CITY v. GOWRI LLC

SM 2018-137 / CE-18-02541

19 W UNIVERSITY AVE / Tax Parcel No. 14619-000-000 Request Reduction/Rescission of Fine November 7, 2019

CHRONOLOGY

Notice of Violation: October 25, 2018

Description of Violation: Sec. 13-208 Roof Maintenance

Sec. 13-207(b) Doors & Windows

Maintained

CEB Order (signed): January 2, 2019

CEB Date Given to Comply: February 2, 2019

Affidavit of Non-Compliance inspection date: February 4, 2019

Lien Recorded on: May 7, 2019 in

Book <u>4683</u>, Page <u>81</u>

Affidavit of Compliance inspection date: October 31, 2019

Accumulated Fine \$27,000 (270 days @ \$100)

as of <u>October 31, 2019</u>

Assessed Costs \$140.16 (Paid)

Alachua County Tax Collector Information:

- Assessed Value: \$1,174,500

- Taxes Due and Owing: \$25,891.32

- Homestead: None

REQUEST FOR REDUCTION/RESCISSION OF FINE & COSTS

Date: **November 7, 2019** Case Number: **SM 2018-137/CE-18-02541**

Property Address: 19 W UNIVERSITY AVE, Gainesville, Florida; Tax Parcel 14619-000-000

- I, <u>Ramesh Mohinani, Member of GOWRI, LLC</u> (<u>property owner</u>/interested party) hereby request to be placed on the <u>November 14, 2019</u> Agenda for a request for reduction or rescission of the fine and costs against property that I own or have interest in.
- 2. I hereby release the City of Gainesville and the Municipal Code Enforcement Special Magistrate from any liability regarding this matter.
- 3. I understand that the property is in compliance as of October 31, 2019.
- 4. The reason that the property was not in compliance was

Replace exterior door on West side of building.

On December 11, 2018, a Gowri representative met on-site with general contractor Michael Lewis of Michael Lewis Custom Carpentry, Inc. after attempts to schedule for several weeks. On January 20, 2019, Gowri received a written estimate for an exterior metal door fabrication and installation from Michael Lewis Custom Carpentry, Inc. and was engaged.

On February 14, 2019 a Building Permit BP-19-01007 was issued to replace door.

On February 16, 2019 a NOC was executed and recorded on February 21, 2019.

On March 1, 2019 door installation was completed.

Total cost of door replacement - \$6,200.00.

Re-Roof of building.

On October 15, 2018, the roof was scheduled for re-sealing by South Georgia Coatings, however, after Hurricane Michael hit the Florida panhandle and Southern Georgia on October 10th, the contractor was unable or unwilling to commence work on the roof having sustained damage to their facilities and having an abundance of new work, after numerous follow-up phone calls made by Gowri representatives.

Subsequently, in November, 2018, Yoder's Roofing, LLC was contracted to make roof repairs to remediate the leaking and submitted an invoice on November 20, 2018, for roof repairs.

On December 10, 2018, Gowri, LLC received a proposal from Yoder's Roofing, LLC to re-roof the entire building.

On January 6, 2019 Gowri LLC received a second proposal from Atlantic Roofing & Exteriors, LLC to re-roof the entire building.

Fax to (352) 334-2239 or

Mail to: Clerk for the Code Enforcement Special Magistrate, 306 NE 6th Avenue, Sta. 10A, Gainesville, FL 32602 or Email to: codes@gru.com

On February 2, 2019, Gowri, LLC contracted with Atlantic Roofing & Exteriors, LLC to re-roof the entire building.

On February 6, 2019, a Notice of Commencement was executed and recorded.

On February 7, 2019, a Building Permit, BP-19-00795, was issued by the City of Gainesville.

The roofing contractor had scheduling issues due to a backlog of other jobs, excessive rain delays which caused difficulty scheduling the project's commencement, during which time Gowri representatives were in regular communication with the roofing contractor.

The lower re-roof was ultimately prioritized as it was determined to be the source of leaking in the loft area roof of the tenant Mai Kai Kava and the removal of the leaking skylight above the tenant BJ's Downtown Barbershop.

The lower re-roof involved removal of 4 foot x 8 foot galvanized skylight and two (2) 4 feet in diameter roof vents, and the disconnection, removal, and re-installation of four (4) HVAC condenser units located on the lower roof which required four (4) of the tenants to be without AC to their units for approximately one week. Additionally, phone, cable, electrical, HVAC, plumbing, and drain lines complicated the re-roof.

On July 15, 2019, work commenced on lower re-roof and was substantially completed on July 19th.

Other projects and rain delays prohibited the roofing contractor from returning to the project. Gowri representatives were in regular communication with the roofing contractor.

On October 14, 2019, the second floor re-roof commenced and was completed on October 31st. The City of Gainesville building department required installation of 10 new drains which complicated the project and resulted in significant change orders and cost overruns.

Total cost of re-roof - \$115,663.19.

Ramesh Mohinani, Member

11/7/19

Gowri, LLC

3426 NW 43rd Street, Suite B

Gainesville, FL 32606

(352)332-3186

sonash786@aol.com

CITY OF GAINESVILLE MUNICIPAL CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF GAINESVILLE P.O. BOX 490 GAINESVILLE, FLORIDA

PETITIONER,

.

SM CASE NO: **SM 2018-137** CE CASE NO: **CE-18-02541**

GOWRILLC		
RESPONDENT,		

AFFIDAVIT OF COMPLIANCE

STATE OF FLORIDA COUNTY OF ALACHUA

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED GRETA MOREAU, CODE ENFORCEMENT OFFICER FOR THE CITY OF GAINESVILLE, FLORIDA, WHO, AFTER BEING DULY SWORN, DEPOSES AND SAYS:

- THAT ON 12/13/2018, THE CITY OF GAINESVILLE MUNICIPAL CODE ENFORCEMENT SPECIAL MAGISTRATE HELD A PUBLIC HEARING AND EXECUTED ITS ORDER ON GOWRI LLC IN THE ABOVE-STYLED MATTER.
- 2. THAT, PURSUANT TO SAID ORDER, RESPONDENT WAS TO HAVE TAKEN CERTAIN CORRECTIVE ACTION BY OR BEFORE 02/02/2019.
- 3. THAT RE-INSPECTION WAS PERFORMED ON 10/31/2019.
- 4. THAT THE RE-INSPECTION AT 00019 W UNIVERSITY AVE, GAINESVILLE, FL, TAX PARCEL # 14619000000, REVEALED THAT THE CORRECTIVE ACTION ORDERED BY THE MUNICIPAL CODE ENFORCEMENT SPECIAL MAGISTRATE HAS BEEN TAKEN IN THAT THE PROPERTY IS IN COMPLIANCE.

FURTHER AFFIANT SAYETH NOT.

DATED THIS 6 DAY OF NOVEMBER, 20 P	٠
Cereta Marea	
Greta Moreau	
Code Enforcement Officer	

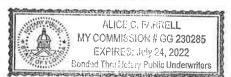
STATE OF FLORIDA
COUNTY OF ALACHUA

WITNESS MY HAND AND OFFICIAL SEAL THE DATE AFORESAID.

and

Notary Public

MY COMMISSION EXPIRES:



CITY OF GAINESVILLE CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF GAINESVILLE P.O. BOX 490 GAINESVILLE, FLORIDA

PETITIONER,

SM CASE NO: SM 2018-137 CE CASE NO: CE-18-02541

GOWRI LLC

RESPONDENT,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA COUNTY OF ALACHUA

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED GRETA MOREAU, CODE ENFORCEMENT OFFICER FOR THE CITY OF GAINESVILLE, FLORIDA, WHO, AFTER BEING DULY SWORN, DEPOSES AND SAYS:

- 1. THAT ON **12/13/2018**, THE CODE ENFORCEMENT SPECIAL MAGISTRATE HELD A PUBLIC HEARING AND EXECUTED ITS ORDER ON GOWRI LLC, IN THE ABOVE-STYLED MATTER.
- 2. THAT, PURSUANT TO SAID ORDER, RESPONDENT WAS TO HAVE TAKEN CERTAIN CORRECTIVE ACTION BY OR BEFORE 02/02/2019.
- 3. THAT RE-INSPECTION WAS PERFORMED ON 02/04/2019.
- 4. THAT THE RE-INSPECTION AT **00019 W UNIVERSITY AVE, GAINESVILLE, FL, TAX PARCEL NUMBER 14619000000** REVEALED THAT THE CORRECTIVE ACTION ORDERED BY THE CODE ENFORCEMENT SPECIAL MAGISTRATE HAS NOT BEEN TAKEN IN THAT THE PROPERTY IS NOT IN COMPLIANCE.

FURTHER AFFIANT SAYETH NOT.

Creeda Margar 2019.

Greta Moreau

CODE ENFORCEMENT OFFICER

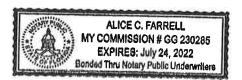
STATE OF FLORIDA COUNTY OF ALACHUA

HEREBY CERTIFY, THAT ON THE 4 DAY OF LOCKET 20 BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED GRETA MOREAU, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER FREE ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DATE AFORESAID.

NOTARY PUBLIC

MY COMMISSION EXPIRES:



CITY OF GAINESVILLE SPECIAL MAGISTRATE

2018-137

18-02541

CITY OF GAINESVILLE,

Petitioner,
SM NO.:
CE NO.:
Vs.

GOWRI LLC

Respondent,

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE, having come for Public Hearing before the Special Magistrate on December 13, 2018, after due notice to the Respondent, and the Magistrate having heard testimony under oath, received evidence and heard argument, the Magistrate issues its Findings of Fact, Conclusions of Law and Order as follows:

FINDINGS OF FACT

- 1. That the Respondent, Gowri LLC owns that certain property located 19 W University Ave, also known as Alachua County, Florida, Tax Parcel 14619-000-000.
- 2. That September 26, 2018 an inspection of said property by a Code Inspector of the City of Gainesville revealed that Respondent was found to be violating; **Sec. 13-208**, of the Gainesville Code of Ordinance, which consist of allowing the existence of a roof in disrepair and Sec. 13-207 (b), of the Gainesville Code of Ordinance, which consist of allowing the exterior door that are broken and in need of maintenance.
- 3. The Respondent received notice by certified mail, sent by regular mail and posted property and City Hall on October 25, 2018, that the aforesaid condition constituted a violation of the Gainesville Code of Ordinances, and was to be corrected by November 25, 2018. That re-inspection, made on November 27, 2018 confirmed that no corrections have been made and the condition as being the same.
 - 4. The Petitioner incurred costs in prosecuting this case in the amount of \$140.16.

CONCLUSIONS OF LAW

- 5. The Special Magistrate has jurisdiction over this matter pursuant to Chapter 162, Florida Statutes, and Section 2-377, Gainesville Code of Ordinances.
- 6. The Respondent, Gowri LLC, by reason of the foregoing is in violation of the Gainesville Code of Ordinances:

13-208 Roof Maintenance

Sec. 13-208. - Roofs. Roofs shall be maintained in a secure, safe and watertight condition. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

13-207(b) Doors & Windows Maintained

Violation of Section 13-207(b), City of Gainesville Code of Ordinances, major violation; (b) All exterior doors and windows shall be maintained in an unbroken and secure condition. No door or window shall be removed and enclosed, covered or boarded up unless treated as an integral part of the building facade, compatible with the design, material and finish of the adjoining walls of which the opening is a part. This subsection shall not apply to the temporary short-term covering or boarding up of windows or doors while undergoing replacement or repair. However, all damaged or broken doors and windows shall be restored, repaired or replaced within 60 days following breakage or damage.

7. The Petitioner is entitled to recover from the Respondent costs incurred in the prosecution of this case in the amount \$140.16

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED:

- 1. That Respondent, Gowri LLC is found GUILTY of violating Sec. 13-208 and 13-207 (b) of the Gainesville Code of Ordinances existing at 19 W University Ave also known as Alachua County, Florida, Tax Parcel 14619-000-000.
- 2. That Respondent shall have 30-days from the date of the issuance of this Order to correct the violation and to come into compliance with the Code of Ordinances of the City of Gainesville. If not in compliance within 30-days from the date of the signing of this Order, a daily fine of \$100.00 per day will accrue until compliance is met, and the administrative cost of \$140.16 is firm.
- 3. That upon complying, Respondent shall notify the Code Inspector and request a reinspection of the property to verify that said compliance was met.

DONE AND ORDERED this Judy of Jamen / 2018 in Gainesville, Florida.

ATTEST:

Kelly Lofland, Clerk to the Special Magistrate

SPECIAL MAGISTRATE

Jefferson M. Braswell, Special Magistrate

Intentionally left blank

CITY OF GAINESVILLE SPECIAL MAGISTRATE

CITY OF GA	INESVILLE, Petitioner,	SM NO.: CE NO.:	2018-137
VS.		CE NO.	18-02541
GOWRI LLC	2		
	Respondent.	×	
	ORDER IMPOSING FINE AND CO	<u>STS</u>	
THIS 2018, after due as follows:	CAUSE, having come for Public Hearing before the Spece notice to Respondent, Gowri LLC, the Magistrate issues	ial Magistrate on its Order Imposi	December 13, ng Fine and Costs
It is O	RDERED that:		
1. Gainesville Co Tax Parcel 146	That Respondent Gowri LLC is found GUILTY of violating of Ordinances existing at 19 W University Ave also knows 19-000-000.	ng Sec. 13-208 am own as Alachua (nd 13-207 (b) of the County, Florida,
2. violations and	Respondent shall have 30-days from the date of the issu to come into compliance with the Code of Ordinance.	ance of this Orde	er to correct said
3. Respondent sh the above addr	Should Respondent fail to comply with the Order by sailall pay a fine of \$100.00 per day for each and every day seess past the time set by the Magistrate.	d date, then in that did violations cor	at event, ntinue to exist at
4. \$140.16.	The Respondent shall pay Petitioner for costs of prosecu	uting this case in	the amount of

If not complied with, this Order shall constitute a lien against Tax Parcel 14619-000-000, also known 19 W University Ave and any and all real or personal property owned by Gowri LLC

day of Journey DONE AND ORDERED this 2018 in Gainesville, Florida.

ATTEST:

Kelly Lofland, Clerk to the Special Magistrate

Jefferson M. Braswell, Special Magistrate

City of Gainesville **Code Enforcement Division** P.O. Box 490, Station 10A

Gainesville, FL 32627-0490

5

GAINESVILLE CODE ENFORCEMENT BOARD

Clerk Of The Code Enforcement Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the above Order has been sent to Respondent, Gowri LLC 3426 NW 43rd ST Ste B Gainesville FL 32606 by U.S. Mail, this 3rd day of 3rd 20189

Kelly Lofland, Clerk to the Special Magistrate

Parcel: 14619-000-000

Search Date: 11/6/2019 at 10:57:27 AM

Taxpayer:

GOWRI LLC

Mailing:

3426 NW 43RD ST

GAINESVILLE, FL 32606

Location:

1 W UNIVERSITY AVE GAINESVILLE

11 W UNIVERSITY AVE GAINESVILLE 13 W UNIVERSITY AVE GAINESVILLE 15 W UNIVERSITY AVE GAINESVILLE 17 W UNIVERSITY AVE GAINESVILLE 19 W UNIVERSITY AVE GAINESVILLE 7 W UNIVERSITY AVE GAINESVILLE 9 W UNIVERSITY AVE GAINESVILLE

Sec-Twn-Rng:

05-10-20

Property Use:

01200 - STORE/OFF/RES Tax Jurisdiction: GAINESVILLE - 3600

Area:

DWNTWN MAIN & UNIVERSITY

Subdivision:

GAINESVILLE ORIGINAL SURVEY

Legal: ORIG GAINESVILLE DB H-383 LOT 4 BK 2 RG 3 LESS S 25 FT OF E 50 FT OR 3437/0434

	Property	Land	Classified	Improvement	Total	Deferred	County	School	County	School	County	School
Year	Use	Value	Land Value	Value	Just Value	Value	Assessed	Assessed	Exempt	Exempt	Taxable	Taxable
2019	STORE/OFF/RES	343800	0	798227	1142027	0	1142027	1142027	0	0	1142027	1142027
2018	STORE/OFF/RES	343800	0	830700	1174500	0	1174500	1174500	0	0	1174500	1174500
2017	Store/Off/Res	343800	0	843600	1187400	0	1187400	1187400	0	0	1187400	1187400
2016	Store/Off/Res	286500	0	856400	1142900	0	1142900	1142900	0	0	1142900	1142900
2015	Store/Off/Res	286500	0	865400	1151900	0	1151900	1151900	0	0	1151900	1151900
2014	Store/Off/Res	286500	0	874600	1161100	0	1161100	1161100	0	0	1161100	1161100

Land

1200 STORE/OFF/RES DT LAND ZONE; DT 1 0.2631 11460 SI	Ŀ	Land Use	Land Use Desc	Zoning Type	Zoning Desc	Lots	Acres	Sq Feet	Land Type
	Ŀ	1200	STORE/OFF/RES	DT	LAND ZONE; DT	1	0.2631	11460	SF

Improvements

Improvement Type	Improvement Desc	Actual Year Built	Effective Year Built	Htd Square Feet	Stories
3500	STORE RETAIL	1936	1986	19852	2

Improvement Details

Imprv

BAS

CAN

AOF

UST

Detail Bldg BUse Qual Type Description SqFt/Unit Quality Desc Use Desc BASE AREA 10385 Average STORE RETAIL CANOPY (NO 765 Average STORE SIDES) RETAIL AVERAGE 9467 STORE Average OFFICE

225

Bath Fixtures

Attribute

Improvement Attributes

Wall Code

Exterior Wall	17-CB STUCCO	100
Floor Cov	14-CARPET	50
Floor Cov	16-EPOXY STRIP	50
Frame	03-MASONRY	100
HC&V	04-FORCED AIR	100
Heat System	04-ELECTRIC	100
HEAT/AC	01 - PACKAGED HVAC	1
HVAC	03-CENTRAL	100
Interior Wall	05-DRYWALL	100
Num Res Units	Num Res Units	100
Roof Type	04-WOOD TRUSS	100
Roofing	04-TAR & GRAVEL	100
Total Rooms	20-Rooms	1

Attribute Desc

Improvements

		WATER CONTRACTOR OF THE PARTY O	Mary State of the Control of the Con	All conditions	777 177
Improvement Type	Improvement Desc	Actual Year Built	Effective Year Built	Htd Square Feet	Stories
				The state of the s	

RETAIL

STORE

RETAIL

Average

UNFINISHED

STORAGE

Units

21

Num Extra Fixtures

16-16 FT

SOHM

Imprv Detail Type	Description	SqFt/Unit	Quality	Qual Desc	Bldg Use	
3840	ELEVATOR	1			C6	СОММ

SOH MISC

Improvement Attributes

Sales

Date	Price	Vac/Imp	Qualified	OR Book	OR Page	Instrument
2006- 07-31	2320000	No	Q-OLD SALE - QUALIFIED	3437	434	SD
2000- 08-23	1300000	No	U-OLD SALE - UNQUALIFIED	2310	1958	WD
1987- 04-01	62200	No	U-OLD SALE - UNQUALIFIED	1661	2935	WD
1980- 01-01	100	No	U-OLD SALE - UNQUALIFIED	1256	767	WD

Permits

County Permit information is supplied by the Alachua County Office of Codes Enforcement. The Alachua County Office of Codes Enforcement and the Property Appraiser's Office assume no liability whatsoever associated with the use or misuse of this public information data and will not be held liable as to the validity, correctness, accuracy, completeness, and / or reliability of this data.

correctnes	s, accur	icy, con	upieten	renability of this data.	
Permit Number			Final Date	Appraisal Date	Comment
16- 06274	BN		2017- 07-12		INFILL EXISTING WALL OPENING BETWEEN 7 W UNIV AND THIS SPACE. CONVERTING BACK TO SMALL ASSEMBLY
14- 00613	RR		2014- 03-27	2014-12- 30	
14- 06236	MISC		2014- 11-21	2014-12- 25	HOOD SUPPR
17- 06472	ME	2017- 10-16		2018-01- 29	MECHANICAL CHANGE OUT





DISCOVER

e-check

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2006 AUG 08 01:24 PM BK 3437 PG 434 J. K. "BUDDY" IRBY

CLERK OF CIRCUIT COURT ALACHUA COUNTY, FLORIDA

CLERK13 Receipt#295358

Doc Stamp-Deed:

16,240.00



Prepared by and return to:

Ryan C. Curtis Attorney at Law Curtis Law Firm, LLC 13820 West Newberry Rd. Ste. 300 Jonesville, FL 32669 352-333-7207 File Number: 06-104

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 31st day of July, 2006 between PORTER MANAGEMENT COMPANY, INC., a Florida corporation whose post office address is 3920 NW 33rd Place, Gainesville, FL 32606, grantor, and GOWRI, LLC, a Delaware limited liability company, whose post office address is 3426 NW 43rd Street, Gainesville, **FL 32606**, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Alachua County, Florida, to-wit:

Begin at the Northeast corner of Lot 4, Block 2, Range 3, Original Gainesville, as per map thereof recorded in Deed Book "H", page 383, of the Public Records of Alachua County, Florida, and run West 197 feet, run thence South 60 feet, run thence East 147 feet, run thence North 25 feet, run thence East 50 feet, run thence North 35 feet to the Point of Beginning.

Parcel Identification Number: 14619-000-000

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

INSTRUMENT # 2265140 2 PGS

Signed, sealed and delivered in our presence:

Witness Name: Ryan C. Curtis

By:

Anthony Porter, President

(Corporate Seal)

State of Florida

County of Alachua

The foregoing instrument was acknowledged before me this 31st day of July, 2006 by Anthony Porter, President of PORTER MANAGEMENT COMPANY, INC., a Florida corporation, on behalf of the corporation. He [] is personally known to me or [X] has produced a driver's license as identification.

[Notary Public]

Printed Name:

My Commission Expires: