

MARTIN COUNTY, FLORIDA

CODE ENFORCEMENT MAGISTRATE

CASE NO. ENF2019070447-01

MARTIN COUNTY, FLORIDA,
Petitioner,
vs.

JENSEN BEACH MHP LLC
Respondent(s),

PCN 153741003001000205

FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

The Petitioner and Respondent hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 16, 2020, and having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3830 NE Indian River Dr. 86, Jensen Beach, FL 34957, Martin County, Florida and further described as:

See EXHIBIT "A", attached hereto

2. On May 20, 2020, an Order Finding Violation was issued by the Code Enforcement Magistrate to JENSEN BEACH MHP LLC , for the following violation(s):

- Section 105.1 FBC- Permits - Permits When Required Incorporated By Sec 21.1 General Ordinances, Martin County Code.

Compliance was required by June 30, 2020. On August 4, 2020, an Affidavit of Compliance/ Accrued Fines was issued reflecting an outstanding fine of \$ 1,900.00 plus costs in the amount of \$ 575.00.

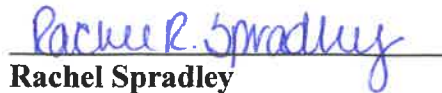
3. Staff has determined that a lien reduction is warranted. The respondents brought the property into compliance and have offered to pay \$765.00 to resolve the outstanding fines which have accrued, which represents 10% of the fine plus costs.
4. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and

voluntarily and are under no duress to execute it.

RESPONDENT:

PETITIONER: MARTIN COUNTY, FLORIDA


Scott Massey
Manager for Jensen Beach MHP LLC


Rachel Spradley
Nuisance Abatement Coordinator

Date: Aug 19, 2020

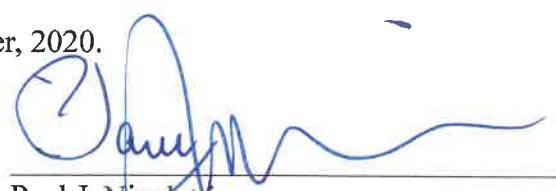
Date: Aug. 21, 2020

AGREED RECOMMENDED ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that JENSEN BEACH MHP LLC has offered payment in the total amount of \$765.00 and Staff's determination that a reduction in the lien amount from \$2,475.00 is warranted, JENSEN BEACH MHP LLC, should be ordered to pay the amount of \$765.00 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this 16th day of September, 2020.


Paul J. Nicoletti
Code Enforcement Magistrate

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EXHIBIT A

LEGAL DESCRIPTIONS

PARCEL 1:

Lot Six (6), Block One (1), in Blount Pitchford Subdivision of the Town of Jensen, according to the Plat thereof filed on June 11, 1927 and recorded in Plat Book 1, Page 71, Public Records of Martin County, Florida; less and except the following parcels:

1) A hiatus parcel of land lying between the Easterly line of the Plat of Blount Pitchford as recorded in Plat Book 1, Page 71, of the Public Records of Martin County, Florida and the Westerly Right of Way line of Indian River Drive (State Road 707) according to the Florida Department of Transportation Right of Way Map W. P.L. No. 4116209, dated May 1984, lying in Government Lot 4, of Section 15, Township 37 South, Range 41 East, being more particularly described as follows:

Commence at the Southwest corner of said Section 15; thence on an assumed bearing of South 89 degrees 51' 32" East along the South line of said Section 15 a distance of 2575.70 feet; thence North 00 degrees 08' 28" East a distance of 1117.68 feet to a point on the Westerly Right of Way line of said Indian River Drive (State Road 707), said point being the Point of Beginning; thence North 22 degrees 12' 46" West along said Westerly Right of Way line a distance of 89.87 feet to the Easterly extension of the North line of Lot 6 of the said Plat of Blount Pitchford; thence North 89 degrees 13' 06" West a distance of 7.11 feet to the Easterly line of said Plat; thence South 21 degrees 33' 26" East along said Easterly line a distance of 89.44 feet to the Easterly extension of the South Right of Way line of First Street as shown on said Plat; thence South 89 degrees 12' 22" East a distance of 8.23 feet to the Point of Beginning.

2) A portion of Lot 6 of the Plat of Blount Pitchford, as recorded in Plat Book 1, Page 71, Public Records of Martin County, Florida, being more particularly described as follows:

Begin at the Southeast corner of said Lot 6; thence on an assumed bearing of North 21 degrees 33' 24" West along the Easterly line of said Lot a distance of 57.00 feet to the North line of said Lot; thence North 89 degrees 13' 06" West along said North line a distance of 5.62 feet; thence South 19 degrees 28' 25" East a distance of 56.20 feet to the South line of said Lot; thence South 89 degrees 12' 22" East along said South line a distance of 7.83 feet to the point of Beginning.

Together with a 10 foot restoration Agreement area lying Westerly of and adjacent to the above described parcel of land.

PARCEL 2:

Lots 2, 3, 4, 5, 7, 8, 9, 10 and 11, Block 1 and Lots 1, 2, 3, 4, 5 and 6, Block 2, Blount Pitchford, according to the Plat thereof as recorded in Plat Book 1, Page 71, Public Records of Martin County, Florida.

PARCEL 3:

A 53 foot strip between the Easterly extension of the North and South line of Lot 1, Block 1, Blount Pitchford Subdivision, as recorded in Plat Book 1, Page 71, Public Records of Martin County, Florida, lying between Old Dixie Highway (now SR 707) and the Indian River.

PARCEL 4

The North 15 acres of the South 45 acres of Government Lot 4, Section 15, Township 37 South, Range 41 East, lying West of Indian River Drive aka S. R. 707 Right of Way, less Blount Pitchford Subdivision, as recorded in Plat Book 1, Page 71, Public Records of Martin County, Florida. Said land lying and being in Martin County, Florida. Less and except Right of Way for the Florida East Coast Railroad.

PARCEL 5;

The North Six (6) feet of the following described land:

Begin 88 yards or 4 chains North of the Southwest corner of land Lot 4, Section 15, Township 37 South, Range 41 East; thence run North on the West line of said land lot 636 3/4 feet to land now or formerly owned by George E. Coon; thence run East on the South line of said tract or formerly owned by the said George E. Coon to Indian River; thence run Southwesterly meandering the waters edge of the Indian River to a point due East of the starting point, being the Northeast corner of land now or formerly belonging to one Baldwin; thence run West on the North line of the said tract now or formerly belonging to the said Baldwin to the West line of Lot 4 at the Point of Beginning, together with all and singular the submerged land in front of said property; excepting however, out of the land above described the following 2 parcels, to wit: The Right of Way of the Florida East Coast Railway Company, being a strip of land 100 feet in width extending 50 feet in either side of the center line of the tract of said Railway Company as the same is now constructed through said property. The second tract above excepted is described as follows: Commencing at the Southeast corner of the land above described, Begin a point at the waters edge of Indian River, 4 chains or 88 yards due North of the South line of Section 15 and being the Northeast corner of the said Baldwin Tract; thence running West along the South line of the tract above described 5.38 chains; thence running North 4.27 chains; thence East 3.98 chains to Indian River; thence Southeasterly along the waters edge of the river to the Point of Beginning; and also excepting the submerged land in front of the above two acres; except the Right of Way of Dixie Highway and approach to Jensen Bridge across the Indian River.

Said property also described as: The North 6 feet of the South 900 3/4 feet of said Government Lot 4, Section 15, Township 37 South, Range 41 East, (as this parcel is described in Deed Book 29, Page 52, Public Records of Martin County, Florida) said land lying and being in Martin County, Florida.

PARCEL 6:

The North 5 acres of the South 45 acres of Government Lot 4, Section 15, Township 37 South, Range 41 East, lying East of State Road 707 aka Indian River Drive, less the North 50 feet thereof, said land lying and being in Martin County, Florida.

PARCEL 7:

An easement for ingress and egress over, under across and through the Easterly 50 feet of the following described real property, to wit: The North 85 feet of the South 1/2 of Lot 7, lying east of Skyline Drive, Map of Ballentine & Moore's Subdivision, Plat Book 1, Page 141, Brevard County, Florida and Plat Book 1, Page 205, Public Records of St. Lucie (now Martin) County, Florida.

Less and except from the land described herein above those certain land described in Warranty Deed recorded February 3, 2005 in O. R. Book 1978, Page 2359, Public records of Martin County, Florida; said lands being more particularly described as follows, to wit:

A parcel of land in Section 15, Township 37 South, Range 41 East, Martin County, Florida, being more particularly described as follows:

Commence at the Southwest corner of Government Lot 4, of said Section 15, thence North 00 degrees 32' 50" East 264.00 feet, thence South 89 degrees 16' East, 1262.56 feet thence North 1 degrees 49' East 100 feet; thence South 89 degrees 36' 06" East 227.75 feet; thence North 13 degrees 59' 30" West 425.77 feet to the intersection of the centerline of State Road 707 with the centerline of Jensen Causeway; thence run North 16 degrees 44' West along the center line of State Road 707; a distance of 33.00 feet to the Point of Beginning; thence continue to run North 16 degrees 44" West along said road centerline, a distance of 90.90 feet; thence run South 89 degrees 31' East a distance of 59.20 feet; thence run North 72 degrees 54' East, a distance of 88.50 feet to the waters of the Indian River; thence meandering said waters, run South 47 degrees 32' 20" East a distance of 10.06 feet; thence still meandering said waters, run South 72 degrees 05' East a distance of 60.00

feet; thence run South 17 degrees 06' East a distance of 30.00 feet to the Northerly Right of Way line of Jensen Causeway; thence run South 72 degrees 54' West along said Right of Way line, a distance of 199.79 feet to the Point of Beginning, less the right of way for State Road 707 described in Quit Claim Deed recorded in O. R. Book 669, Page 2485, of the Public Records of Martin County, Florida.

PARCEL 8:

The South 76.94 feet of the South one half of Lot 7, Map of Ballantine & Moore, according to the Plat thereof recorded in Plat Book 1, Page 141, Brevard County, Florida and in Plat Book 1, Page 205, Public Records of St. Lucie (now Martin) County, Florida.

PARCEL 9:

Begin at the Northeast corner of Lot 7, thence run West 148.02 feet to a point that is 250 feet East of the Right of Way of Skyline Drive; thence run South perpendicular to the last line a distance of 165 feet; thence run East 148 feet to the East line of Lot 7; thence run Northerly along said East line to the Point of Beginning. Said land being a part of Lot 7, Map of Ballantine & Moore, according to the Plat thereof as recorded in Plat Book 1, Page 141, Brevard County, Florida and in Plat Book 1, Page 205, Public Records of St. Lucie (now Martin) County, Florida.

PARCEL 10:

The North 201 feet of Lot 8, less the South 75 feet thereof, lying East of Skyline Drive, Map of Ballantine & Moore, according to the Plat thereof as recorded in Plat Book 1, Page 141, Brevard County, Florida and in Plat Book 1, Page 205, Public Records of St. Lucie (now Martin) County, Florida.

PARCEL 11:

The following described parcels of land situate, lying and being in Section 15, Township 37 South, Range 41 East:

Parcel 1:

Begin at a point on the South line of and 160 feet Easterly of the Southwest corner of Parcel described in Deed Book 90, Page 396, Public Records of Martin County, Florida; thence run South on a line parallel to the West line of said parcel described in Deed Book 90, Page 396, if extended Southerly for a distance of 65 feet to a point; thence run West along a line parallel to and 65 feet South of the South line of Parcel described in Deed Book 90, Page 396, to the Easterly right-of-way line of Skyline Drive; thence run Northerly along the Easterly right-of-way line of Skyline Drive to the Southwest corner of Parcel described in Deed Book 90, Page 396; thence East along the South line of said Parcel in Deed Book 90, Page 396, a distance of 160 feet to the Point of Beginning.

Parcel 2:

Begin at the Southeast corner of Parcel of land described in Deed Book 90, Page 396, Public Records of Martin County, Florida; thence run South along the Southerly extension of East line of Parcel of land described in Deed Book 90, Page 396, a distance of 65 feet; thence run West along a line parallel to and 65 feet Southerly of the South line of the parcel of land described in Deed Book 90, Page 396, Public Records of Martin County, Florida, to the Easterly right-of-way line of Skyline Drive, said point being the Southwest corner of that parcel of land described in Official Record Book 401, Page 199, Public Records of Martin County, Florida; thence run Northerly along the West line of said Parcel of land described in Official Record Book 401, Page 199, Public Records of Martin County, Florida, to the Southwest corner of parcel of land described in Deed Book 90, Page 396, Public Records of Martin County, Florida; thence run East along the South line of parcel of land described in Deed Book 90, Page 396, Public Records of Martin county, Florida, to the Point of Beginning, less and excepting therefrom parcel of land described in Official Record Book 401, Page 199, Public Records of Martin County, Florida.

PARCEL 12:

The North 85 feet of the South one half (S 1/2) of Lot 7, lying East of Skyline Drive, Ballentine and Moore's Subdivision, according to the Plat thereof as recorded in Plat Book 1, Page 141, Brevard County, Florida, and in Plat Book 1, Page 205, Public Records of St. Lucie (now Martin) County, Florida.

PARCEL 13:

A PARCEL OF LAND FOR PITCHFORD'S PARK LYING EAST OF NE INDIAN RIVER DRIVE IN A PORTION OF THE NORTH 15 ACRES OF THE SOUTH 45 ACRES OF GOVERNMENT LOT 4, SECTION 15, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, SAID PARCEL OF LAND FOR PITCHFORD'S PARK BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 1 OF BLOUNT PITCHFORD, AS RECORDED IN PLAT BOOK 1. Page 71, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, THENCE

SOUTH 89°45'56" EAST ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 38.80 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF NE INDIAN RIVER DRIVE; THENCE SOUTH 22°28'20" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 62.34 FEET; THENCE SOUTH 20°55'27" EAST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 47.79 FEET; THENCE NORTH 80°30'56" EAST DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1.20 FEET; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 80°30'56" EAST, A DISTANCE OF 51.95 FEET; THENCE SOUTH 11°11'48" WEST, A DISTANCE OF 49.94 FEET; THENCE SOUTH 19°57'05" EAST, A DISTANCE OF 37.28 FEET; THENCE SOUTH 29°25'28" EAST, A DISTANCE OF 40.13 FEET; THENCE SOUTH 51°40'11" EAST, A DISTANCE OF 76.77 FEET; THENCE SOUTH 19°40'32" EAST, A DISTANCE OF 60.45 FEET; THENCE SOUTH 72°48'24" WEST, A DISTANCE 69.78 FEET TO THE EASTERLY RIGHT OF WAY LINE OF NE INDIAN RIVER DRIVE; THENCE NORTH 15°23'21" WEST ALONG THE SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 27.66 FEET; THENCE NORTH 67°58'04" EAST DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 3.69 FEET; THENCE NORTH 22°01'56" WEST, A DISTANCE OF 223.88 FEET TO THE POINT OF BEGINNING.