Property Owners have failed to comply with the Initial Order, and County staff is seeking the Board’s guidance on whether to take action to correct the violation and/or seek a second order imposing a fine and costs, to be recorded in the official records as a lien against the Property and other real and personal property of the Property Owners.

Fiscal Impact:

If the County finds that the violation presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature, it may take action to correct the violation. The approximate cost of such action is \$8,424.00. Such cost, in addition to administrative costs and a fine, may be included in an Order of Violation, a certified copy of which may be recorded in the official records and become a lien against the Property and other real and personal property owned by the Property Owners. The cost of pursuing and recording the Order of Violation is approximately \$200.00. The County may or may not recover some or all of the fine and costs assessed in the Order of Violation, including interest, at some point in the future.

Options:

1. Find that the violation presents a serious threat to the public health, safety, and welfare or is irreparable or irreversible in nature, instruct County staff to take action to correct the violation, and seek an Order of Violation which includes the cost of the corrective action as well as administrative costs and a fine.
2. Find that the violation does not present a serious threat to the public health, safety, and welfare and is not irreparable or irreversible in nature, instruct County staff not to take action to correct the violation, but to seek an Order of Violation which includes administrative costs and a fine.
3. Take no action.
4. Board Discretion.

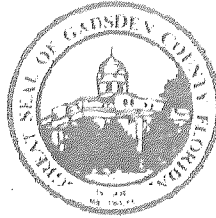
County Staff’s Recommendation:

Option #1

Attachments:

1. Notice of Violation;
2. Notice of Hearing;
3. Initial Order dated March 31, 2014;
4. Parcel information and location from the Gadsden County Property Appraiser’s website.
5. Quotes (Barnes Equipment & Johnny B. Stone)

13-195



COMMISSIONERS:

Eric Hinson
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DOUGLAS M. CROLEY
District 2
GENE MORGAN
District 3
BRENDA A. HOLT
District 4
SHERRIE D. TAYLOR
District 5

**GADSDEN COUNTY BOARD OF
COUNTY COMMISSIONERS**

1B East Jefferson Street, Post Office Box 1799
Quincy, Florida 32353-1799
(850) 875-8663 - fax (850) 875-7280

Robert Presnell
County Administrator

DEBORAH S. MINNIS
County Attorney

Department of Building Inspection
Division of Code Enforcement

NOTICE OF CODE VIOLATION (STRUCTURAL)

DATE: June 10, 2013

NAME: Debbie Atkins

ADDRESS: 104 Amber LN. Chattahoochee, FL 32324

**Re: Gadsden County Code Violation -
Location of Violation: Lincoln Dr.**

983 Lincoln Dr.

Please be advised the property referenced above is in violation of Gadsden County's Nuisance and Property Management Ordinance #08-003. According to Section 6 of the adopted ordinance, Gadsden County may take action to correct the code violation. The property owner will be obligated to reimburse the County for the actual cost to correct the code violation, including County administrative costs. Failure to reimburse the County for these corrective costs could result in a lien against the property. A lien against the property may prohibit the sale or transfer of the property until the lien is paid.

In order to avoid further action by the County please correct the following code violation within (30) days of the receipt of this Notice

There is an old house on this property that has to be torn down and the property cleaned up. If this is not your property please contact this office.

Pursuant to Section 6(b) of the Gadsden County Property Management and Nuisance Abatement Ordinance, Gadsden County Ordinance No. 08-003, if you fail to correct the above-described condition within 30 days of receipt of this Notice:

- the County will undertake maintenance actions to correct the above-described condition on the above-described property; and
- you shall be obligated to reimburse the County for the actual cost and any applicable County administrative charges and fees.

In such event, such costs and fees will be assessed against the real property and could become a lien against that property.

If you disagree with the assertions in this notice and the costs to be assessed:

- you must make a timely written request for a hearing before the County Administrator or his designee.
- In order to be timely, the written request for a hearing must be received at 1-B east Jefferson Street, P.O. Box 1799 Quincy, Florida 32353-1799 within 15 days of receipt of this Notice.

If you make a timely request for a hearing, you will receive written notice of the time and place of the hearing.

Failure to file a timely request for a hearing shall be a waiver of the right to be heard and shall be deemed to constitute acknowledgement that the property is in the condition as described, is specially benefitted by the actions of the County, that the proposed actions of the County are warranted and reasonable, and that the costs associated with the County's actions are fair and reasonable.

Thank you in advance for your prompt attention to this violation. Please call the Gadsden County Department of Code Enforcement at 850-875-8662 should you have any questions or require additional information.

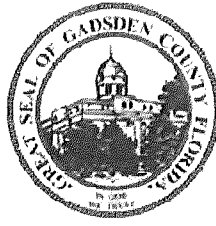
Sincerely,

Oliver Sellers, Code Enforcement Officer

cc: violations
read file



03/25/2014 12:19



COMMISSIONERS:

ERIC HINSON
District 1
DOUGLAS M. CROLEY
District 2
GENE MORGAN
District 3
BRENDA A. HOLT
District 4
SHERRIE D. TAYLOR
District 5

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COUNTY COMMISSIONERS**

1B East Jefferson Street, Post Office Box 1799
Quincy, Florida 32353-1799
(850) 875-8665 - fax (850) 875-7280

EDWARD J. BUTLER
GADSDEN COUNTY GOVERNMENTAL COMPLEX
Building Inspection Code Enforcement
Facilities Maintenance

ROBERT PRESNELL
County
Administrator

DEBORAH S. MINNIS
County Attorney

R. CLYDE COLLINS
Building Official

NOTICE OF VIOLATION AND APPEAR BEFORE THE CODE ENFORCEMENT BOARD OR MAGISTRATE

Date: October 4, 2013

Case Number: 13-195

PARCEL NUMBER 2-03-3N-6W-0000-00433-0300

To: Debbie Atkins
104 Amber Ln.
Chattahoochee, Fl. 32324

Location: Lincoln Dr.

You are hereby advised that you are in violation of the Gadsden County Code of Ordinances, # 08-033, Section 4, Declaration of Public Nuisances.

The nature of this violation is as follows:

There is an old building that is deleterious to public view for a period of more than 10 days is a violation of Gadsden County ordinances. To correct the violation repair or remove the building on the property and clear the lot within 10 days of receipt of this notice. Failure to cure the violation may result in the County removing all violations and all costs will be assessed against you and could result in a lien against your property.

You are further informed that unless this violation is corrected or otherwise made to comply within 10 days of this notice you must appear before the Gadsden Code Enforcement Board/Magistrate on October 31, 2013 at 9:00 A.M. located at The EDWARD J. BUTLER BUILDING 1-B East Jefferson St. Quincy, Florida.

D. M. A.

If you disagree with the information contained in this Notice, you may file a written letter with the code enforcement administrator at the above address. You have 10 days from receipt to file the letter. The Code Enforcement Board/Magistrate may issue a finding of fact and law that includes a mandatory compliance date and has the power to levy fines of up to \$250 per day per violation for each and every day that the violation(s) remains beyond the compliance date. The assessment of fines or charges will constitute a lien against your property in favor of the Gadsden County.

It is solely your responsibility that you contact Code Enforcement at 850-627-5338 or 850-875-8662 upon correcting this violation of the Gadsden County Code of Ordinances so an inspection can be promptly made. If this violation has already been corrected, prior to receiving this letter, you still need to contact the Code Enforcement office at the number above.

Thank you in advance for your cooperation.



Code Enforcement Inspector

GADSDEN COUNTY BOARD OF
COUNTY COMMISSIONERS
DEPARTMENT OF BUILDING INSPECTION
DIVISION OF CODE ENFORCEMENT

IN RE: PARCEL NO. 2-15-3N-6W-0000-00413-1500

Record Owner: DEBBIE ATKINS

CASE NO. 13-195

ORDER

THIS CAUSE having come on for hearing on March 27, 2014 before the Code Enforcement Magistrate, and it appearing that a Notice of Code Violation was served on the owner of the above property by certified mail, and the Owner having appeared at the hearing; and it further appearing that this case has been previously continued three times to allow the Owner to correct the code violations existing on the property, but the violations have not been corrected, and the Magistrate having received sworn testimony from the Code Enforcement Officer, it is

FINDINGS OF FACT

The Magistrate finds from the testimony of Oliver Sellers, Code Enforcement Officer, that the records in the office of the Gadsden County Property Appraiser reflect that the property located on Lincoln Drive, Chattahoochee, FL 32324 is owned by DEBBIE ATKINS. The property is not occupied, and there is an old building located on the property, which is unsightly and a safety hazard and must be repaired or removed from the property.

CONCLUSIONS OF LAW

The Magistrate has determined that the above conditions violate the following provisions of Gadsden County Ordinance No. 08-033, Section 4: DECLARATION OF PUBLIC NUISANCES., which prohibits and declares to be a public nuisance

within Gadsden County when present, occurring or located on, in, under or upon any lot, tract or parcel of land located within Gadsden County:

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(6) a structure which presents a hazard or is deleterious to the public health, safety or welfare; and

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*

it is therefore

ORDERED AND ADJUDGED:

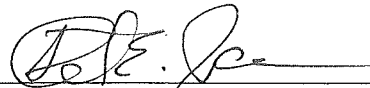
1. That DEBBIE ATKINS, within thirty (30) days from the date of service of this order, shall either repair or remove the building located on the property, and if removed, shall properly dispose of the building.

2. In the event that DEBBIE ATKINS shall fail to comply with the terms of this Order, then Gadsden County is hereby authorized to take all necessary action to remove and dispose of the property, and to place a lien against the property for the amount of the cost of removal and disposal of the above described items.

3. In addition to the costs of disposal and removal, costs in the amount of \$250.00, representing the costs incurred by Gadsden County in bringing this enforcement action are hereby assessed against the Owner, and shall be paid within 30 days of the date of this Order, and may be included in the lien against the property to which Gadsden County is entitled. In addition, should the property owner fail to comply with the terms of this Order a fine in the amount of \$100.00 per day is hereby imposed for each day the Owner fails to comply with the terms of this order.

DONE AND ORDERED in Quincy, Florida, this 31st day of

MARCH, 2014.



STEWART E. PARSONS
Magistrate

Copies furnished to:

Board of County Commissioners, Department of Building Inspection,
Division of Code Enforcement
DEBBIE ATKINS

Gadsden County Property Appraiser

Clay Vanlandingham, CFA

County Appraiser

16 S. Calhoun St.
Quincy, FL 32353-0585
PH: (850) 627-7168
FAX: (850) 627-0396

Recent Sales in Neighborhood Recent Sales in Area	Previous Parcel	Next Parcel	Field Definitions	Return to Main Search Page	Gadsden Home
Owner and Parcel Information					
Owner Name	ATKINS DEBBIE	Today's Date	October 29, 2013		
Mailing Address	104 AMBER LN CHATTAHOOCHEE, FL 32324	Parcel Number	2-03-3N-6W-0000-00433-0300		
Location Address	LINCOLN DR	Tax District	GADSDEN COUNTY (District 7)		
Legal Description	OR 757 P 1855 OR 757 P 1853	2013 Millage Rates	16.4974		
Property Usage	NIGHTCLUB/ (003300)	Acres	0		
Section Township Range	3-3N-6W	Parcel Map	Show Parcel Map		
		Homestead	N		

Value Information			Legal Information
	2012 Certified Values	2013 Certified Values	
Building Value	\$9,289	\$9,218	OR 757 P 1855 OR 757 P 1853 OR 566 P 1687 OR 340 P 1347----- BEGIN ON E. SIDE OF PAVED RD., FORMERLY WIRE RD., SAID POINT BEING 932.45 FT. S. AND 386.53 FT. E. OF NWC OF SW1/4 OF SE1/4., RUN N. 75° 2' E. 100 FT., S. 14° 58' E. 150 FT., S. 75° 2' W. 100 FT., N. 14° 58' W. 150 FT. TO P.O.B. IN SECTION 3-3N- 6W. ALSO: COMM AT THE SWC OF SW1/4 OF SE1/4 OF SECT 3-3N- 6W, RUN N89°09'26"E 473.54 FT; N16°15'35"W 211.20 FT; N16°15'35"W 185.0 FT; N73°44'25"E 100 FT TO BEGIN; N73°44'25"E 28.0 FT; S16°15'35"E 150.0 FT; S73°44' 25"W 28.0 FT; N16°15'35"W 150 FT TO POB The legal description shown here may be condensed for assessment purposes. Exact description may be obtained from the recorded deed.
Extra Feature Value	\$0	\$0	
Land Value	\$5,000	\$5,000	
Land Agricultural Value	\$0	\$0	
Agricultural (Market) Value	\$0	\$0	
Just (Market) Value*	\$14,289	\$14,218	
Assessed Value	\$14,289	\$14,218	
Exempt Value	\$0	\$0	
Taxable Value	\$14,289	\$14,218	
Maximum Save Our Homes Portability / AGL Amount	\$0	\$0	
"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.			
Tax Collector Information			

Building Information						
Type	Total Area	Heated Area	Exterior Wall	Roof Cover	Interior Wall	Flooring
CLUB HOUSE	2,096	1,756	CONC BLOCK / 4-	COMP SHNGL	MINIMUM / 4-	C ABOVE GD / 4-
Heating Type	A/C Type	Baths	Bedrooms	Stories	Actual Year Built	Effective Year Built
CONVECTION	WINDOW	0	0	1	1960	1960
Show Building Sketch						

Extra Features Data			
Description	Number of Items	Unit Length x Width x Height	Units
No records associated with this parcel.			

Land Information				
LAND USE	NUMBER OF UNITS	UNIT TYPE	Frontage	Depth
NIGHT CLUB	1	LT	0	0

Sale Information								
Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
03-01-2012	\$ 100	Warranty Deed	759	1855	Unqualified	Improved	JAMES ATKINS	DEBBIE ATKINS
03-01-2012	\$ 100	Warranty Deed	759	1853	Unqualified	Improved	JAMES ATKINS	DEBBIE ATKINS
05-22-2003	\$ 100	Warranty Deed	566	1687	Unqualified	Improved	JAMES ATKINS	JAMES ATKINS
09-02-1987	\$ 20,000	Warranty Deed	340	1347	Unqualified	Improved	VERDELL BUTLER	JAMES ATKINS

Recent Sales in Neighborhood Recent Sales in Area	Previous Parcel	Next Parcel	Field Definitions	Return to Main Search Page	Gadsden Home
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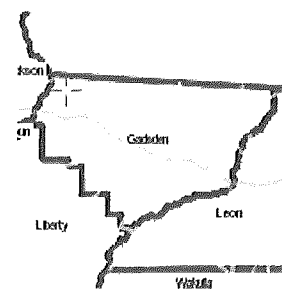
The Gadsden County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The Senior Exemption Does Not Apply to All Taxing Authorities. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Working values are subject to change. Website Updated: October 18, 2013

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13-185



Gadsden County Property Appraiser			
Parcel: 2-03-3N-6W-0000-00433-0300 Acres: 0			
Name:	ATKINS DEBBIE	Land Value	5,000
Site:	LINCOLN DR	Building Value	9,289
Sale:	\$100 on 03-2012 Vacant=N Qual=U	Misc Value	0
Mail:	104 AMBER LN CHATTahoochee, FL 32324	Just Value	14,289
		Assessed Value	14,289
		Exempl Value	0
		Taxable Value	14,289



The Gadsden County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER GADSDEN COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 06/07/13 : 11:50:33

BARNES EQUIPMENT COMPANY

25040 BLUE STAR HWY
QUINCY, FL 32351

Phone # 850-627-7216

Fax # 850-627-8862

Name / Address
GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS PO BOX 1799 QUINCY, FL 32353

Estimate

Date	Estimate #
12/15/2014	57

			Project
Description	Qty	Rate	Total
EQUIPMENT AND LABOR TO DEMO AND HAUL OFF 2808 SQ FT NIGHT CLUB ON LINCOLN DR 911 ADD 983 - L. Lincoln DR	2,808	3.00	8,424.00
Total			\$8,424.00

Johnny B. Stone

Certified General Contractor License # CGC150223

2052 Stone Lane, Sneads, FL 32460

December 19, 2014

Oliver Sellers

Gadsden County Building Department

Code Enforcement Division

Old Bar in Happy Town

1. We will remove and dispose of the concrete slab for \$4,200

I hereby accept this proposal and give Johnny Stone permission to do the work as described above for the total sum of \$4,200.00

Owner Date _____

Contractor Date Dec 19, 2014

Johnny B. Stone

Certified General Contractor License # CGC150223

2052 Stone Lane, Sneads, FL 32460

December 19, 2014

Oliver Sellers

Gadsden County Building Department

Code Enforcement Division

Old Bar in Happy Town

4,200
+ 800

\$ 5,000

1. We will tear down and remove the building debris, not including the slab for \$4,800

I hereby accept this proposal and give Johnny Stone permission to do the work as described above for the total sum of \$4,800.00

Date _____
Owner

Date Dec 19, 2014
Contractor