



City of Gainesville
Department of Sustainable Development
Code Enforcement Division

PO Box 490, Station 11
 Gainesville, FL 32627-0490
 306 NE 6th Avenue
 P: (352) 334-5022
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CITY v. Douglas F. and Tammie Jean Englert
CEB 2005-016, 2005-135, 2005-148, 2005-151
425 NE 3RD ST /Tax Parcel No.14805000000

Notice of Violation: September 22nd, 2004, June 8, 2005, May 18th, 2005, August 11th, 2004

Description of Violation: 13-171 Overgrown Yard, 30-112 Failure to Obtain COA, 13-171 Abandoned Vehicle, 16-17 Dangerous Building

CEB Order (signed): August 11, 2005

CEB Date Given to Comply: September 3 and 18, 2005

Affidavit of Non-Compliance inspection date: September 20, and October 25, 2005

Lien Recorded on: April 15, December 9 and 30, 2005 in Book 3105, 3276 and 3288, Page 1373, 415, 1067 and 1069

Accumulated Fine: \$1,107,250 (4429 days @ \$250) as of June 30, 2021

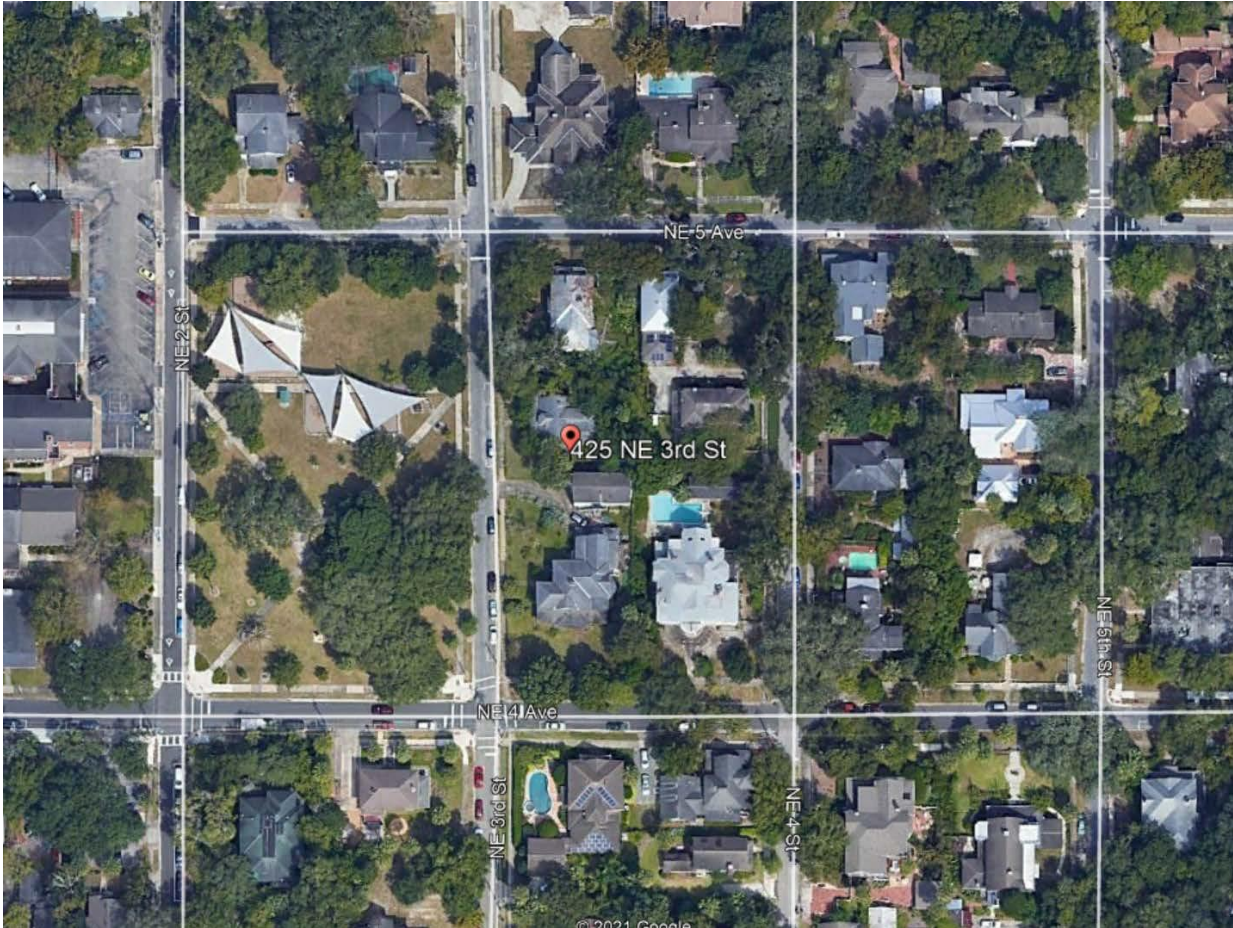
Assessed Costs: \$606.24

SMH Reduction/Rescission: June 30, 2021

Special Magistrate Recommendation:
 Special Magistrate recommends that all fines be dismissed.

Staff Recommendation:
 (See below)

Map of Property Location



SUMMARY:

Code Enforcement cases began on the property in 1996, with Settlement Agreement negotiated on those violations (the Settlement Agreement) was not complied with by the property owner). In 2004/2005 four separate cases were brought to the Code Enforcement Board; two were brought into compliance prior to the hearing with only costs assessed, and two were adjudicated guilty and daily fines were assessed, accumulating to the total on the previous sheet. The house remained a detriment to the neighborhood until earlier this year, when foreclosure was initiated on the liens and a demolition order was obtained for the structure. The property is under contract to be sold and the purchaser sought reduction/rescission of the liens in order to obtain financing for renovations (a plan has been approved by the Historic Preservation Board).

Special Magistrate recommended total rescission of fines and costs to allow the sale of the property to be completed and the renovation to take place.

Based on the lien total, the nature of the violations, and the length of time the violations remained unaddressed, staff does not recommend that the City Commission approve the applicant's lien reduction request without a separate performance agreement to ensure that the property is restored and renovated consistent with the commitments made by the buyer.

If the City Commission approves releasing the approximately \$1.1 million lien amount, staff recommends that the release is made contingent upon the execution of a performance agreement that includes the following conditions:

- Closing on the property occur no later than September 30, 2021
- Commencement of renovation work consistent with HP-21-36 (COA) and BP-21-03864 (Building Permit) within 30 days of the property closing and completion of work within 180 days from commencement of the renovation work.
- Buyer shall occupy the property as their principal residence within 180 days from the completion of work and shall continue to occupy the property as their principal residence for at least one year from the date of initial occupancy.
- The buyer shall keep the property free from code violations for the duration of the agreement.
- The buyer shall pay \$5,000 in accrued costs prior to release of the lien.
- The buyer with written consent from the City may make reasonable amendments to the terms of the agreement to address unforeseen circumstances outside of the buyer's control
- In the event that the buyer does not perform on any of the above terms, the City shall apply a penalty of \$100/day for non-compliance for the first 90 days after execution of the agreement and \$200/day after the end of the first 90 day period.
- The agreement shall run with the land through the term.
- The agreement shall remain in effect until the completion of the work has occurred and the buyer has occupied the property as their principal residence for a period of 1 year.

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August 5, 2021
CEB 2005-016, 2005-135, 2005-148, 2005-151

In determining the amount of the fine, if any, the Magistrate and City Commission shall consider the following factors listed in Florida Statutes Chapter 162.09(2)(b):

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.

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Pic taken 11/30/20 of condition of front of property



Pic taken 6/30 demonstrating improvements made by home buyer



RELEASE OF LIEN

STATE OF FLORIDA
 COUNTY OF ALACHUA

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 April 15, 2005, Book 3105, Page 1373, in the Office of the Clerk of Court of Alachua County, Florida, Public Records of Alachua County, Florida. Said lien arises from the Order Imposing Fine and Costs entered by the City of Gainesville Code Enforcement Special Magistrate in Case Number 2005-016 pursuant to Section 162.09, Florida Statutes (2018) which orders fines and costs payable to the City of Gainesville. The City of Gainesville declares said lien released, against the following described real property; and any and all real or personal property owned by Douglas F. and Tammy Jean Englert, and all successors in interest.

Parcel No.: 14805-000-000

Legal Description: PARCEL C OF A MINOR SUBDIVISION BOOK 1 PAGE 75 OR 1781/1467
 Address: 425 NE 3RD ST, GAINESVILLE, FL

WITNESS my hand and seal this _____ day of _____, 2021.

CITY OF GAINESVILLE

By: _____
 LAUREN POE, MAYOR

On this ____ day of _____, 2020, LAUREN POE, as Mayor of the CITY OF GAINESVILLE, personally appeared before me and executed the foregoing release of lien for the purposes therein expressed.

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

(Seal)

 Notary Public, State of Florida
 My Commission Expires: _____

[Prepared by: Code Enforcement, 306 NE 6th Ave, Room 130, Gainesville, FL 32601]

RELEASE OF LIEN

STATE OF FLORIDA
 COUNTY OF ALACHUA

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 December 9, 2005, Book 3276, Page 415, in the Office of the Clerk of Court of Alachua County, Florida, Public Records of Alachua County, Florida. Said lien arises from the Order Imposing Fine and Costs entered by the City of Gainesville Code Enforcement Special Magistrate in Case Number 2005-135 pursuant to Section 162.09, Florida Statutes (2018) which orders fines and costs payable to the City of Gainesville. The City of Gainesville declares said lien released, against the following described real property; and any and all real or personal property owned by Douglas F. and Tammy Jean Englert, and all successors in interest.

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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 December 30, 2005, Book 3288, Page 1067, in the Office of the Clerk of Court of Alachua County, Florida, Public Records of Alachua County, Florida. Said lien arises from the Order Imposing Fine and Costs entered by the City of Gainesville Code Enforcement Special Magistrate in Case Number 2005-148 pursuant to Section 162.09, Florida Statutes (2018) which orders fines and costs payable to the City of Gainesville. The City of Gainesville declares said lien released, against the following described real property; and any and all real or personal property owned by Douglas F. and Tammy Jean Englert, and all successors in interest.

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