

Board of County Commissioners

Agenda Request

Date of Meeting: December 17, 2013

Date Submitted: December 4, 2013

To: Honorable Chairman and Members of the Board

From: Robert Presnell, County Administrator
Clyde Collins, County Code Enforcement

Subject: Joshua L. & Sarah E. Rudd
Parcel ID No. 3-11-2N-3W-0000-00222-0300/Code Enforcement

Statement of Issue:

This item seeks Board direction regarding the correction of code violation on the property owned by Joshua L. and Sarah E. Rudd (the “Property Owners”) located at 35 Post Plant Road, Quincy, FL 32352 (“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 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 July 9, 2013, the County posted the notice of Violation on the Property, where the Property Owners reside. On September 19, 2013, the County posted the notice of Hearing on the Property. On September 26, 2013, the Magistrate conducted a hearing. Following the hearing, on September 27, 2013, 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”). The Initial Order was posted on the Property on October 21, 2013. 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 \$11,000.00. 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 Direction

County Administrator’s Recommendation

Option 2

Attachment:

1. Notice of Violation
2. Notice of Hearing
3. October 18, 2013
4. Parcel information and location from the Gadsden County Property Appraiser’s website.



COMMISSIONERS:

Eric Hinson
District 1
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

DEPARTMENT OF Building Inspections

Division of Code Enforcement

Robert Presnell
County Administrator

DEBORAH S. MINNIS
County Attorney

NOTICE OF CODE VIOLATION (STRUCTURAL)

DATE: July 9, 2013

NAME: Rudd Joshua & Sarah

ADDRESS: 740 White Dr. Lot 23
Tallahassee, Fla. 323042650

Re: Gadsden County Code Violation - County Ordinance 08-033, Section: #3
Location of Violation: 35 Post Plant Rd. Quincy, Fla. 32352

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 Fifteen (15) days of the receipt of this Notice

Your property on 35 Post Plant Rd. in Quincy is a structure which presents a hazard or is deleterious to the public health, safety or welfare of the county. This is a health and safety matter. If this is not your property, please contact this office. When you have completed this clean up please call the office for a re-inspection.

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 15 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 obliged 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:

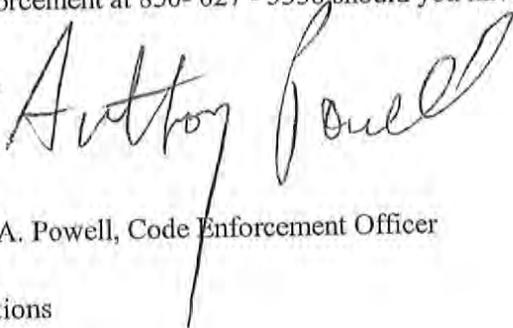
- you must make a timely written request for a hearing before the County Administrator or his designee.
- In order to be timely, the written request for a hearing must be received at 1-B east Jefferson Street, P.O. Box 1799 Quincy, Florida 32353-1799 within 15 days of receipt of this Notice.

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- 627 - 5338, should you have any questions or require additional information.

Sincerely,



Anthony A. Powell, Code Enforcement Officer

cc: violations
Read file



COMMISSIONERS:

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

**GADSDEN COUNTY BOARD OF
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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: September 5, 2013

Case Number: 13-17

PARCEL NUMBER - 3112N3W0000002220300

To: Joshua & Sarah Rudd
740 White Dr.
Tallahassee, Fla. 323042850

Location: 35 Post Plant Rd. Quincy, Fla. 32352

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:

A structure which presents a hazard or deleterious to public view for a period of more than 15 days is a violation of Gadsden County ordinances. To correct the violation remove the house from the property within 15 days of receipt of this notice. Failure to cure the violation may result in the County removing the house and all costs will be assessed against you and could result in a lien against your property.

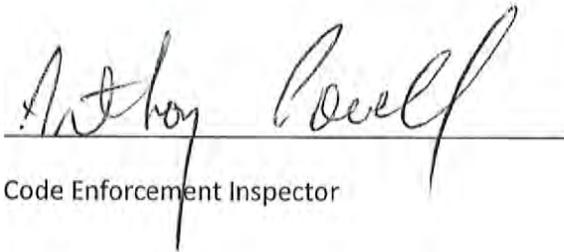
You are further informed that unless this violation is corrected or otherwise made to comply within 15 days of this notice you must appear before the Gadsden Code Enforcement Board/Magistrate on September 26, 2013 at 9:A.M. located at The EDWARD J. BUTLER BUILDING 1-B East Jefferson St. Quincy, Florida.

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 15 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 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 THIS AREA	PREVIOUS PARCEL NEXT PARCEL	RETURN TO MAIN SEARCH PAGE	GADSDEN HOME
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OWNER NAME	RUDD JOSHUA L & SARAH E	TODAY'S DATE	August 08, 2013
MAILING ADDRESS	740 WHITE DR LOT 23	PARCEL NUMBER	3-11-2N-3W-0000-00222-0300
	TALLAHASSEE, FL 323042650	MILLAGE GROUP	GADSDEN COUNTY (7)
		TOTAL MILLAGE	16.6654
		PROPERTY USAGE	MOBILE HOM (000200)
		MARKET AREA	North Central (02) Show Map
LOCATION ADDRESS	35 POST PLANT RD	PARCEL MAP	Show Parcel Map Generate Owner List By Radius

2012 CERTIFIED TAX ROLL VALUES							Tax Collector Information	
JUST VALUE OF LAND	LAND VALUE AGRICULTURAL	BUILDING VALUE	TOTAL MISC VALUE	JUST OR CLASSIFIED TOTAL VALUE	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	HOME STEAD
5,000	0	49,272	4,100	58,372	58,372	33,372	25,000	Y

The information listed below is the effect of the constitutional amendment passed on January 29, 2008.
 Maximum Save Our Homes Portability Amount \$0

LAND INFORMATION			
LAND USE	NUMBER OF UNITS	UNIT TYPE	SEC-TWN-RNG
RESIDENTIA	1.000	LT	11-2N-3W

SHORT LEGAL OR 723 P 1830 OR 721 P 940 OR 719 P 1967
[Show Complete Legal Description](#)

BUILDING DATA										
BUILDING #	TYPE	BASE AREA	HEATED AREA	BED ROOMS	BATHS	EXTERIOR WALL	HEATING	COOLING	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT
Sketch Building 2	000803	2,012	1,976	3	2		FORCED-AIR DUCTED	CENTRAL	Circa: 2002	2002

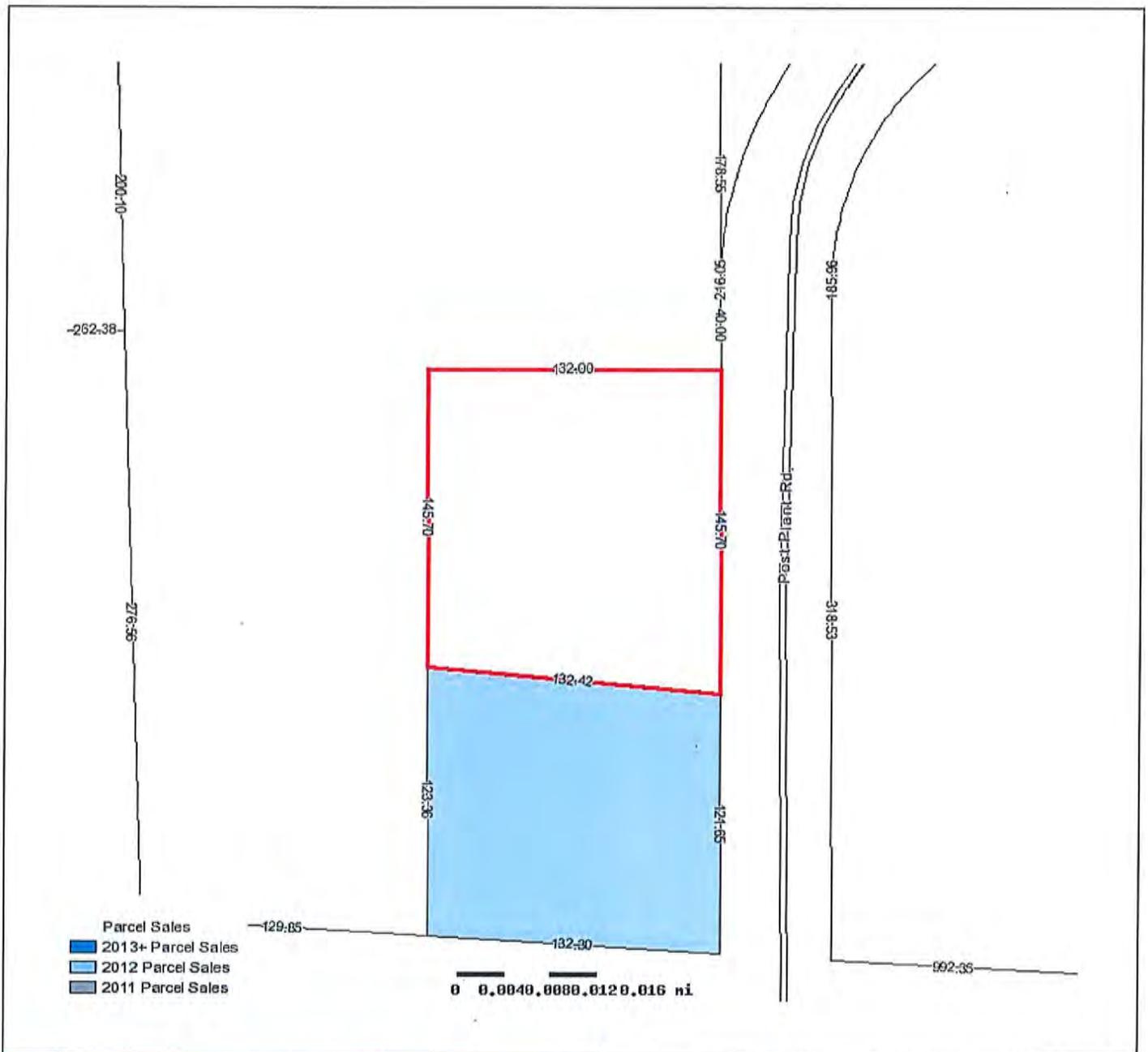
MISCELLANEOUS DATA				
DESCRIPTION	LENGTH	WIDTH	UNITS	YEAR BUILT
UTILITIES, ON-SITE	0	0	1 UNITS	2005
FENCE, CL 4 \$50/SECT	0	0	1 UNITS	2008

SALES DATA							
SALE DATE	BOOK/PAGE	ADJUSTED PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
12-07-2009	723/1830	100	QUIT CLAIM DEED	UNQUALIFIED	YES	JOHN DAVID TURNER (TRUSTEE LENORA WADE)	JOSHUA L RUDD & SARAH RUDD
06-22-2009	721/940	89,000	QUIT CLAIM DEED	UNQUALIFIED	YES	JOHN DAVID TURNER	LAMAR RUDD & SARAH E RUDD
01-15-2009	707/1740	0	OD	UNQUALIFIED	YES	EST OF LENORA L WADE	TURNER JOHN DAVID
04-19-2005	709/520	100	WARRANTY DEED	UNQUALIFIED	YES	JOHN DAVID TURNER	LENORA WADE LAND TRUST
04-19-2005	709/521	100	WARRANTY DEED	UNQUALIFIED	YES	JOHN DAVID TURNER	LENORA WADE LAND TRUST R L RUDD AS TRUSTEE
07-06-2002	547/1314	100	QUIT CLAIM DEED	UNQUALIFIED	YES	RUTH FENDER (RELINGISHES ANY INTEREST)	LENORA WADE (CANCELED LIFE ESTATE)
06-06-2000	510/1393	100	QUIT CLAIM DEED	UNQUALIFIED	YES	LENORA WADE (KEPT LIFE ESTATE)	RUTH FENDER

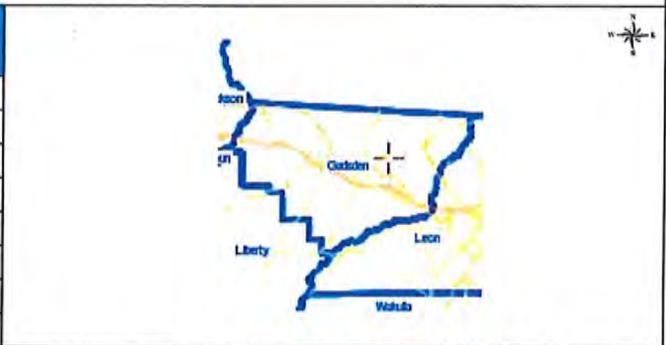
Click on the Book-Page to view the Official Record
[Generate Owner List By Radius](#)

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. Website Updated: July 29, 2013

RECENT SALES IN THIS AREA	PREVIOUS PARCEL NEXT PARCEL	RETURN TO MAIN SEARCH PAGE	GADSDEN HOME
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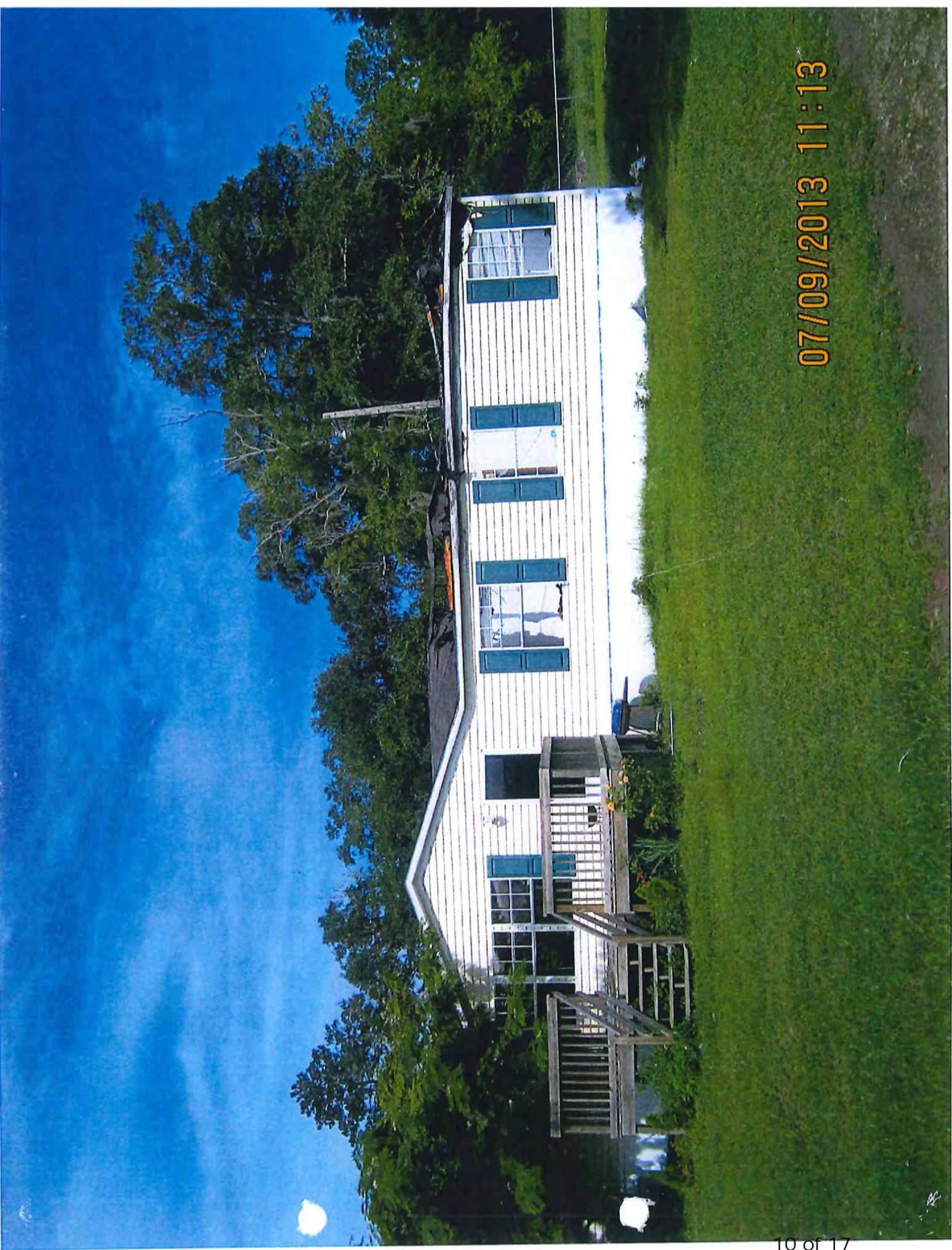


Gadsden County Property Appraiser		
Parcel: 3-11-2N-3W-0000-00222-0300 Acres: 0		
Name:	RUDD JOSHUA L & SARAH E	
Site:	35 POST PLANT RD	
Sale:	\$100 on 12-2009 Vacant=N Qual=U	
Mail:	740 WHITE DR LOT 23	
	TALLAHASSEE, FL 323042650	
	Land Value	5,000
	Building Value	49,272
	Misc Value	4,100
	Just Value	58,372
	Assessed Value	58,372
	Exempt Value	33,372
	Taxable Value	25,000



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: 08/08/13 : 13:21:51



07/09/2013 11:13



NOTICE TO APPEAR

09/19/2013 14:14

9.19.2013 14:14

Recording Fee: \$18.50

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

IN RE: PARCEL NO. 3-11-2N-3W-0000-00222-0300
Record Owner: JOSHUA & SARAH RUDD

CASE NO. 13-17

ORDER

THIS CAUSE having come on for hearing on September 26, 2013 before the Code Enforcement Magistrate, and it appearing that a Notice of Code Violation was served on the owner of the above property by registered mail and was returned refused, and thereafter a copy of the Notice was posted on the property as provided in Gadsden County Ordinance No. 2012-005, Section 3. (b) (2); and neither the Owner nor anyone on their behalf having appeared at the hearing; and the Magistrate having received sworn testimony from the Code Enforcement Officer, it is

FINDINGS OF FACT

The Magistrate finds from the testimony of Anthony Powell, Code Enforcement Officer, that the records in the office of the Gadsden County Property Appraiser reflect that the property located at 35 Post Plant Road, Quincy, FL, FL 32352 is owned by JOSHUA & SARAH RUDD. The property is not occupied, and there is a burned out mobile home located on the property, which is unsightly and a safety hazard and must be 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:

* * *

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

* * * *

it is therefore

ORDERED AND ADJUDGED:

1. That JOSHUA & SARAH RUDD, within fifteen (15) days from the date of service of this order, shall remove, and properly dispose of the burned out mobile home located on the property.

2. In the event that JOSHUA & SARAH RUDD 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. The Magistrate reserves the right to assess further fines and costs for the failure to comply with the terms of this order.

DONE AND ORDERED in Quincy, Florida, this 27th day of September, 2013.



STEWART E. PARSONS
Magistrate

Copies furnished to:
Board of County Commissioners, Department of Building Inspection,
Division of Code Enforcement
JOSHUA & SARAH RUDD



BARNES EQUIPMENT CO.

320 S. Shelfer Street
Quincy, Florida 32351

(850) 627-7216
Fax: (850) 627-8862

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

Estimate

Date	Estimate #
11/27/2013	28

			Project
Description	Qty	Rate	Total
35 POST PLANT RD EQUIPMENT AND LABOR TO DEMO AND DISPOSE OF 2156 SQ FT MOBILE HOME	2,156	5.00	10,780.00
Total			\$10,780.00

- LAND CLEARING & SITE WORK -

✦ Excavator Work ✦ Dozier & Pond Work ✦ Diesel Repair & Welding ✦ Dump Trucks ✦ Tree Service

Johnny B. Stone

Certified General Contractor License # CGC150223

2052 Stone Lane, Sneads, FL 32460

November 27, 2013

Oliver Sellers

Gadsden County Building Department

Code Enforcement Division

Property Clean up at 35 Post Plant Rd. Quincy, FL

- We will remove double wide mobile home and porches.
- We will clean up and haul off all the debris on the property
- We will not remove the septic tank

Total Price \$6,200

I hereby accept this proposal and give Johnny Stone permission to do the work as described above for the total sum of \$6,200.00

_____ Date _____
Owner

Johnny B. Stone Date Nov-27, 2013
Contractor

**GADSDEN COUNTY
Board of County Commissioners**

EDWARD J. BUTLER

**GADSDEN COUNTY GOVERNMENTAL COMPLEX
CODE ENFORCEMENT**

1-B East Jefferson Street

Post Office Box 1799

Quincy, Florida 32353-1799

DEFINITELY MAIL™



7011 1570 0002 8246 1373

Hasler

08/01/2013

US POSTAGE

\$06.31¹²

FIRST-CLASS MAIL



ZIP 32351

011D11631856

Joshua & S

740 White

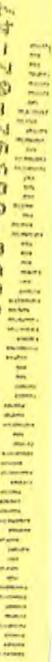
Tallahassee

NIXIE

522 DE 1009 0000/06/13

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 3235317999 *0856-08592-02-47



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joshua + Sarah Rudd
740 White Dr.
Tall, FLA 323042650

2. Article Number

(Transfer from service label)

7011 1570 0002 82461373

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent

B. Received by (Printed Name) Addressee

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; FOLD AT DOTTED LINE