

2029195 RECORDED IN THE RECORDS OF JEFFREY K BARTON, CLERK CIRCUIT COURT INDIAN RIVER CO FL, BK: 2379 PG: 2180, 11/10/2009 09:22 AM

STATE OF FLORIDA)
)
COUNTY OF INDIAN RIVER)

NOTICE OF LIEN FOR ENVIRONMENTAL FINE

NOTICE is hereby given that the Indian River County Environmental Control Hearing Board has ordered payment by Gifford Gardens, LLC, of a civil penalty of One Thousand Dollars (\$1,000.00). Pursuant to Chapter 85-427, Special Acts, Laws of Florida, this lien is hereby filed and recorded in the official records of the Office of the Clerk of the Circuit Court of Indian River County, Florida, in the amount of One Thousand Dollars (\$1,000.00), which amount was imposed by the Indian River County Environmental Control Hearing Board Order dated October 5, 2009, which is made a part hereof and incorporated herein as Exhibit "I". Indian River County, whose address is Indian River County, c/o Board of County Commissioners, Administration Building, 1801 27th Street, Building A, Vero Beach, FL 32960, claims a lien on any and all property owned by Gifford Gardens, LLC including but not limited to the following:

Lots 2, 3, 4, 5, 19, 32, 33, 34, and 35 of Lincoln Park Estates Subdivision, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and

The West 20 feet of the East 80 feet of Lot 1 of Lincoln Park Estates, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and

The East 40 feet of Lot 1 of Lincoln Park Estates, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and

From the Southwest corner of the Southeast ¼ of Section 22, Township 32 South, Range 39 East, run east along the section line a distance of 418.95'; then on a deflection angle to the left of 91°28', run 980.23' to the Point of Beginning. Thence run North 54.98', thence on a deflection angle to the left of 102°59' run 195.95', thence run South a distance of 43.00', thence run Northeasterly a distance of 193.60' to the Point of Beginning. Said land lying and being in Indian River County, Florida, and

Lot 2, Block 1 of GIFFORD SCHOOL PARK EXTENSION, according to the Plat thereof as recorded in Plat Book 3, Page(s) 80, of the Public Records of Indian River County, Florida, and

Lots 3 and 4, Block 8 of Spruce Park, according to the Plat thereof as recorded in Plat Book 1, Page(s) 80, of the Public Records of Indian River County, Florida, and

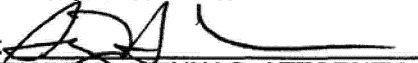
Lot 6, Block 2 of UNIT 1 CARVER COLONY SUB'D, according to the Plat thereof as recorded in Plat Book 4, Page(s) 87, of the Public Records of Indian River County, Florida, and

Beginning at the Northwest corner of Lot 20, CANNON SUBDIVISION, according to the plat filed in the office of the Clerk of the Circuit Court in and for Indian River County, Florida, in Plat Book 2, Page 77, go East along the North line of said Lot 20 for 155 feet, thence due South 44 feet, thence West Parallel with the North line of said Lot 20 for 155 feet, thence North along the West line of said Lot 20 for 44 feet to the Point of Beginning.

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DATED THIS 10th day of Nov. , 2009.

Indian River County, a political subdivision of the State of Florida

BY: 
SUZANNE H. VITUNAC, ATTORNEY
for Environmental Control Officer

The foregoing instrument was acknowledged before me this 10th day of Nov. , 2009, by Suzanne Vitunac who is personally known to me and who did not take an oath.

This instrument was prepared by:
SUZANNE H. VITUNAC, ATTORNEY for
Indian River County Environmental Control Officer
1900 - 27th Street, 2nd Floor
Vero Beach, FL 32960
Tel: (772) 794-7440
Florida Bar # 181352

Notary Public State of Florida at large
My Commission Expires: Aug. 25, 2012





INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
VERO BEACH, FLORIDA

DEPARTMENT OF HEALTH -
INDIAN RIVER COUNTY HEALTH
DEPARTMENT AND INDIAN RIVER
COUNTY ENVIRONMENTAL CONTROL
OFFICER

Petitioners

vs.

GIFFORD GARDENS, LLC

Respondent

"Exhibit I"

CASE NO. 465-09

ORDER

This matter came up for hearing before the Indian River County Environmental Control Board on October 1, 2009, pursuant to a Notice of Non-Compliance filed on August 25, 2009. Respondent GIFFORD GARDENS, LLC had been properly served with Notice of the Hearing on both August 28, 2009, and September 1, 2009. Respondent GIFFORD GARDENS, LLC was not represented at the hearing, and the entry of a default is appropriate under the Board's Bylaws. The Hearing Board, having heard testimony and argument, and being duly advised in the premises, HEREBY makes the following findings:

- I. At all times pertinent to this matter, Respondent owned and controlled property at 4390 31st Avenue, Vero Beach, Florida, which property is in Indian River County, Florida, and which property is legally described in the attached Exhibit "A".
- II. During a period beginning on July 21, 2009, and continuing to the present, the subject property has been and is the site of an abandoned and dilapidated home, which is in a state of extreme disrepair and is opened to the elements. The structure has and is creating a harborage for rodents and has and is being entered and used by transient persons. The property is creating a potential for the transmission of numerous diseases and is thereby creating a sanitary nuisance injurious to public health, in violation of Chapter 386, Florida Statutes.
- III. Proper Notice to Correct Violation was issued to Respondent and delivered by certified mail on August 3, 2009.
- IV. Respondent failed to comply with the Notice to Correct Violation, and has in fact taken no corrective action in this matter..
- V. The violations described above and in the Notice of Non-Compliance constitute Violations Resulting in a Public Health Threat.

It is therefore ORDERED as follows:

- 1. A civil penalty of One thousand dollars (\$1,000.00) is hereby levied for the violations set out above. Such civil penalty is due and payable and shall be made by payment delivered to Environmental Health, Indian River County Health Department, 1900 27th Street, 2nd Floor, Vero Beach, FL 32960, on or before November 1, 2009. Payment shall be made payable to Indian River County.

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- 2. An additional suspended civil penalty of Five Thousand Dollars (\$5,000.00) is imposed and is purgable, contingent upon compliance with all requirements of this Order.
- 3. On or before November 1, 2009, Respondent Gifford Gardens, LLC shall secure all required permits and complete either the demolition or adequate repair of the subject structure at 4390 31st Avenue, Vero Beach, FL, pursuant to and in accordance with those permits.
- 4. An additional civil penalty of One Hundred Dollars (\$100.00) per day shall be imposed for each day of any non-compliance with the requirements of Paragraph 3 above.
- 5. The Hearing Board retains jurisdiction in this cause.
- 6. This matter is continued and set for hearing on December 3, 2009, at 12:30 P.M. in the Indian River County Commission Chambers, 1801-27th Street, Bldg A, Vero Beach, Florida, at which time it will be heard to determine whether or not Respondent is in compliance with this Order.

DONE AND ORDERED this 5 day of Oct., 2009.



Chairman

OCT 06 2009

Filed: _____
Secretary to Indian River County Environmental Control Hearing Board
Date

Copies furnished to:
Suzanne H. Vitunac, Attorney
Joshua Perez
Gifford Gardens, LLC