



City of New Smyrna Beach

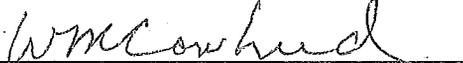
**THE BUILDING TRADES BOARD
NOTICE OF MEETING
TO BE HELD AT 6:30 P.M.
OCTOBER 21, 2010
CITY COMMISSION CHAMBERS, 210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA**

BUILDING TRADES BOARD MEMBERS:

William M. Cowherd, Chairman
Paul Heer, Vice Chairman
Joseph Blanchette
Randy Beach
R. Grant Clark
Terry D. Harrison

Dear Board Members:

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION meeting for the Building Trades Board which has been scheduled for THURSDAY, OCTOBER 21, 2010, commencing at 6:30 P.M., in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, to consider the enclosed agenda.



William M. Cowherd, Chairman
Building Trades Board

I. ROLL CALL:

II. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Members of the Building Trades Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred prior to this public hearing for any cases on this Agenda.

III. APPROVAL OF MINUTES:

September 16, 2010

IV. SWEARING OF CITY STAFF

V. OLD BUSINESS:

C2010-1046: Han Xiao Jun & Xiao Jun Chan 545 Washington St

Consideration from Building Department to demolish a residential structure at 545 Washington Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

September 16, 2010 – The Board continued this case until the October 21, 2010 Meeting.

VI. NEW BUSINESS:

C2010-1180 Jacquelyn Pedrosa ETAL 428 N Myrtle Ave

Consideration from Building Department to demolish a residential structure at 428 N Myrtle Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2010-1139: Odyssey (III) DP VIII LLC 144 S Timberlane Dr

Consideration from Building Department to demolish a residential structure at 144 S Timberlane Drive due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

C2010-1181: Willie Mae Hill Estate C/O Gloria Hill 501 Brooks St

Consideration from Building Department to demolish a residential structure at 501 Brooks Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

MINUTES OF THE BUILDING TRADES BOARD
HEARING
HELD AT 6:30 P.M. – SEPTEMBER 16, 2010
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of September 16, 2010, was called to order at 6:30 p.m. Answering to roll call were:

William M. Cowherd (Chair)

Paul Heer (Vice Chair)

Randy Beach

Joseph Blanchette

Terry Harrison

Grant Clark

Also present were Chief Building Official Michael Knotek, Asst. Attorney Greg McDole and Permit & License Technician Dorlisa Pogany.

II. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Members of the Citizens Code Enforcement Board were asked to please disclose, for the record, the substance of any ex parte communications that occurred prior to this public hearing.

Mr. Cowherd stated that there were none.

III. APPROVAL OF MINUTES

August 19, 2010

Mr. Heer made a motion to approve the minutes of the August 19, 2010 as written; seconded by Mr. Clark. Motion passed up roll call vote 6-0.

IV. SWEARING OF CITY STAFF

Michael Knotek, Chief Building Official, was sworn for testimony.

V. OLD BUSINESS:

C2010-0619: Joyce E. Tumblin Trustee 331 Canal St

Consideration from Building Department to demolish a commercial structure at 331 Canal Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified he has been in contact with the Ms. Tumblin's Attorney and have agreed to allow the City to demolish the building. Mr. Knotek further testified he received an agreement from Ms. Tumblin's Attorney at 5 PM today which Mr. McDole has not had a chance to review. Mr. Knotek stated Ms. Tumblin is in agreement with the cost provided by the City for the demolition and will begin the process of demolition as soon as the agreement has been signed. Mr. Knotek stated Staff's recommendation is to officially condemn the building, have an asbestoses survey completed and have demolished in 45 days.

Discussion ensued among staff and board members regarding consideration of lead paint, price of local demolition contractor, length of time to comply, buildings adjacent to structure be notified, possible problems with removing building, demo contractor responsible if damage to adjacent structures and proper liability insurance.

Mr. Clark made a motion to have 331 Canal Street demolished within 60 days; seconded by Mr. Heer. Motion passed unanimously upon roll call 6-0.

VI. NEW BUSINESS

C2010-1045:

Willie James Mitchell

122 ½ Railroad St

Consideration from Building Department to demolish a residential structure at 122 ½ Railroad Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified that no one has contacted the City regarding the structure and recommends the structure be demolished in 60 days if not by the owner, by the City and file a lien against the property.

Mr. Clark made a motion to condemn 122 ½ Railroad Street as it has deteriorated to the point that the structure is irreparable and irreversible in nature and the only reasonable repair is the complete demolition of the structure within 60 days and authorize the City to file a lien; seconded by Mr. Blanchette. Motion passed unanimously 6-0.

C2010-1043: Jesse Meeks Est, C/O W.J. Hope & H.C. Meeks 312 N. Myrtle Ave

Consideration from Building Department to demolish a residential structure at 312 N. Myrtle Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Ms. Corzet J. Lawrence, a representative of Jesse Meeks Estate, was present and sworn in.

Ms. Lawrence asked the Board for a total cost for demolition of the property and requested 60 days to remove the structure as the cost of repairs was too expensive. Ms. Lawrence stated the owners are considering hiring a contractor for demolition or to pay the City to demolish the structure.

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek testified it is Staff's recommendation to condemn the structure and allow the owner 60 days to determine if she will demolish it or have the City demolish the structure.

Mr. Clark made a motion to condemn 312 N. Myrtle as is has deteriorated to the point that the structure is unsafe and irreparable, allow the owners 60 days to arrange for demolition or contract the City to make arrangements for demolition; seconded by Mr. Heer. Motion carried unanimously 6-0.

C2010-1042: Margaret Thompson 353 Palm St

Consideration from Building Department to demolish a residential structure at 353 Palm Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified it is Staff's recommendation to give the minimum time limit by ordinance 20 days to demolish the structure as the owner is deceased and the structure is beyond repair, has tree lying on top, destroyed on inside and not secured.

Mr. Clark made a motion to condemn 353 Palm Street as it presents serious threat to public health, safety and welfare and the structure is to be demolished within 30 days and authorize the City to file a lien; seconded by Mr. Blanchette. Motion carried unanimously 6-0.

C2010-1046: Han Xiao Jun & Xiao Jun Chan 545 Washington St

Consideration from Building Department to demolish a residential structure at 545 Washington Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Charles Adams, Structural Engineer, representative of the owners was present and sworn in.

Mr. Adams stated he inspected the structure to see if feasible for repairs. The structure can be repaired but may be expensive. He further stated the owners are contacting a contractor to price out the repairs and make a determination based on estimate by the first week in October

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek testified he has been in contact with the owner and expressed concern that the cost would be prohibitive in saving the structure. Mr. Knotek further testified the owner's concern is if the structures are demolished, the City will not allow him to put back the units. Mr. Knotek stated for the record that the zoning is Mixed Use (MU) and the owner may be willing to remove the yellow structure to the east. The removal of three structures may allow him to construct 4-5 units on the property.

Mr. Adams stated a complete new electrical and plumbing system will need to be installed and cost will clearly dictate the owner's final decision.

Mr. Knotek testified that Staff's recommendation is to give the owner 60 days to complete the plans, obtain a price for repairs and to appear before the Board to discuss whether he is going to proceed with the repairs or demolish the structures. Mr. Knotek further stated that no tenants can occupy the structures as it stands now and requests the Board to establish a time limit.

Discussion ensued among staff, Mr. Adams and board members as to limit of time, whether to condemn structure or continue case, length of time to complete plans and securing the building.

Mr. Blanchette made a motion to continue case C2010-1046 to the October 21, 2010 meeting with the contingency that building, windows and doors are secured to prevent entrance; seconded by Mr. Clark. Motion carried unanimously 6-0.

C2010-1044: Stephen D. Camp & Tami L. Camp Tr 4312 Saxon Dr

Consideration from Building Department to demolish a residential structure at 4312 Saxon Drive due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Discussion ensued among staff, Mr. Wilson and board members as to permits that are required, sufficient time limit, if interest accrues on liens and how staff makes sure work is completed within time limit.

Mr. Clark made a motion to condemn 512 Ronnoc Lane, demolish the structure within 60 days and clear the land of all demolition debris; seconded by Mr. Beach. Motion carried unanimously 6-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF:

Mr. Cowherd asked Staff for an update to cases from the August 19, 2010 meeting.

Mr. Knotek provided an update on the following cases:

C2010-0618 541 Charlovix St – No response from owner. As soon as time deadline expires, Mr. Knotek will have structure demolished. There is a question on possible septic in rear which will be removed if there is one.

C2010-0624 640 Dora St – Owners of property given price the City will charge. They are going to get their own price and let the City know.

C2010-0620 & C2010-0621 551 & 553 Julia St – Board gave owner 90 days to clean up property, paint building, remove porch, board up the doors and windows. As of this date, no action taken by owner.

C2010-0623 500 Wayne Ave – Board gave owner 90 days to remove debris, clean up property and contact structural engineer to see if building can be saved. As of this date, no action taken by owner. Mr. Knotek will contact Mr. Klein (owner) to find out status.

C2010-0625 1907 S Atlantic Ave – Owner has contact City and was given cost for demolition. Mr. Knotek states owner will probably allow City to demolish.

C2010-0619 331 Canal St – Owner is allowing the City to demolish building. Working with her attorney to finalize agreement.

VIII. ADJOURNMENT:

Mr. Heer made the motion to adjourn; seconded by Mr. Beach. All agreed and the hearing adjourned at 7:25 pm.



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
545 Washington Street
New Smyrna Beach, Florida
CASE NO: C2010-1046
DATE: September 7, 2010

Since the structures have been vacant for a long period of time, the Code Enforcement Inspector referred the property to the Building Department. The property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structures that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that both structures be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



545 Washington Street



545 Washington Street



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax



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545 Washington Street



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210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Han Xiao Jun & Xiao Jun Chan
708 Seabrook Dr
Daytona Beach, Florida 32119

CASE NO: C2010-1046

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this ^{8th} day of ~~October~~, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd

Chairperson:

Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF HEARING** was served on the 9th day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 70033760000062313914

Michael Knotek
Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Han Xiao Jun & Xiao Jun Chan
708 Seaduck Drive
Daytona Beach, Florida 32119

Case Number: C2010-1046

RE: 545 Washington Street, New Smyrna Beach
Parcel Number: 7441-10-03-0020
Legal Description: Lot 2, Blk 3, Sheldons New Smyrna per OR 3735, PG 4494 Copy of D/C
per OR 5423 PGS 0031-0033 Inc per OR 5648 PG 4472 Per OR

Dear Property Owner,

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,

Michael Knotek
Chief Building Official

386.424.2139

mknotek@cityofnsb.com

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Han Xiao Jun & Xiao Jun Chan
708 Seaduck Drive
Daytona Beach, Florida 32119

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the buildings and the legal description of the property which it is located is as follows:

STREET ADDRESS: 545 Washington Street, New Smyrna Beach
PARCEL NUMBER: 7441-10-03-0020
LEGAL DESCRIPTION: Lot 2, Blk 3, Sheldons New Smyrna per OR 3735, PG 4494 Copy of D/C per OR 5423 PGS 0031-0033 Inc per OR 5648 PG 4472 Per OR

On the basis of my examination I have determined (the checked box applies to your building):

- X The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

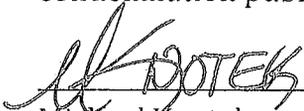
ITEMS IN VIOLATION

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY

- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.


 Michael Knotek
 Chief Building Official
 386.424.2139
 mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 8th day of June, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
 Name of person who received service

X Certified Mail, Return Receipt Requested
 Receipt Number: 7008 32300000 0551 2707


 Michael Knotek
 386.424.2139
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
428 N Myrtle Avenue
New Smyrna Beach, Florida
CASE NO: C2010-1180
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structures be demolished within 30 days and a lien assessed against the property.

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CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax



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CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Jacquelyn Pedrosa ETAL
1301 24th Street
Tampa, Florida 33605

CASE NO: C2010-1180

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21st day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 8th day of October, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd
Chairperson:
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF HEARING** was served on the 8th day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 7003 3260 0000 6231 9034



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Jacquelyn Pedrosa ETAL
1301 24th Street
Tampa, Florida 33605

Case Number: C2010-1180

RE: 428 N Myrtle Ave, New Smyrna Beach
Parcel Number: 7418-07-01-0030
Legal Description: Lot 3 BLK 1 Sams Sub Lewis Homestead Per OR 1971 PG 1353 Per OR
5482 PGS 2076-2078

Dear Property Owner(s),

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,

Michael Knotek
Chief Building Official

386.424.2139

mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Jacquelyn Pedrosa ETAL
1301 24th Street
Tampa, Florida 33605

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 428 N Myrtle Ave., New Smyrna Beach
PARCEL NUMBER: 7418-07-01-0030
LEGAL DESCRIPTION: Lot 3 BLK 1 Sams Sub Lewis Homestead Per OR 1971 PG 1353 Per OR 5482 PGS 2076-2078

On the basis of my examination I have determined (the checked box applies to your building):

- X The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

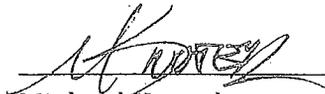
ITEMS IN VIOLATION

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY

- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.


 Michael Knotek
 Chief Building Official
 386.424.2139
 mknotek@cityofnsb.com

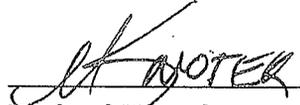
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
 Name of person who received service

X Certified Mail, Return Receipt Requested
 Receipt Number: 7603 211000006278495


 Michael Knotek
 386.424.2139
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
144 S Timberlane Drive
New Smyrna Beach, Florida
CASE NO: C2010-1139
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

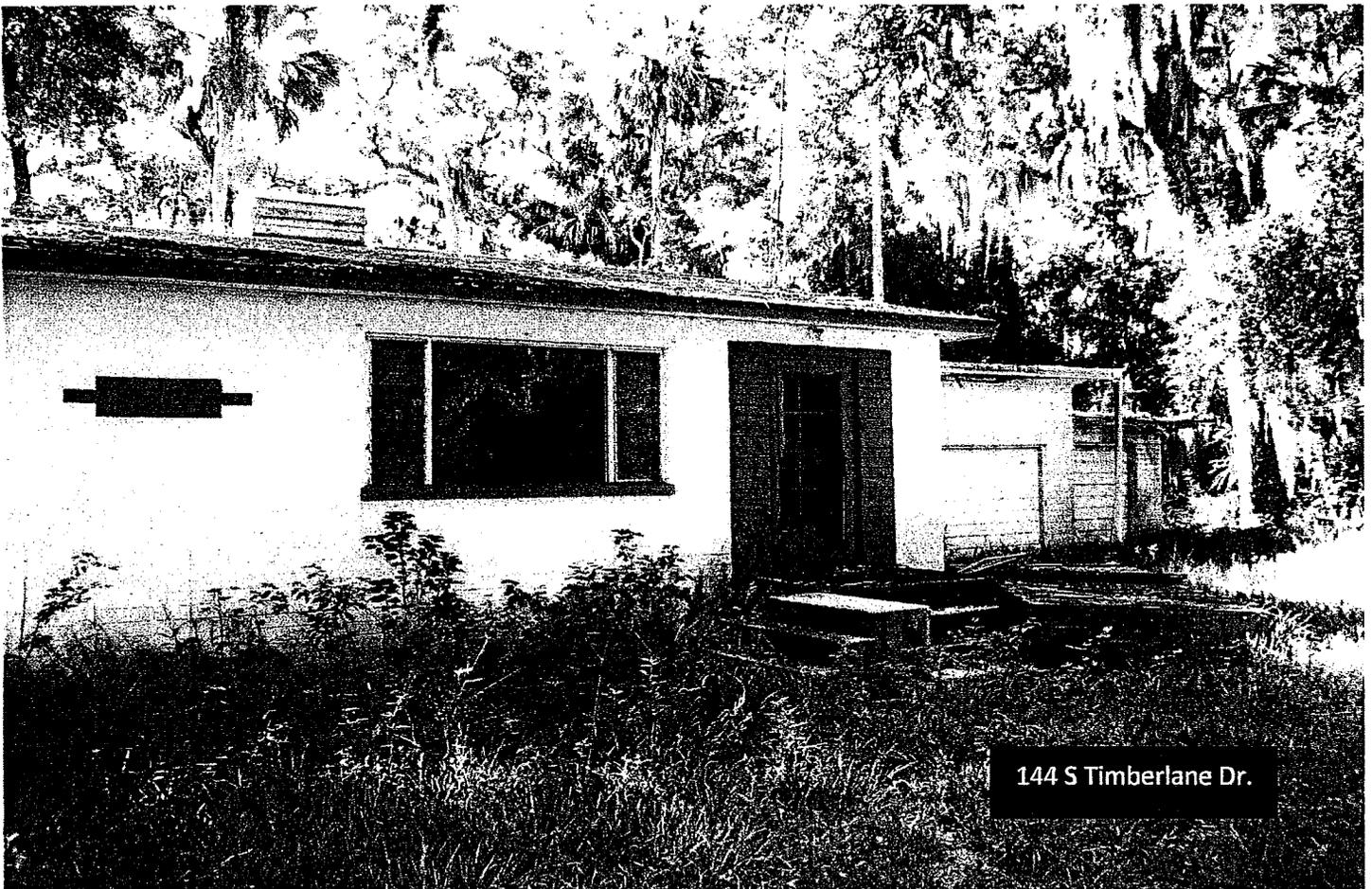
RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



144 S Timberlane Dr.



144 S Timberlane Dr.



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax



FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Odyssey (III) DP VIII LLC
500 S Florida Ave
Suite 700
Lakeland, Florida 33801

CASE NO: C2010-1139

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERED this 8th day of October, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd
Chairperson:
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

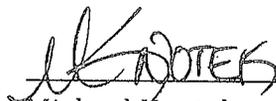
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the 8th day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 702 260 0006 2318 176



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Odyssey (III) DP VIII LLC
500 S Florida Ave
Suite 700
Lakeland, Florida 33801

Case Number: C2010-1139

RE: 144 S Timberlane Drive, New Smyrna Beach
Parcel Number: 7343-06-00-0282
Legal Description: N 350 ft of Lots 27 & 28 S of ST RD 40 Napier & Hull Grant Per OR 4382
PG 0795 Per OR 5908 PG 0780 Per OR 5908 PGS 0789

Dear Property Owner(s),

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,

A handwritten signature in black ink that reads "M Knótek".

Michael Knótek
Chief Building Official

386.424.2139

mknótek@cityofnsb.com

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Odyssey (III) DP VIII LLC
500 S Florida Ave
Suite 700
Lakeland, Florida 33801

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 144 S Timberlane Dr, New Smyrna Beach
PARCEL NUMBER: 7343-06-00-0282
LEGAL DESCRIPTION: N 350 ft of Lots 27 & 28 S of ST RD 40 Napier & Hull Grant Per OR 4382 PG 0795 Per OR 5908 PG 0780 Per OR 5908 PGS 0789

On the basis of my examination I have determined (the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

ITEMS IN VIOLATION

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY

- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.



 Michael Knotek
 Chief Building Official
 386.424.2139
 mknotek@cityofnsb.com

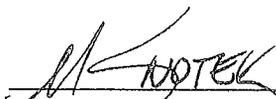
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
 Name of person who received service

X Certified Mail, Return Receipt Requested
 Receipt Number: 703226000012318471



 Michael Knotek
 386.424.2139
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
501 Brooks
New Smyrna Beach, Florida
CASE NO: C2010-1181
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

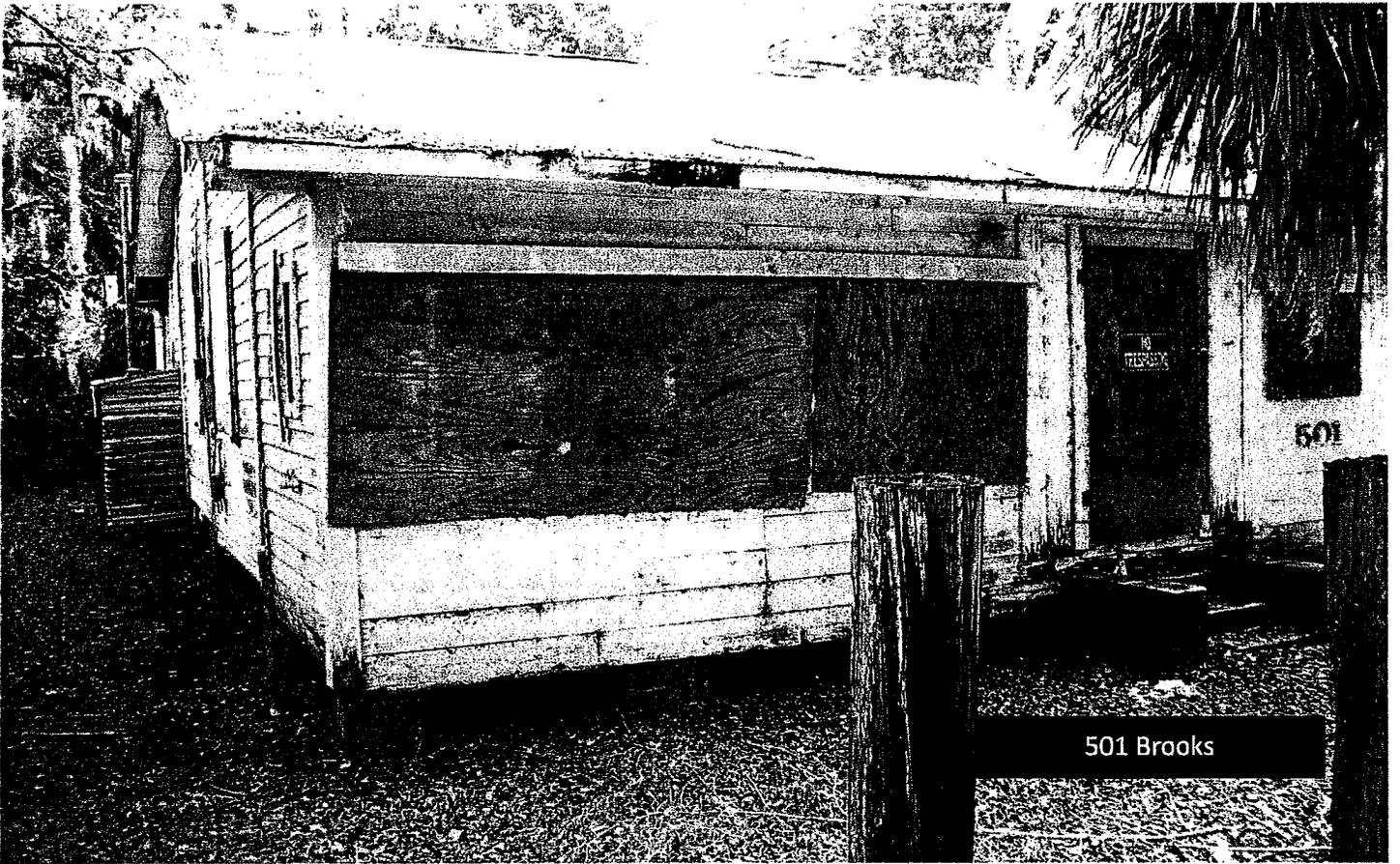
ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



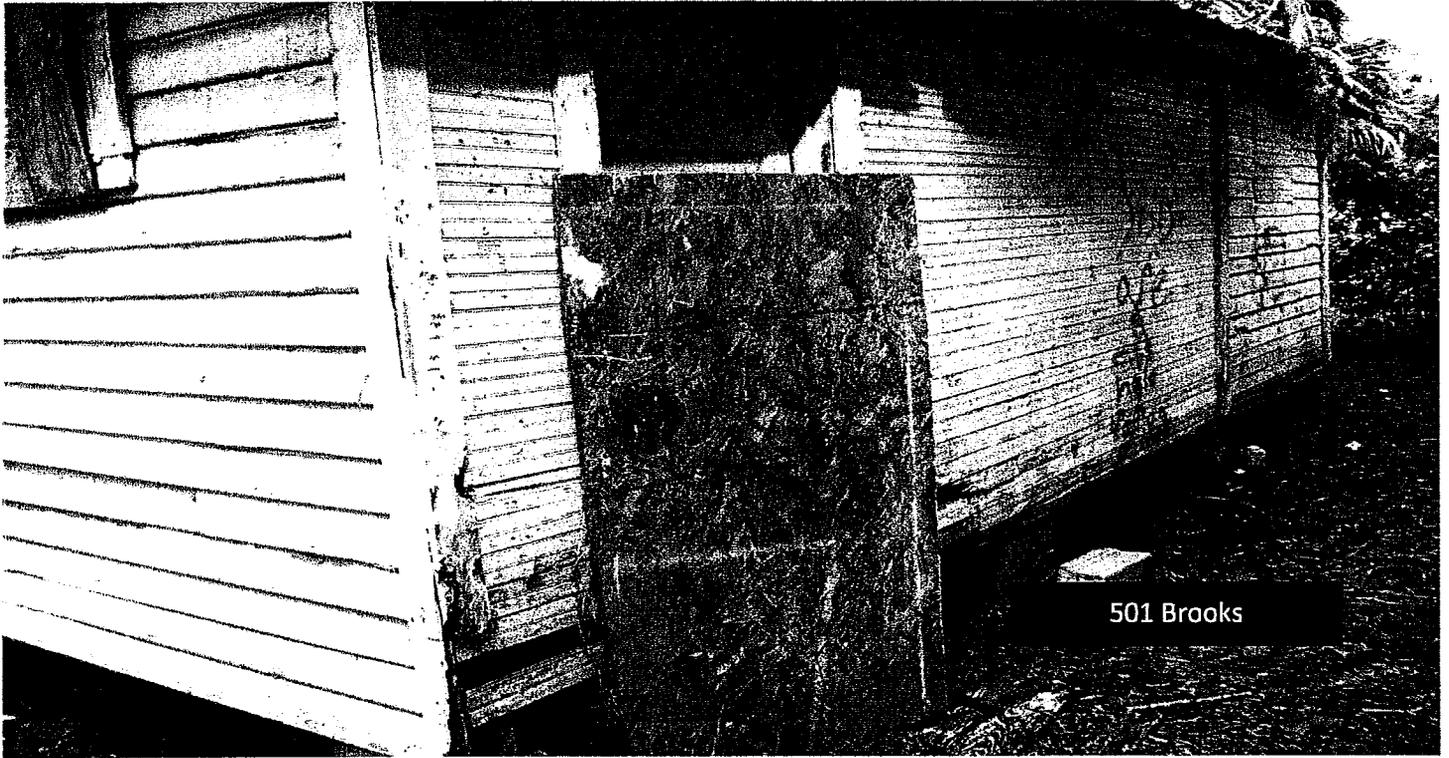
501 Brooks



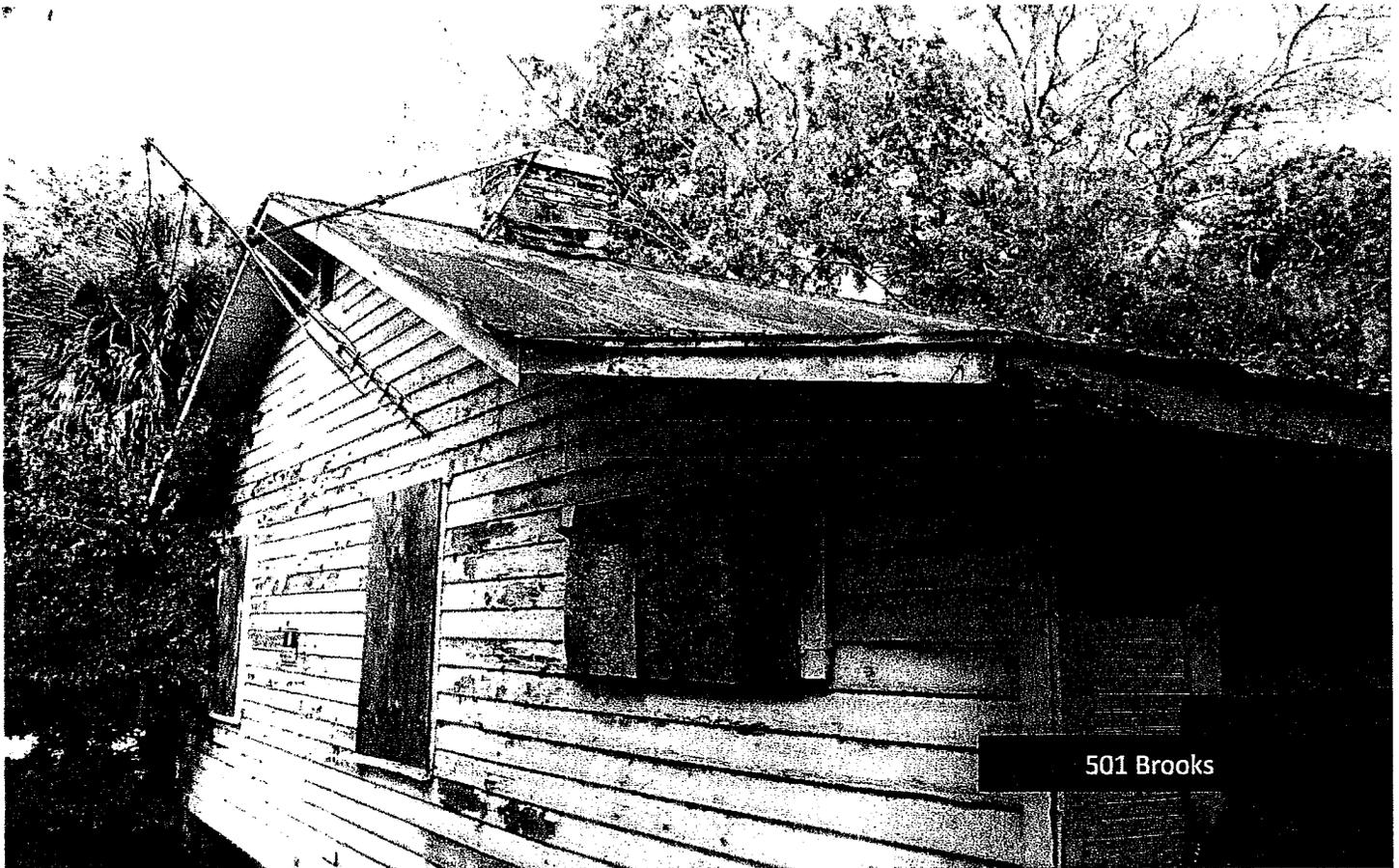
501 Brooks



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax



501 Brooks



501 Brooks

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Willie Mae Hill EST
C/O Gloria Hill
1764 Kerry Lane
Santa Rosa, CA 95403

CASE NO: C2010-1181

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 21st day of ~~October~~, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd
Chairperson:
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF HEARING** was served on the ^{8th} day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 7003 0060 0000 0031 8963



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Willie Mae Hill EST
C/O Gloria Hill
1764 Kerry Lane
Santa Rosa, CA 95403

Case Number: C2010-1181

RE: Enterprise Ave, New Smyrna Beach
Parcel Number: 7418-03-03-0300
Legal Description: 18 17 34 Lot 30 EXC E 190 Ft BLK 3 Lowd Sub MB 6 PG 45 Per OR 4165
PG 2830 Per D/C 6496 PG 2918

Dear Property Owner(s),

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,


Michael Knotek

Chief Building Official

386.424.2139

mknotek@cityofnsb.com

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Willie Mae Hill EST
C/O Gloria Hill
17664 Kerry Lane
Santa Rosa, CA 95403

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: Enterprise Ave., New Smyrna Beach
PARCEL NUMBER: 7418-03-03-0300
LEGAL DESCRIPTION: 18 17 34 Lot 30 EXC E 190 Ft BLK 3 Lowd Sub MB 6 PG 45 Per OR 4165 PG 2830 Per D/C 6496 PG 2918

On the basis of my examination I have determined (the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

ITEMS IN VIOLATION

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.

Michael Knotek
 Chief Building Official
 386.424.2139
 mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF DETERMINATION** was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
 Name of person who received service

X Certified Mail, Return Receipt Requested
 Receipt Number: 703210 00006231851

Michael Knotek
 386.424.2139
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
2275 Eslinger Road
New Smyrna Beach, Florida
CASE NO: C2010-1177
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

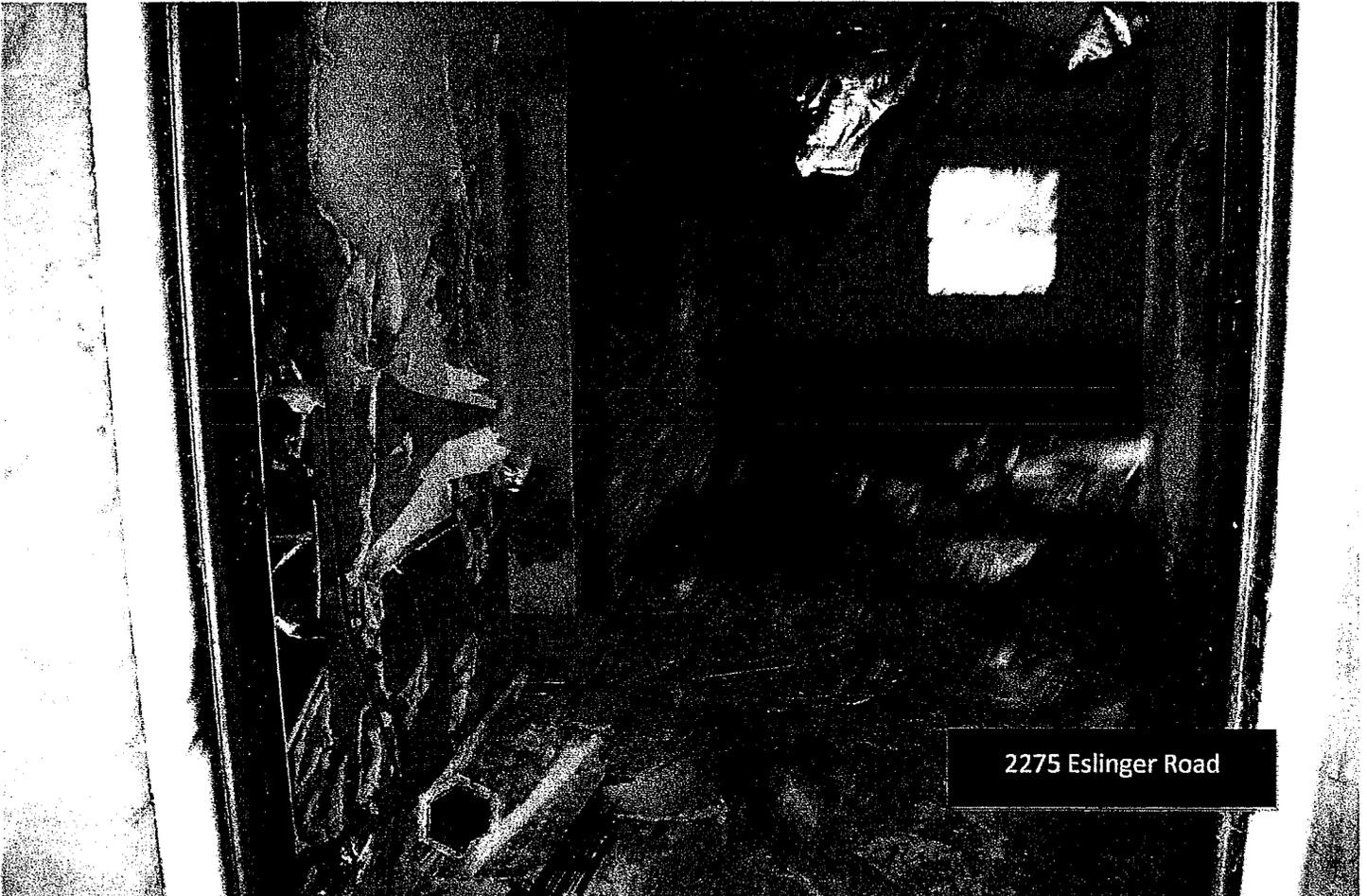
RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



2275 Eslinger Road



2275 Eslinger Road





CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Centex Homes
2301 Lucien Way
Suite 400
Maitland, Florida 32751

CASE NO: C2010-1177

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached Letter of Determination.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 8th day of October , 2010, at City Hall, City of New Smyrna Beach, Florida.

A handwritten signature in cursive script that reads "William M. Cowherd".

William M. Cowherd
Chairperson:
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the 8th day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 7003 226000062318740



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Centex Homes
2301 Lucien Way
Suite 400
Maitland, Florida 32751

Case Number: C2010-1177

RE: 2275 Eslinger Road, New Smyrna Beach
Parcel Number: 7344-06-03-0030
Legal Description: N 853 ft of S 883 on E/L of E 500 ft on N/L & being 421 ft on S/L of Blk C
Lovejoys 2nd Sub in Middle Third a Hull GR

Dear Property Owner(s),

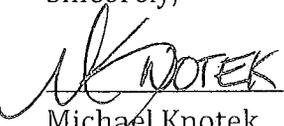
YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,


Michael Knotek

Chief Building Official

386.424.2139

mknotek@cityofnsb.com

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Centex Homes
2301 Lucien Way
Suite 400
Maitland, Florida 32751

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 2275 Eslinger Road, New Smyrna Beach
PARCEL NUMBER: 7344-06-03-0030
LEGAL DESCRIPTION: N 853 ft of S 883 on E/L of E 500 ft on N/L & being 421 ft on S/L of Blk C Lovejoys 2nd Sub in Middle Third a Hull GR

On the basis of my examination I have determined (the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

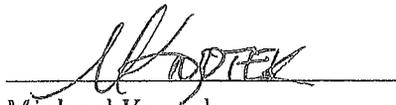
The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

ITEMS IN VIOLATION

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.


 Michael Knotek
 Chief Building Official
 386.424.2139
 mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF DETERMINATION** was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
 Name of person who received service

X Certified Mail, Return Receipt Requested
 Receipt Number: 1003 3960 00062318457


 Michael Knotek
 386.424.2139
 mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
504 N Myrtle Avenue
New Smyrna Beach, Florida
CASE NO: C2010-1179
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

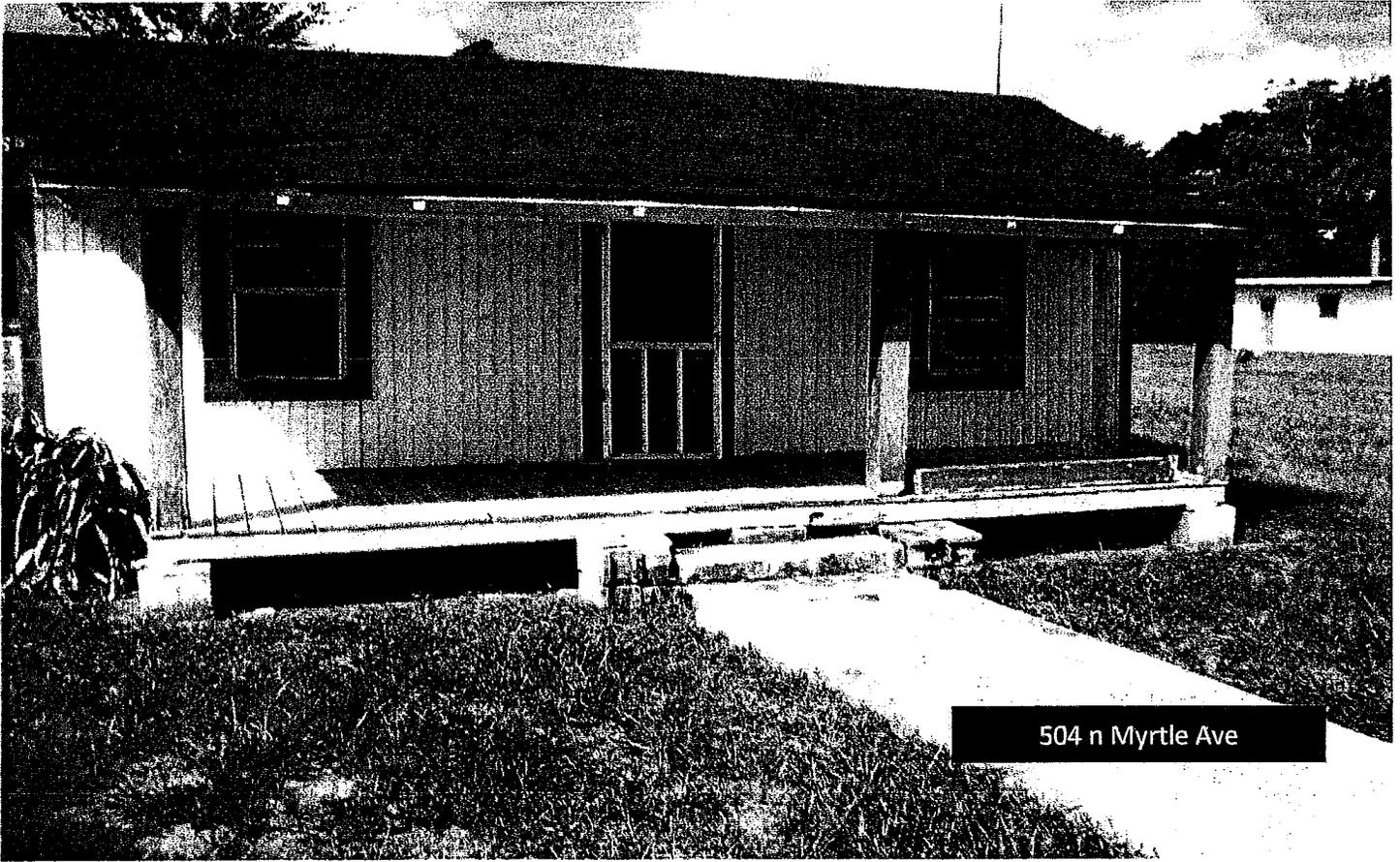
ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

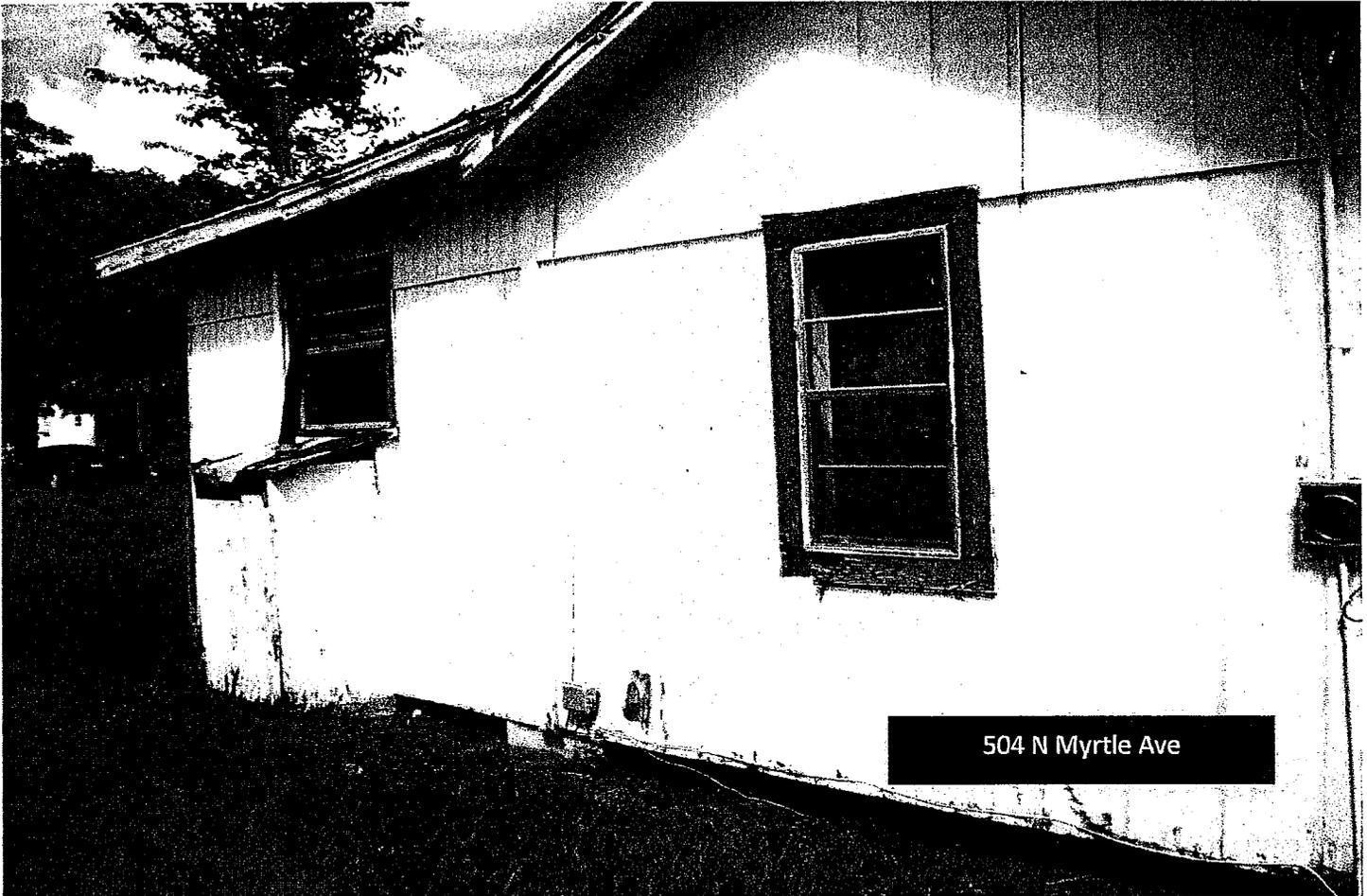
RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure and septic be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



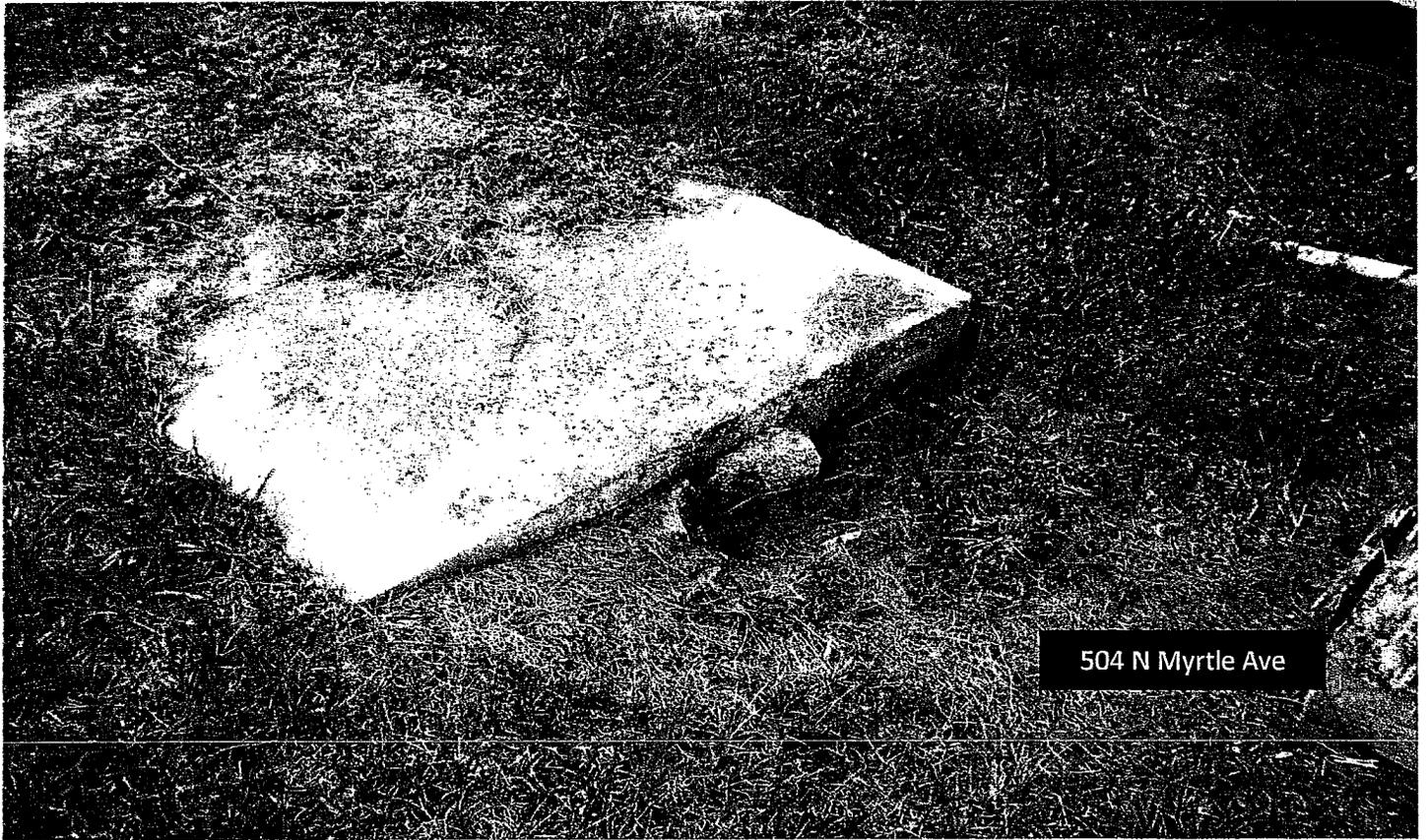
504 n Myrtle Ave



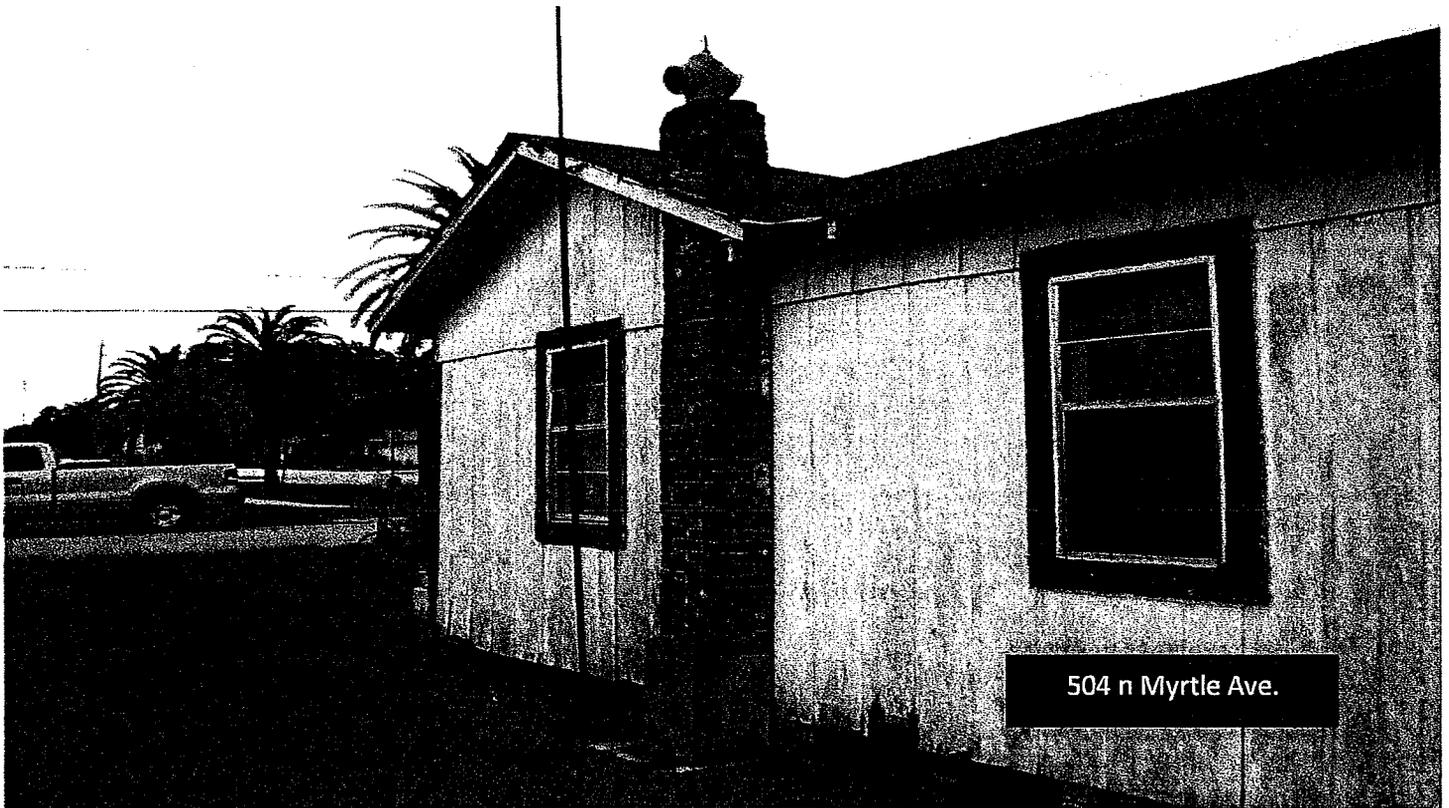
504 N Myrtle Ave



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax



504 N Myrtle Ave



504 n Myrtle Ave.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Investment Club of NSB Inc
579 Hamilton Street
New Smyrna Beach, Florida 32168

CASE NO: C2010-1179

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 8th day of October, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd

Chairperson:

Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the 8th day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 7023-940-0000-2319003



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Investment Club of NSB Inc
579 Hamilton Street
New Smyrna Beach, Florida 32168

Case Number: C2010-1179

RE: 504 N Myrtle Ave, New Smyrna Beach
Parcel Number: 7418-05-00-0110
Legal Description: 18 17 34 N 20 ft of Lot 10 & Lots 11 & 12 Lowd Sub MB 5 PG 100 per Or
1752 PG 929

Dear Property Owner(s),

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,

A handwritten signature in black ink that reads "Michael Knotek".

Michael Knotek
Chief Building Official
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Investment Club of NSB Inc
579 Hamilton Street
New Smyrna Beach, Florida 32168

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 504 S Myrtle Ave, New Smyrna Beach
PARCEL NUMBER: 7418-05-00-0110
LEGAL DESCRIPTION: 18 17 34 N 20 ft of Lot 10 & Lots 11 & 12 Lowd Sub MB 5 PG 100 per Or 1752 PG 929

On the basis of my examination I have determined (the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

ITEMS IN VIOLATION

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY

- The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.


Michael Knotek
Chief Building Official
386.424.2139
mknotek@cityofnsb.com

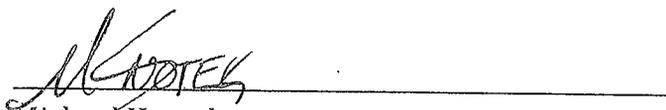
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF DETERMINATION** was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 703 00000623/8488


Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
1118 Live Oak Street
New Smyrna Beach, Florida
CASE NO: C2010-1178
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structure be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



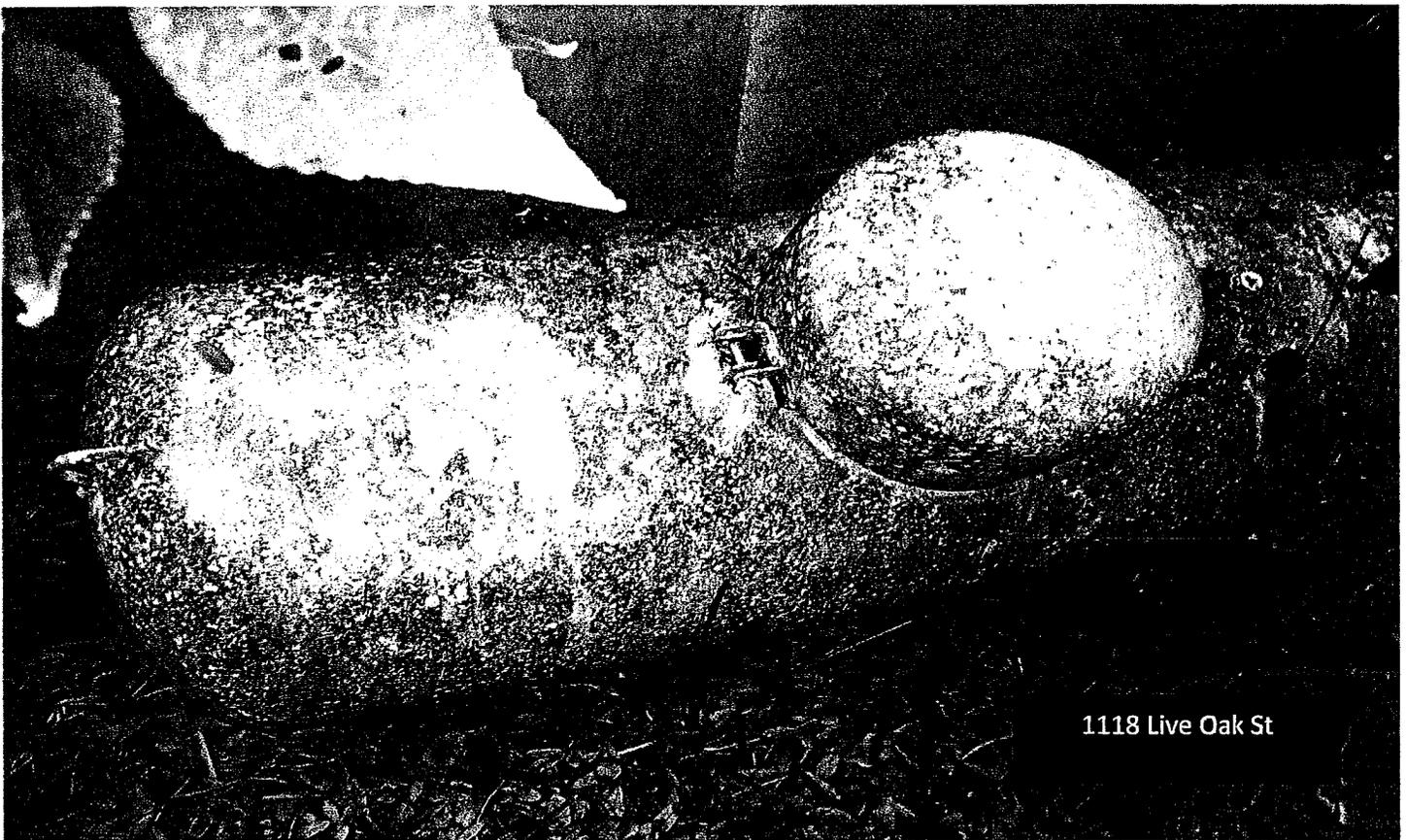
1118 Live Oak St



1118 Live Oak St



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax



FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Leland Jon Lamee
1118 Live Oak Street
New Smyrna Beach, Florida 32168

CASE NO: C2010-1178

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERD this 8th day of October , 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd
Chairperson:
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

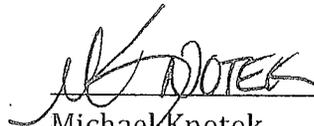
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the 8th day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 7003 326000062319010



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Leland Jon Lamee
1118 Live Oak St
New Smyrna Beach, Florida 32168

Case Number: **C2010-1178**

RE: 1118 Live Oak Street, New Smyrna Beach

Parcel Number: 7444-03-07-0170

Legal Description: Lot 17 or Lot 16 Old Map BLK G F E Lovejoy Add New Smyrna Per OR
5297 PG 4566-70 inc Per OR 5315 Pgs 2672-2675 per Or 54

Dear Property Owner(s),

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,

Michael Knotek

Chief Building Official

386.424.2139

mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Leland Jon Lamee
1118 Live Oak Street
New Smyrna Beach, Florida 32168

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 1118 Live Oak Street, New Smyrna Beach
PARCEL NUMBER: 7444-03-07-0170
LEGAL DESCRIPTION: Lot 17 or Lot 16 Old Map BLK G F E Lovejoy Add New Smyrna Per OR 5297 PG 4566-70 inc Per OR 5315 Pgs 2672-2675 per Or 54

On the basis of my examination I have determined (the checked box applies to your building):

- X The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- X The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

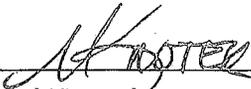
ITEMS IN VIOLATION

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY

- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.



Michael Knotek
Chief Building Official
386.424.2139
mknotek@cityofnsb.com

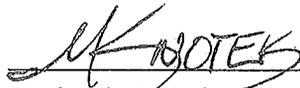
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing **NOTICE OF DETERMINATION** was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
Name of person who received service

X Certified Mail, Return Receipt Requested
Receipt Number: 7003 3760 0000 0318 464



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
1401 Canal Street
New Smyrna Beach, Florida
CASE NO: C2010-1176
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

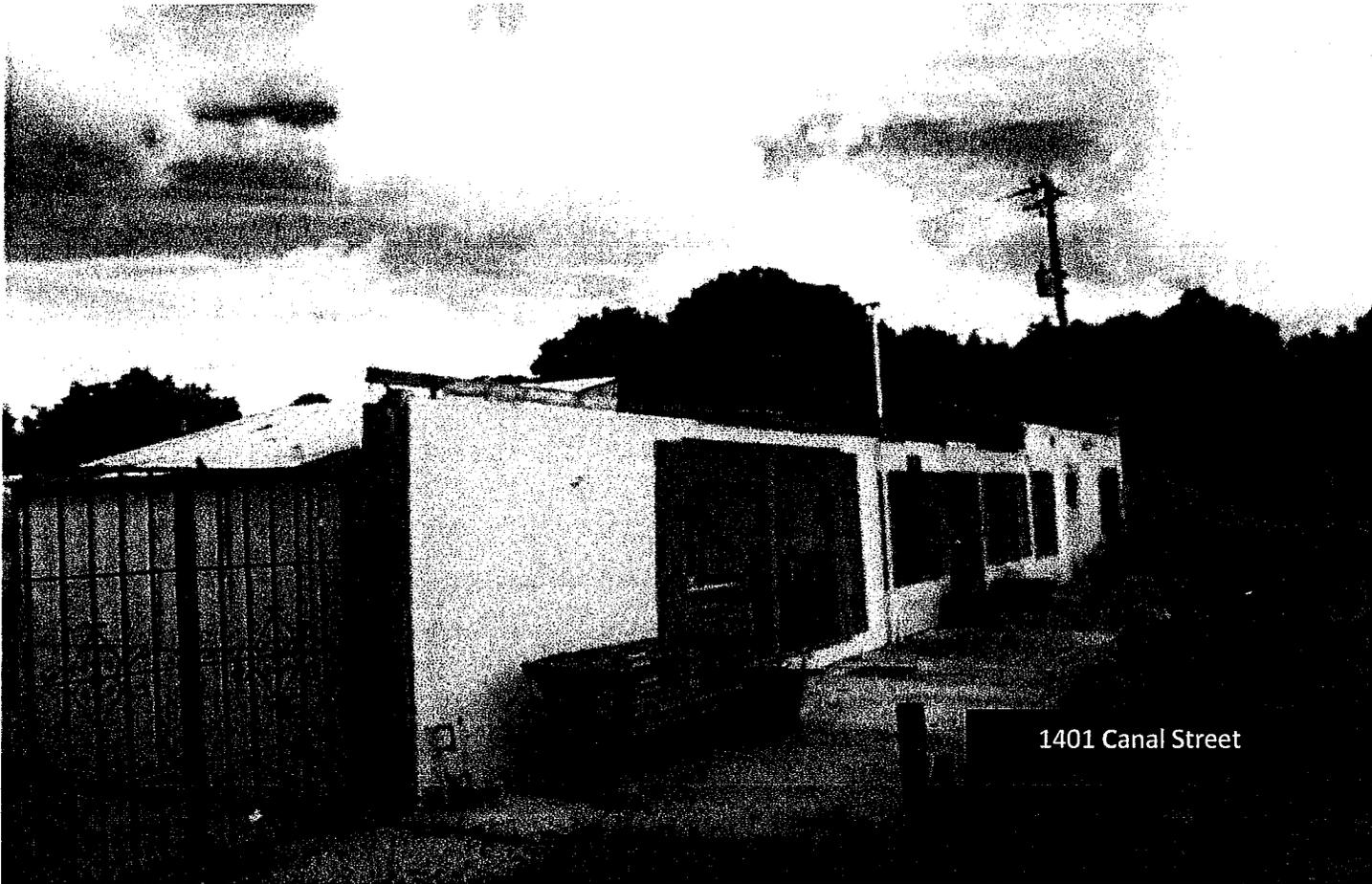
ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that the structures be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY





CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax



1401 Canal Street



1401 Canal Street

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Steve's Furniture Emporium LLC
1401 W Canal Street
New Smyrna Beach, Florida 32168

CASE NO: C2010-1176

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERED this 8th day of October, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd
Chairperson:
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the ^{8¹²} day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 703 260 0000 231907



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Steve's Furniture Emporium LLC
1401 W Canal Street
New Smyrna Beach, Florida 32168

Case Number: C2010-1176

RE: 1401 Canal Street, New Smyrna Beach
Parcel Number: 7419-00-00-0290
Legal Description: 19-17-34 Irreg Parcel in W 1/2 of NE 1/4 of NW 1/4 S of Canal & N of FEC RR
& in Lot 14 N of New Deland HWY Henry T

Dear Property Owner(s),

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,

Michael Knotek
Chief Building Official
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Steve's Furniture Emporium LLC
1401 W Canal Street
New Smyrna Beach, Florida 32168

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 1401 W Canal Street, New Smyrna Beach
PARCEL NUMBER: 7419-00-00-0290
LEGAL DESCRIPTION: 19-17-34 Irreg Parcel in W 1/2 of NE 1/4 of NW 1/4 S of Canal & N of FEC RR & in Lot 14 N of New Deland HWY Henry T

On the basis of my examination I have determined (the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

ITEMS IN VIOLATION

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY

- The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.


Michael Knotek
Chief Building Official
386.424.2139
mknotek@cityofnsb.com

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 7003 0060 0000 6231 8440


Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

TO: Building Trade Board
FROM: Michael W. Knotek, Chief Building Official
SUBJECT: Unsafe & Dilapidated Structure
2601 S Atlantic Ave
New Smyrna Beach, Florida
CASE NO: C2010-1182
DATE: October 21, 2010

This Property was inspected by the Code Enforcement Inspector and referred to the Building Department since the structure had been vacant for a long period of time. Since the property has not been maintained and is now a public health and safety issue. Due to the lack of response from the property owners to make any attempts of correcting the situation, the Building Department has recommended that the matter be referred to the Building Trades Board for further action.

Upon inspection of the property by the Building Department, the following items were noted:

- X The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- X The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

The property was subsequently posted with the violation letter and notice of hearing. Photographs of the property that was taken showing the condition of the property is attached for your review.

ALTERNATIVES

1. Allow the owner additional time to repair or demolish the structures.
2. Proceed with the demolition; determine if the structures will be demolished by the City of New Smyrna Beach or a private contractor, and authorize an execution against the owner and property if the expenses are not paid within 30 days from the date of the invoice.

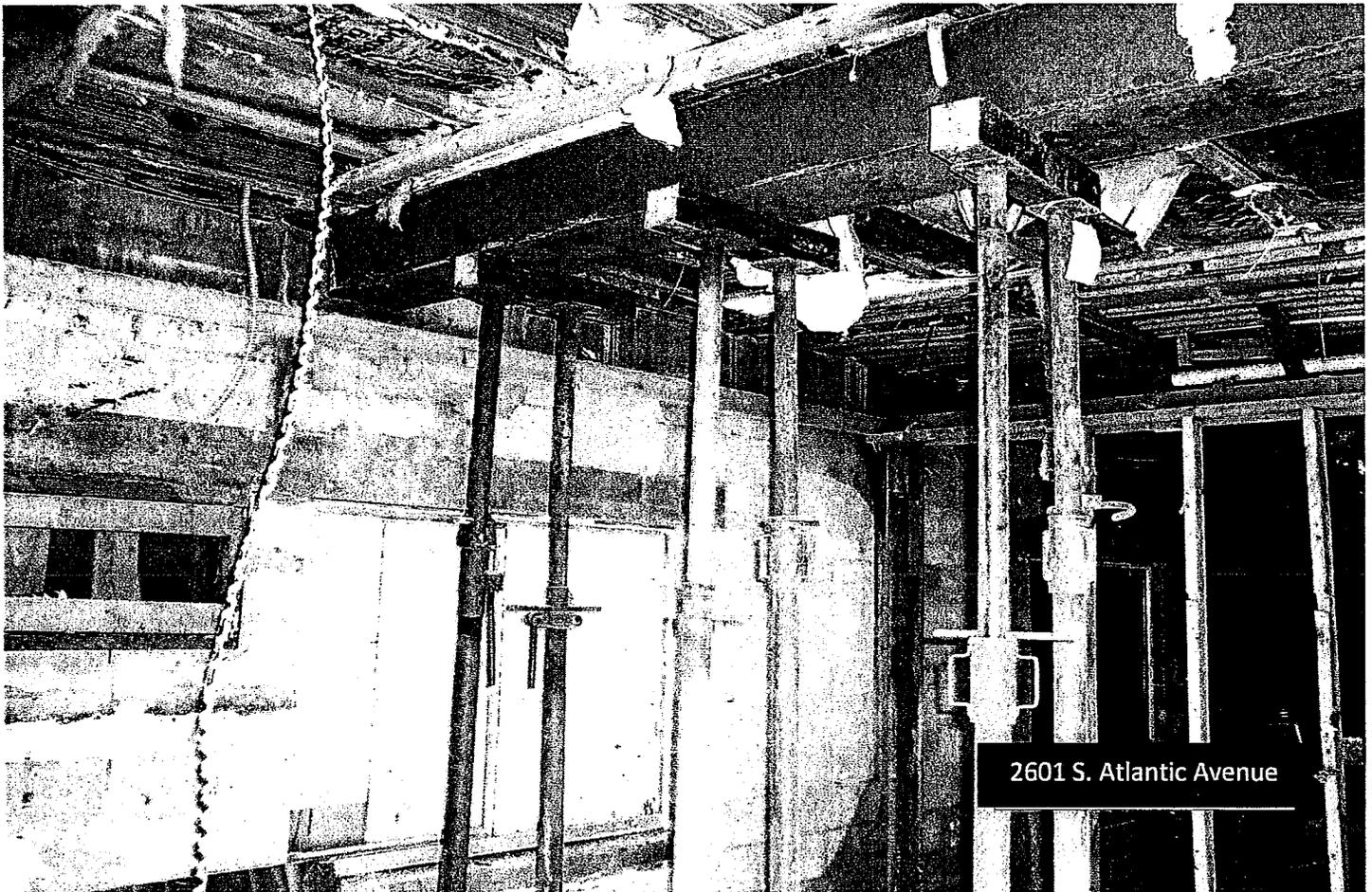
RECOMMENDATION

Alternative number 2 is recommended. Based on the inspections, there are parts of the structure that are in danger of collapsing and the condition of the property is a blight to the neighboring properties and the lack of response from the property owner, Staff recommends that all structures be demolished within 30 days and a lien assessed against the property.

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



2601 S. Atlantic Avenue



2601 S. Atlantic Avenue



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

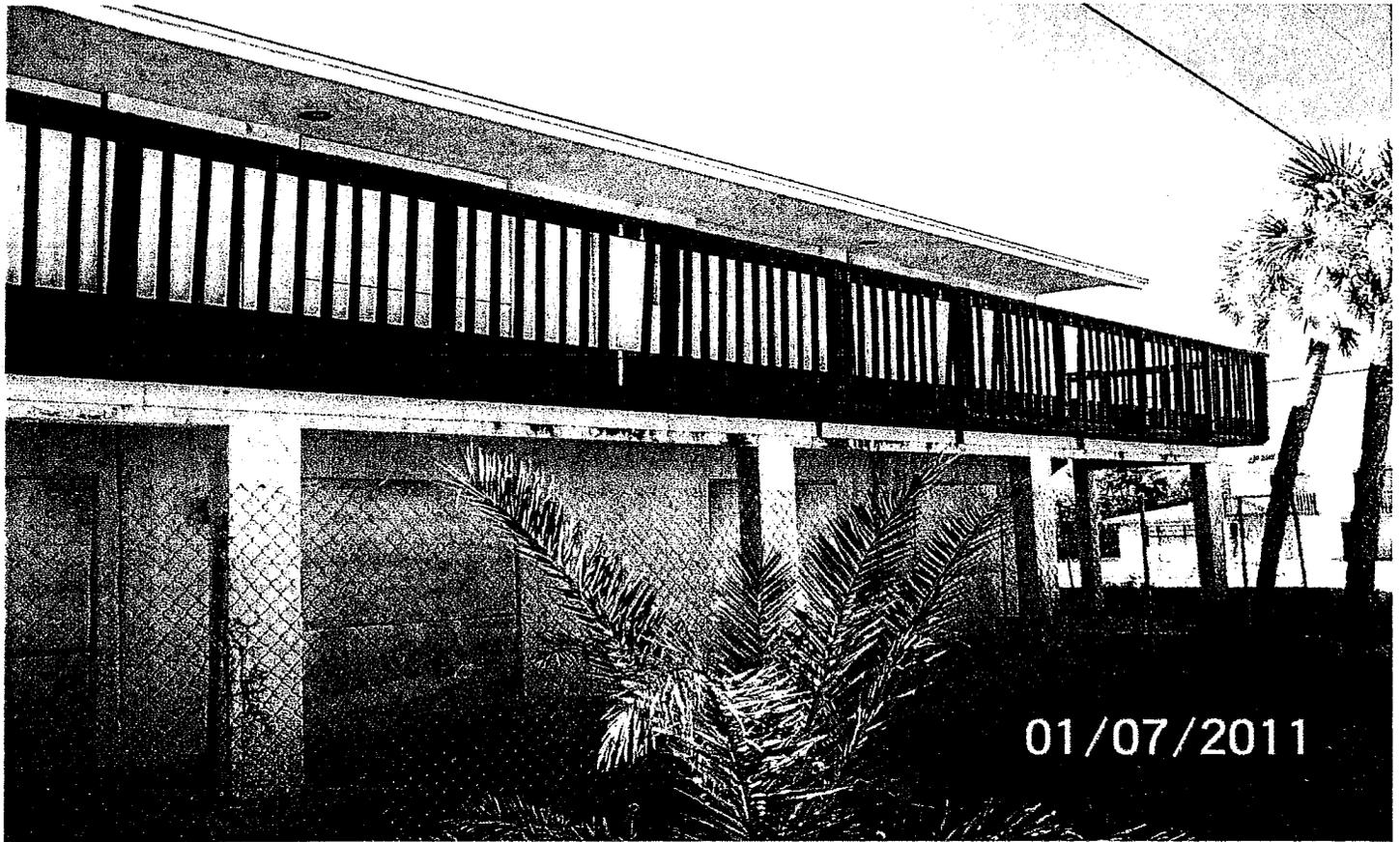


2601 S Atlantic Avenue

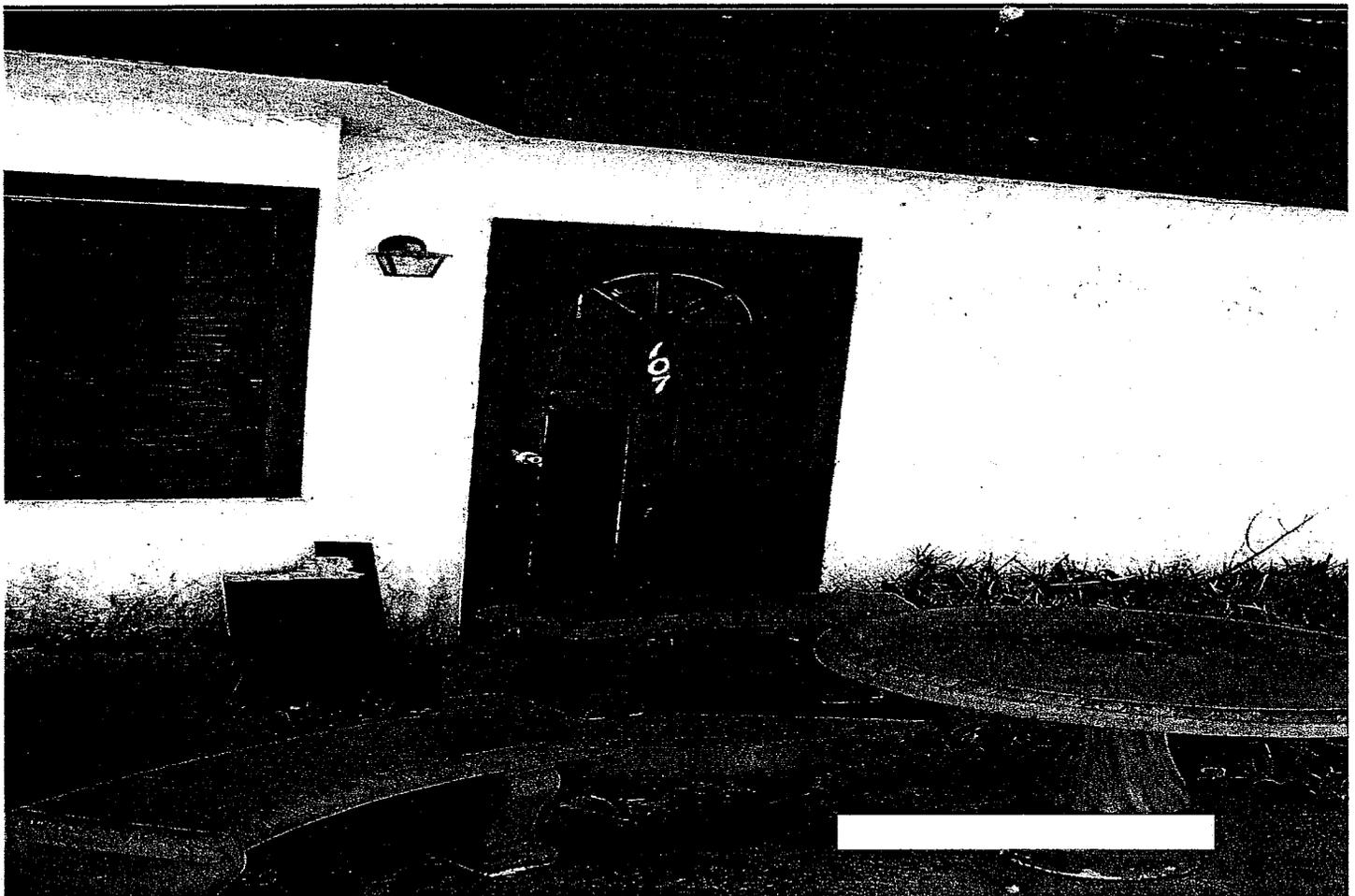


601 S Atlantic Avenue

FINAL INSPECTION IS REQUIRED FAILURE TO OBTAIN A FINAL INSPECTION MAY RESULT IN A PENALTY



01/07/2011





CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

**NOTICE OF HEARING
BUILDING TRADES BOARD**

Ocean Palms Beach Club, Inc
2601 S. Atlantic Avenue
New Smyrna Beach, Florida 32169

CASE NO: C2010-1182

Michele Price, registered Agent, SD
1017 E South Street
Orlando, Florida 32801

YOU ARE HEREBY notified that a hearing will be held before the Building Trades Board in and for the City of New Smyrna Beach on Thursday, the 21th day of October, 2010, at 6:30 p.m., at City Hall, 210 Sams Avenue, City Commission Chambers, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the City of New Smyrna Beach Code of Ordinances as described in the attached **Letter of Determination**.

The decision of the Board will be based upon the evidence presented at the hearing. If the Board determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Board, the city may take whatever action is determined necessary and appropriate to remedy the conditions, including vacating, fencing, securing, demolishing; and/or removing the unsafe or dilapidated structure. The city shall assess all costs associated with the action against the real property. The assessment shall constitute a lien upon the property to the same extent and character as a lien for special assessments and with the same rights of collection, foreclosure, and sale. The lien shall be superior to all others except taxes and shall accrue interest at the rate of eight percent per annum until paid.

At the hearing, you will have the right to be represented by an attorney (at your own expense) or represent yourself, you will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Board. Should you fail to appear on the aforesaid date and time, an Order may be entered against you. Should you wish to appeal the decision of the Board, you will need to ensure that a verbatim record of the proceeding is made (at your own expense). You may examine the City's records concerning the subject matter of this action at the Building Department, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, 386.424.2139.

DONE AND ORDERED this 8th day of October, 2010, at City Hall, City of New Smyrna Beach, Florida.

William M. Cowherd
Chairperson:
Builders Trade Board

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone 386.424.2139, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based in accordance with Section 286.0105, Fla. Statute (2008)

CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF HEARING was served on the 8th day of October, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery upon: _____
Name of person who received service

Certified Mail, Return Receipt Requested
Receipt Number: 7003296000002319058



Michael Knotek
386.424.2139
mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

Ocean Palms Beach Club Inc
2601 S Atlantic Ave
New Smyrna Beach, FL 32169

Case Number: **c2010-1182**

Michele Price, Registered Agent, SD
1017 E South Street
Orlando, Florida 32801

RE: 2601 S Atlantic Ave, New Smyrna Beach

Parcel Number: 7422-09-00-1200

Legal Description: All Units at Ocean Palms Beach Club Timeshare Project Per OR 2397 PG
663 to 719

Dear Property Owner(s),

YOU ARE HEREBY notified that the Chief Building Official of the City of New Smyrna Beach has determined that the building identified above is an unsafe or dilapidated structure pursuant to Article X, §26-795 of the New Smyrna Beach Code of Ordinances. The structure is unsafe and dilapidated due to the lack of maintenance and the conditions as stated in the Notice of Determination. The structure creates an attractive nuisance to children, transients, and vagrants and constitutes a hazard to the public health, safety and welfare of the community and shall be abated by repair and rehabilitation or by demolition.

That within 30 days from the sending notice, a complete building application for the necessary repairs must be submitted and the work completed by a date certain as set by the Chief Building Official, or the structure must be demolished. If the conditions are not remedied within 30 days, or a building permit for repairs is not applied for and repairs not completed within a reasonable period of time, the determination shall be referred by the Chief Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject structure.

The owner(s) shall be notified in writing by the Chief Building Official at least ten (10) days prior to the hearing of the time, place and purpose of the public hearing. Also, said notice shall be posted at least ten (10) days prior to the hearing on the structure. Failure of any person to receive notice shall not invalidate any proceedings under this section. Evidence of an attempt to serve notice, and proof of posting, shall be sufficient to show that the notice requirements have been met. Proof of posting with date and place of its posting shall be by affidavit of the person posting the notice. Attached to the affidavit shall be a copy of the notice posted.

Please Govern Your Actions Accordingly.

Sincerely,

Michael Knotek
Chief Building Official

386.424.2139

mknotek@cityofnsb.com



CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168
386.424.2141 phone 386.424.2143 fax

NOTICE OF DETERMINATION
UNSAFE OR DILAPIDATED STRUCTURE(S)

Ocean Palms Beach Club Inc
2601 S Atlantic Ave
New Smyrna Beach, Fl 32169

Michele Price, Registered Agent, SD
1017 E South Street
Orlando, Florida 32801

Puruant to Article X, Section 26-796 of the New Smyrna Beach Code of Ordinances the undersigned building office hereby gives notice to the owner(s) that your building is in an unsafe or dilapidated condition in violation of the City Code .

The street address of the building and the legal description of the property which it is located is as follows:

STREET ADDRESS: 2601 S Atlantic Ave., New Smyrna Beach
PARCEL NUMBER: 7422-09-00-1200
LEGAL DESCRIPTION: All Units at Ocean Palms Beach Club Timeshare Project Per OR 2397 PG 663 to 719

On the basis of my examination I have determined (the checked box applies to your building):

- The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy the condition and the building must be demolished.
- The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy the condition and the building may be restored.

The grounds for determining your building is in unsafe and dilapidated condition are checked box below.

ITEMS IN VIOLATION

- The structure's exterior or interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.

- X The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- X The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities necessary for health, safety, or general welfare.
- X The structure has parts which are so attached that there is a reasonable likelihood they may fall and injure members of the public or property in general.
- X The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property

That within thirty (30) days from mailing date of this notice, a complete application for the necessary repairs or demolition must be submitted and commenced. If the conditions are not remedied within thirty (30) days after the notice of determination is sent and the repairs or demolition is not completed within a reasonable period of time (as determined by the Building Official), the notice of determination shall be referred by the Building Official to the City's Building Trades Board to conduct a condemnation public hearing concerning the subject building.


 Michael Knotek
 Chief Building Official
 386.424.2139
 mknotek@cityofnsb.com

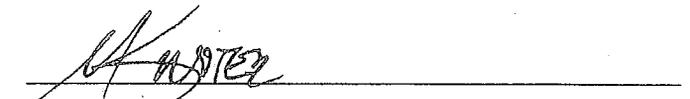
CERTIFICATE OF SERVICE

The undersigned Official hereby certifies that the forgoing NOTICE OF DETERMINATION was served on the 21st day of September, 2010, on the party(ies) described above by Hand Delivery upon the person(s); or, by leaving the notice at the usual place of residence of the person(s) described above with a person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or in the case of commercial premises upon the manager or other person in charge; or, by US Certified Mail, Return Receipt Requested, in accordance with Section 162.12(1), Fla. Stat. (2008).

Please check form of service.

Hand delivery Upon: _____
 Name of person who received service

X Certified Mail, Return Receipt Requested
 Receipt Number: 703 270 000 6231 8518


 Michael Knotek
 386.424.2139
 mknotek@cityofnsb.com