



Scruggs & Carmichael, P.A.

Virginia E. Clapp, Esq.
4041 N.W. 37th Place, Suite B
Gainesville, FL 32606
Tele.: 352-374-4120, Ext. 331
Fax: 352-378-9326

FACSIMILE TRANSMITTAL

TO: Hon. Fred Murray, Assistant City Manager, City of Gainesville

FROM: Virginia Clapp, Esq.

RE: Jan. 14th Agenda – Item 070777;
Petition for Partial Release of Lien CEB 20047-012;
(Client - Evergreen USA Inc.)

DATE: 1-10-08

RECIPIENT'S FAX NUMBER: 352-334-3119

NUMBER OF PAGES: 18
(including cover)

COMMENTS:

Mr. Murray,

To follow up my conversations with you this afternoon, please find attached to this fax a copy of the Nov. 21st letter to Mr. Lannon and copy of the *Petition for Partial Release of Lien* (CEB 2004-012) filed therewith for placement on the City Commission Agenda. This should be attached to the agenda item for January 14th, as Attachment "B". As we discussed, the current attachment is incorrect, as it is the petition that was filed with the Code Enforcement Board in October.

The description of the Agenda Item appears correct as stated.

Thank you for your assistance. Please call me if I need to provide you with anything else or if you have any questions regarding this matter.

Virginia E. Clapp

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JEFFERSON M. BRASWELL
KEVIN D. JURECKO
KIRSTIN J. STINSON
ELIZABETH A. MARTIN
VIRGINIA E. CLAPP
CERTIFIED CIVIL MEDIATOR

OF COUNSEL
DENNIS J. EISINGER
EISINGER, BROWN, LEWIS & FRANKEL, P.A.

LAW OFFICES
SCRUGGS & CARMICHAEL, P.A.

DOWNTOWN OFFICE:
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POST OFFICE BOX 23109 32602
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4041 N.W. 37TH PLACE
SUITE B
GAINESVILLE, FLORIDA 32605
TELEPHONE (352) 374-4120
FAX (352) 378-9326

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DOWNTOWN

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WEST OFFICE

SIGSBEE L. SCRUGGS
1998-1999
PARKS M. CARMICHAEL
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WILLIAM D. FRIDGEMAN
1999-1999
MICHELLE VAUGHNS
1999-1999
WILLIAM N. LONG
1999-2000

RETIRED
RAY D. HELPLING
WILLIAM C. ANDREWS
JOHN F. ROSCOW III
MITZI COCKRELL AUSTIN

clapp@scruggs-carmichael.com

November 21, 2007

Sent via facsimile and hand-delivery to: 334-2036
Attn: Kurt Lannon, Clerk of Commission
Gainesville City Commissioners
200 E. University Ave.
Gainesville, FL 32601

Re: Petition for Partial Release - Dec. 10th Meeting
(CEB No. 2004-012) City v. John L. Rowe
(Client - Evergreen USA, Inc).

Dear Mr. Lannon:

Please find enclosed the original *Petition for Partial Release (CEB 2004-012)* with exhibits to be filed and placed on the agenda on December 10, 2007.


I request my client's petition be placed on the agenda for the meeting at 2:00 pm. Please contact me if you require any further information or if there is a conflict with the time I have requested.

Thank you for your assistance in this matter.

Very truly yours,

SCRUGGS & CARMICHAEL, P.A.

By:


Virginia E. Clapp, Esquire

(374-4120, Ext 331)

Encl.: as stated.

cc: Evergreen USA, Inc.

JAN. 10. 2000 3:10PM SCROGG & CARMICHAEL NO. 9775

GAINESVILLE CODE ENFORCEMENT BOARD

CITY OF GAINESVILLE,

Case No. CEB 2004-012

Petitioner,

vs.

JOHN L. ROWE,

Respondent.

PETITION FOR PARTIAL RELEASE OF LIEN (CEB 2004-012)

Evergreen USA, Inc. ("Evergreen"), as successor in interest to John L. Rowe, the original Respondent in the case referenced above, by and through its undersigned counsel, files its petition for partial release, and states:

1. Evergreen is a Florida corporation having its principal place of business at 3660 Washington Lane, Cooper City, FL 33026.

2. Evergreen is the successor in title to John L. Rowe as to Parcels 1 and 2 described below, which were not the subject of Case No. CEB 2004-012 and which currently have no code enforcement violations or outstanding fines other than the fine imposed in this proceeding. Evergreen has begun rehabilitation of Parcels 1 and 2, which will enhance the appearance and property values in that area of the community. Additionally, the City received surplus proceeds from the tax sales for Parcels 1 and 2 in partial satisfaction of the liens affecting those parcels, as described below.

3. John L. Rowe also owned a third parcel, "Parcel 3", described below, and was the original respondent in case number CEB 2004-012 which resulted in a

JAN. 10. 2008 3:10PM SCRUGGS & CARMICHAEL NO. 9413 1. 5

fine for a code enforcement violation on Parcel 3. Parcel 3 is currently owned by a third party.

4. Evergreen files this petition and requests the City release the properties it owns, Parcels 1 and 2, from the City's lien in this case, and allow the lien to stand only against Parcel 3 and any other real property Respondent John L. Rowe may own. Precedent for this request was established by the Commission's vote in a similar case on January 8, 2007. *See* Commission Minutes of January 8, 2007, page 13; Legislative File Number 060830, copies of which are attached as Exhibit "A".

5. Evergreen purchased Parcels "1" and "2" described below (collectively referred to as the "Subject Properties") by tax deed sales on June 26, 2007:

Parcel 1 (Tax ID No. 11669-000-000)

NEW GAINESVILLE PB A-65 LOT 1 BK 47 LESS W 5 FT OR 2385/0665,
SECTION 04 TOWNSHIP 10 RANGE 20, ALACHUA COUNTY,
FLORIDA

Address: 1245 SE 4th Ave., Gainesville, FL

Parcel 2 (Tax ID No. 11670-000-000)

NEW GAINESVILLE PB A-65 THAT PART OF BROOKLYN AVE S OF S
LINE OF SOUTH THIRD ST & E OF W LINE OF BK 47 & W 5 FT OF
LOT 1 AND LOT 2 BK 47 OR 2385/0667, SECTION 04 TOWNSHIP 10
RANGE 20, ALACHUA COUNTY, FLORIDA

Address: 1239 SE 3rd Ave., Gainesville, FL

Subject Properties Collectively Described:

Lots One (1) and Two (2), Block 47, of NEW GAINESVILLE, as per plat thereof as recorded in Plat Book A, page 65, of the Public Records of Alachua County, Florida.

TOGETHER WITH that part of vacated Brooklyn Avenue described as follows:

JAN. 10, 2008 5:10PM SCROOGS & CARMICHAEL NO. 9415 11.0

Commence at the Northeast corner of Block 47, NEW GAINESVILLE and run West 55 feet for the Point of Beginning; continue West 105 feet to a point; thence South 120 feet to a point; thence Northeasterly to the Point of Beginning.

LESS right of way for SE Fourth Avenue as recorded in O.R. Book 21, Page 522, of the Public Records of Alachua County, Florida.

A copy of the tax deeds for Parcel 1 (File No. 2007-028) and Parcel 2 (File No. 2007-030) are attached as Exhibits "B" and "C", respectively.

6. John L. Rowe also owned a third parcel of property (Alachua County Tax Identification Number 12727-002-000), described as ("Parcel 3"):

COM 177 Ft. S of NW COR OF LOT 12 BK 41 RUN S 186 FT W 95 FT N
186 FT E 95 FT LESS R/W OR 827/978 DEED APPEARS IN ERROR OR
1818/2131, SECTION 04 TOWNSHIP 10 RANGE 20, ALACHUA
COUNTY, FLORIDA

Address: 1227 SE 3rd Ave., Gainesville, FL

7. John L. Rowe was the respondent in the code enforcement violation action regarding Parcel 3 (CEB 2004-012), and he was the owner of Parcel 3 at the time of the violation, to the best of Evergreen's knowledge and belief. A third party purchased Parcel 3 by tax sale on May 16, 2007, and a copy of the Tax Deed (File no. 2007-11) is attached as Exhibit "D".

8. In addition to encumbering Parcel 3, the lien imposed in CEB 2004-012 encumbers all real property owned by John L. Rowe and attached to Evergreen's property, Parcels 1 and 2, prior to the tax sale by which Evergreen purchased those parcels. A copy of the *Order Imposing Fine* entered in CEB 2004-012 and dated November 20, 2003, is attached as Exhibit "E."

9. John L. Rowe was found guilty of violations of Section 13-171(b) of the Gainesville Code of Ordinances existing on Parcel 3. To the best of Evergreen's

JAN. 10. 2008 5:10PM JCR0005 & CARMICHAEL No. 9115 11 7

knowledge and belief, the violation has not been removed, an affidavit of compliance has not been entered as to Parcel 3 nor has an agreement to bring Parcel 3 into compliance been entered by the current owner of Parcel 3 and the Code Enforcement Board. A copy of the referenced section is attached as Exhibit "F".

10. Evergreen does not now nor has it ever owned an interest in Parcel 3 nor was it responsible for the violation affecting Parcel 3. Additionally, as Evergreen has never been the owner of Parcel 3 it does not have the legal right to enter that property to remove the violations, and it would be an undue hardship on Evergreen to require it to expend funds to bring Parcel 3 into compliance when it has no ownership interest in that parcel.

11. On December 10, 2007, the lien imposed by CEB 2004-012 will be assessed at approximately \$366,500.00, accruing at \$250.00 per day, plus \$420.68 in costs.

12. Due to Evergreen's lack of any ownership interest in Parcel 3, its inability to enter or exercise control over Parcel 3 to bring it into compliance with code ordinances, and the fact that Evergreen was in no way responsible for the violation affecting Parcel 3, Evergreen requests that the real property it owns, Parcels 1 and 2, and Evergreen USA, Inc. and its successors and assigns, be forever released from any and all liability and encumbrances imposed by the *Order Imposing Fine* entered in case number CEB 2004-012.

13. Upon the granting of the relief requested, Evergreen agrees to release the City and Code Enforcement Board from any liability regarding this case.


14. The City of Gainesville filed a claim in the tax sales files and was awarded the tax sale overbid proceeds as to Parcel 1 (\$3,785.99) and Parcel 2 (\$5,012.57), in the total amount of \$8,798.56, in partial satisfaction of the code enforcement liens encumbering those parcels. A fine imposed for a violation as to Parcel 1 (CEB 2005-161) was reduced by the Code Enforcement Board by Order dated November 15, 2007, to the amount received by the City pursuant to its claim to the surplus proceeds it received. Evergreen's petition for reduction as to CEB 2005-161 was heard based upon Evergreen's prompt efforts to bring that parcel into compliance with code after purchasing that parcel. A copy of the *Order Reducing Fine* is attached as Exhibit "G".

15. Evergreen has no other pending code enforcement violations on any property located in Gainesville or Alachua County or the State of Florida, to the best of Evergreen's knowledge and belief.

Respectfully submitted this 21st day of November, 2007.

Attorneys for Evergreen USA, Inc.:

SCRUGGS & CARMICHAEL, P.A.

By: 
Virginia E. Clapp, Esq.
Fla. Bar No. 761931
4041-B NW 37th Place
Gainesville, FL 32606
Tele.: 352/ 374-4120, Ext. 331
Fax: 352/ 378-9326

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Minutes

Monday, January 8, 2007

9:00 AM

City Hall Auditorium

City Commission

Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Craig Lowe (District 4)
Commissioner Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business day

EXHIBIT

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A

Agenda with the following modifications.

(VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)

MODIFICATIONS:

1. File #060834 - Local Option Fuel Tax - (Additional back-up submitted (Power Point)).

2. File #060861 - Commissioner Jack Donovan - GRU Manager Selection Process - (Add to the agenda under "Members of the City Commission").

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

060830.

Removing Property from Liens in Certain Circumstances: Removal of Lien Affecting 222 Southeast 9th Street (B)

This item requests that the City Commission establish a policy regarding the removal of a property from a lien involving multiple properties, under certain limited circumstances and remove the lien as it affects 222 Southeast 9th Street.

City of Gainesville Code Enforcement Manager Jim Garrett gave a presentation.

Chair Hanrahan recognized Todd Osborn and B.J. Bukota who spoke to the matter.

MOTION: Commissioner Bryant moved and Commissioner Henry seconded that the City Commission: 1) Remove the lien from 222 Southeast 9th Street; 2) transfer the lien to Mr. Eddie Deal Willis's other property; and 3) adopt a generalized policy regarding Code Enforcement Board liens in the future.

(VOTE: 5-0, Commissioner Braddy - Absent, Commissioner Donovan - No, MOTION CARRIED)

RECOMMENDATION

The City Commission consider establishing a narrow policy to provide a procedure for staff to identify properties the City Commission may choose to remove from CEB liens when the lien interest is protected by recordation against other properties, and authorize removing the lien from 222 Southeast 9th Street subject to recorded terms consistent with the draft policy.

A motion was made by Commissioner Bryant, seconded by Commissioner Henry, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:

Votes: Aye: Rick Bryant, Pegeen Hanrahan, Craig Lowe, Scherwin Henry and Jeanna Mastrodicasa
Nay: Jack Donovan
Absent: Edward Braddy



City of Gainesville

Legislative File Number 060830. (version 0)

Removing Property from Liens in Certain Circumstances: Removal of Lien Affecting 222 Southeast 9th Street (B)

This item requests that the City Commission establish a policy regarding the removal of a property from a lien involving multiple properties, under certain limited circumstances and remove the lien as it affects 222 Southeast 9th Street.

The City Commission consider establishing a narrow policy to provide a procedure for staff to identify properties the City Commission may choose to remove from CEB liens when the lien interest is protected by recordation against other properties, and authorize removing the lien from 222 Southeast 9th Street subject to recorded terms consistent with the draft policy.

On some occasions property owners have Code Enforcement Board (CEB) liens filed on multiple properties as permitted by 162.09(3) Florida Statutes, which allows liens "against the land on which the violation exists and upon any other real or personal property owned by the violator." On some occasions these liens serve as a barrier to those who would rehabilitate properties affected by a CEB lien that is recorded against multiple properties. In such cases, the greater need of the community may be served by the release of such properties from existing liens when the equity of the City's lien is protected by other such properties.

There is a specific request before the City Commission to remove a lien. The property with the original violation was 1605 Northeast 5th Place, owned still by Eddie Deal Willis. That property was in violation of Section 13-17(b) for keeping non-operational vehicles in open storage, a violation that was found in compliance on October 5, 2006. One other property located at 222 Southeast 9th Street, and previously owned by Mr. Willis, is also subject to the CEB lien. The property at issue 222 Southeast 9th Street has been purchased by B.J. Bukata and Todd Osborn and has been rehabilitated. The City's interest is protected by the lien against 1605 Northeast 5th Place, if the lien against 222 Southeast 9th Street is lifted.

PARTIAL RELEASE OF LIENSTATE OF FLORIDA
COUNTY OF ALACHUA

For and in consideration of the sum of \$10.00 to the City of Gainesville in hand this day paid, the receipt of which is hereby acknowledged, the City of Gainesville, a municipal corporation of the State of Florida, hereby releases the real property hereinafter described from a certain lien filed by the City of Gainesville Code Enforcement Board on the 15th day of June 2004 in the Office of the Clerk of Court of Alachua County, Florida in Official Records Book 2935, Page 617, Public Records of Alachua County, Florida. Said lien arises from the Order Imposing Fine entered by the City of Gainesville Code Enforcement Board in Case Number CEB 2004-067 pursuant to Section 162.09, Florida Statutes (2004), which orders fines and costs payable to the City of Gainesville. The City of Gainesville declares said lien partially released, but only as against the following described real property:

Parcel No.: 12206-000-000

Legal Description: The South 59.33 feet of the North 118.66 feet of Lot 1, Block 4, Range 4, of Roper's Addition to the Town of Gainesville Florida, according to the Plat thereof recorded in Deed Book "J", Page 550 of the Public Records of Alachua County, Florida.

Address: 222 SE 9th Street, Gainesville, Florida 32601

This is a partial release only as to the foregoing described property; as to all other property encumbered by the lien, the Order Imposing Fine continues to be in full force and effect.

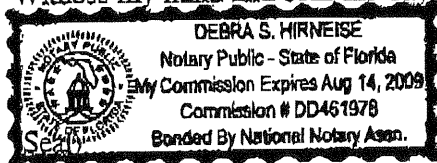
WITNESS my hand and seal this 16 day of January, 2007.

CITY OF GAINESVILLE

By: Pegreen Hanrahan
PEGEEN HANRAHAN, MAYOR

On this 16th day of January, 2007, PEGEEN HANRAHAN, as Mayor of the CITY OF GAINESVILLE, personally appeared before me and executed the foregoing partial release of lien for the purposes therein expressed.

Witness my hand and seal the day and year last above written.



Debra S. Hirneise
Notary Public, State of Florida
My Commission Expires: Aug. 14, 2009

[Prepared by: City Attorney, P.O. Box 1110, Gainesville, FL 32602, (352) 334-5011]

TAX DEED FILE NO. 2007-28
PARCEL I.D. # 11669-000-000

2007 JUN 26 04:17 PM BX 3627 PG 1221

J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK10 Receipt#133978

Doc Stamp-Deed: 35.00

TAX DEED



2349858

The following Tax Sale Certificate numbered 3802 issued May 28, 2003, was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the cost and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 26th day of June, 2007, offered for sale as required by law for cash to the highest bidder and was sold to Evergreen USA, Inc. whose address is 3660 Washington Lane, Cooper City, Florida 33026 being the highest bidder and having paid the sum of its bid as required by the laws of Florida.

NOW, on this 26th day of June, 2007, in the County of Alachua, State of Florida, in consideration of the sum of five thousand and 00/100 Dollars (\$5,000.00), being the amount paid pursuant to the laws of Florida, the Clerk of the Circuit Court pursuant to Chapter 197, Florida Statutes, does hereby sell the following lands situated in the County and State aforesaid and described as follows:

NEW GAINESVILLE PB A-65 LOT 1 BK 47 LESS W 5 FT OR 2385/0665,
SECTION 04 TOWNSHIP 10 RANGE 20, ALACHUA COUNTY, FLORIDA



(SEAL)

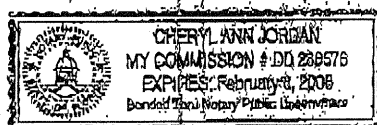
Jessie Huetter
Witness
Arnold Schneider
Witness

J. K. "Buddy" Irby
Clerk of the Circuit Court in and for
Alachua County, Florida

STATE OF FLORIDA
COUNTY OF ALACHUA

On this 26th day of June, 2007, before me personally appeared J.K. "Buddy" Irby, Clerk of the Circuit Court in and for Alachua County, Florida, known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Notary Seal:



Cheryl Ann Jordan
Cheryl Ann Jordan

EXHIBIT

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B

TAX DEED FILE NO. 2007-30
PARCEL I.D. # 11670-090-000

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2349860 1 PG
2007 JUN 26 04:21 PM BK 3627 PG 1224
J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK10 Receipt#335981
Doc Stamp Deed: 47.60

TAX DEED



The following Tax Sale Certificate numbered 3603 issued May 28, 2003, was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the cost and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 26th day of June, 2007, offered for sale as required by law for cash to the highest bidder and was sold to Evergreen USA, Inc. whose address is 3660 Washington Lane, Cooper City, Florida 33026 being the highest bidder and having paid the sum of its bid as required by the laws of Florida.

NOW, on this 26th day of June, 2007, in the County of Alachua, State of Florida, in consideration of the sum of six thousand eight hundred and 00/100 dollars (\$6,800.00), being the amount paid pursuant to the laws of Florida, the Clerk of the Circuit Court pursuant to Chapter 197, Florida Statutes, does hereby sell the following lands situated in the County and State aforesaid and described as follows:

NEW GAINESVILLE PB A-65 THAT PART OF BROOKLYN AVE S OF S LINE OF SOUTH THIRD ST & E OF W LINE OF BK 47 & W 5 FT OF LOT 1 & LOT 2 BK 47 OR 232570667, SECTION 04 TOWNSHIP 10 RANGE 20, ALACHUA COUNTY, FLORIDA

(SEAL)

Lyndal Schneider
Witness

Gerisa Huettrich
Witness



J. K. "Buddy" Irby
J. K. "Buddy" Irby
Clerk of the Circuit Court in and for
Alachua County, Florida

STATE OF FLORIDA
COUNTY OF ALACHUA

On this 26th day of June, 2007, before me personally appeared J.K. "Buddy" Irby, Clerk of the Circuit Court in and for Alachua County, Florida, known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Notary Seal:



Cheryl Ann Jordan
Cheryl Ann Jordan

EXHIBIT

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C

TAX DEED FILE NO. 2007-11
PARCEL I.D. # 12727-002-000

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2338699 1 PG

2007 MAY 17 09:59 AM BK 3600 PG 1045

J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK13 Receipt#330573

Doc Stamp-Deed: 71.40



TAX DEED

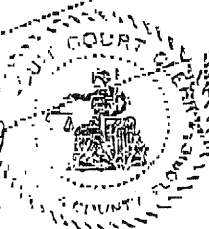
The following Tax Sale Certificate numbered 3600 issued May 30, 2000, was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the cost and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 10th day of May, 2007, offered for sale as required by law for cash to the highest bidder and was sold to 7th Cavalry Corp. whose address is c/o J. Israel, P.O. Box 403006, Miami Beach, Florida 33140 being the highest bidder and having paid the sum of its bid as required by the laws of Florida.

NOW, on this 16th day of May, 2007, in the County of Alachua, State of Florida, in consideration of the sum of ten thousand one hundred fifty-eight and 43/100 dollars (\$10,158.43), being the amount paid pursuant to the laws of Florida, the Clerk of the Circuit Court pursuant to Chapter 197, Florida Statutes, does hereby sell the following lands situated in the County and State aforesaid and described as follows:

COM 177 FT S OF NW COR OF LOT 12 BK 41 RUN S 186 FT W 95 FT N 186 FT E
95 FT LESS R/W OR 8271978-DEED APPEARS IN ERROR OR 1818/2131, SECTION 04
TOWNSHIP 10 RANGE 20, ALACHUA COUNTY, FLORIDA

(SEAL)

Teresa L. Lott
Witness



J.K. "Buddy" Irby
J.K. "Buddy" Irby
Clerk of the Circuit Court in and for
Alachua County, Florida

STATE OF FLORIDA
COUNTY OF ALACHUA

On this 16th day of May, 2007, before me personally appeared J.K. "Buddy" Irby, Clerk of the Circuit Court in and for Alachua County, Florida, known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Notary Seal:



Cheryl Ann Jordan
Cheryl Ann Jordan

EXHIBIT

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D

GAINESVILLE CODE ENFORCEMENT BOARD

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2003931 1 PG

2004 JAN 05 03:32 PM BK 2835 PG 783

"Buddy" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK10 Receipt#172443

CITY OF GAINESVILLE,

Petitioner,

vs.

CASE NO.: CEB 2004-012

JOHN L. ROWE,

ORDER IMPOSING FINE

Respondent



THIS CAUSE, having come for Public Hearing before the Code Enforcement Board on November 13, 2003, after due notice to Respondent, JOHN L. ROWE, the Board issues its Order Imposing Fine as follows:

It is ORDERED that:

1. Respondent, JOHN L. ROWE, is found guilty of violating Section 13-171(b) of the Gainesville Code of Ordinances existing at 1227 SE 3rd Ave., also known as Tax Parcel 12727-002-000.

2. Respondent shall have 15 days from the date of the issuance of this Order to correct said violation and to come into compliance with the Code of Ordinances.

3. Should Respondent fail to comply with the Order by said date, then in that event, Respondent shall pay a fine of \$250.00 per day for each and every day said violation continues to exist at the above address past the time set by the Board and in addition to the fine, costs for prosecuting this case shall be assessed in the amount of \$420.68.

If not complied with, this Order shall constitute a lien against Tax Parcel 12727-002-000, also known as 1227 SE 3rd Ave., and any and all real or personal property owned by JOHN L. ROWE, pursuant to Sec. 162.09, F.S., and may be recorded in Public Records of Alachua County.

DONE AND ORDERED this 20th day of November, 2003, at Gainesville, Florida.

ATTEST:

GAINESVILLE CODE ENFORCEMENT BOARD

Betty Schulte
Clerk, Code Enforcement Board

By: William A. Gager, Jr.
William A. Gager, Jr., Chair

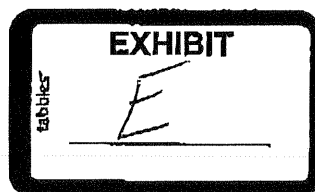
I HEREBY CERTIFY that a true copy of the above Order has been sent to Respondent, John L. Rowe, 4312 SW 68th Terr., Gainesville, FL 32608-6427 by U.S. Mail, this 20th day of November, 2003.

Return to:

OFFICE OF THE CITY ATTORNEY
200 E. UNIVERSITY AVE.
SUITE 425
GAINESVILLE, FL 32601

GAINESVILLE CODE ENFORCEMENT BOARD
CERTIFIED COPY
BY: Betty Schulte
Clerk of the Code Enforcement Board
DATE: 1/6/04

Dean
1/11/03



Sec. 13-171. Insects, storage, trash, and yard maintenance.

(a) All premises shall be maintained so as to discourage the harboring and breeding of insects, rodents and vermin. Failure to comply with this provision shall be a major violation. Insofar as the natural drainage will permit, yards and premises appurtenant to a dwelling unit shall be sloped or graded to provide for disposal of surface water and to prevent the accumulation of surface water in the yard or next to the building. Failure to comply with this provision shall be a minor violation.

(b) It shall be unlawful for the owner or occupant of a residential building structure or property to utilize the premises of the residential property for the open outdoor storage of any blight-inducing materials such as abandoned motor vehicle or part thereof including tires, icebox, refrigerator, stove, or other appliances, planks, timbers, glass, or other building material, building rubbish, packing material, barrels, bottles, cans, boxes or similar items. Failure to comply with this subsection shall be a major violation.

(c) It shall be the duty and responsibility of every owner and occupant to keep the premises of residential property clean, and to remove from the premises, upon notice from the code officer, the following:

(1) All trash and garbage;

(2) Dead or hazardous trees that are standing or have fallen to the ground and that pose a hazard to neighboring properties, or which create a hazard to the safety or welfare of any occupant of the property (except the owner), or the inhabitants of the surrounding area, or any public property; and

(3) Dead tree limbs and vegetative debris that pose a hazard to neighboring properties, or which create a hazard to the safety or welfare of any occupant of the property (except the owner), or the inhabitants of the surrounding area, or any public property.

Failure to comply with this subsection shall be a major violation.

(d) Every dwelling unit shall have adequate garbage storage facilities which comply with city ordinances. Failure to comply with this subsection shall be a major violation.

(e) Yards shall be maintained to prohibit vegetation over 12 inches high that is or may reasonably become infested by pests or may create a fire or safety hazard. This shall not be construed to prohibit the following:

(1) Vegetation planted and maintained for landscape purposes or for erosion control;

(2) Vegetation located on a lot over five acres in area that is in a natural state, or vegetation that has not been mowed within the past five years;

(3) Vegetation located more than 200 feet from the boundary line of an improved property, street or public right-of-way;

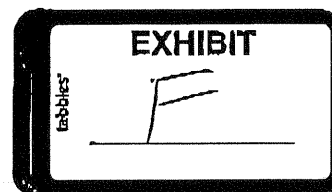
(4) Controlled, managed and maintained low-maintenance natural landscaping; or

(5) The understory of hammocks that are protected through development regulations, conditions or agreements, and vegetation within wetlands, stormwater retention lake littoral zones, or within 150 feet of a regulated creek.

This subsection shall not apply to lands designated agriculture or conservation on the future land use map. Failure to comply with this subsection (e) is a major violation.

(Code 1960, § 15A-40; Ord. No. 3091, § 1(15A-40), 1-7-85; Ord. No. 3483, § 5, 11-7-88; Ord. No. 000724, § 1, 2-12-01; Ord. No. 020375, § 3, 11-12-02; Ord. No. 040025, § 12, 8-22-05)

Secs. 13-172-13-180. Reserved.



GAINESVILLE CODE ENFORCEMENT BOARD

CITY OF GAINESVILLE,

Petitioner,

vs.

CASE NO.: CEB 2005-161

JOHN L. ROWE,

ORDER REDUCING FINERespondent.
_____ /

THIS CAUSE having come for Public Hearing before the Code Enforcement Board on November 8, 2007 at the request of the new property owner, Evergreen USA, Inc., and the Board having received testimony and evidence, it is hereby

ORDERED that the fine in the amount of \$170,500.00 against Respondent, plus costs in the amount of \$307.37 for prosecuting this case, be reduced to the amount received by the City of Gainesville pursuant to the claim filed by the City on the tax deed sale surplusage related to the property that is the subject of this action and that was attributed to the lien arising from the Order Imposing Fine and Costs in this action. Respondent acknowledged a release to the City of Gainesville and the Code Enforcement Board from any liability regarding this case. There are no remaining unpaid fines or costs in this action.

DONE AND ORDERED this 15 day November 2007, at Gainesville, Florida.

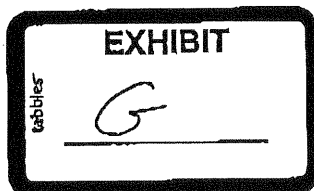
GAINESVILLE CODE ENFORCEMENT BOARD

By: William A. Gager, Jr.
William A. Gager, Jr., Chair

ATTEST:

Betty Schell for Andrea Stokes
Clerk of the Code Enforcement Board

I HEREBY CERTIFY that a true copy of the above Order has been sent to Respondent, John L. Rowe, 4312 SW 68th Lane, Gainesville, FL 32605, and Evergreen USA, Inc. c/o Virginia Clapp, Esq., 4041 NW 37th Place, Suite B, Gainesville, FL 32606, by U.S. Mail, this 15th day of November, 2007.

Andrea Stokesdm