

IN AND FOR THE CITY OF HAINES CITY, FLORIDA

VIOLATION NO: 35014

IN RE: 1038 CAITLIN LOOP

26-27-13-489189-000270

ESTATES AT LAKE HAMMOCK PHASE TWO PB
182 PG 21-22 LOT 27

CITY OF HAINES CITY, a Florida municipal corporation,
Petitioner

v.

UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP
PO BOX 550609
ATLANTA, GA 30355-3109

UPWARD AMERICA SOUTHEAST
PROPERTY OWNER LP
1038 CAITLIN LOOP
HAINES CITY FL 33844

Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Special Magistrate after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument thereupon, issues this "Findings of Fact, Conclusions of Law and Order" pursuant to §§162.07(4) and 162.08(5), Florida Statutes:

FINDINGS OF FACT

1. On or about 11/03/2023 there existed at on the above described property, the following conditions in violation of the Code of Ordinances of the City of Haines City, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of §162.06(4), Florida Statutes:

LANDSCAPE PLAN
MAINTENANCE/LDR SEC.
10.6.6

2. Captioned real property is located and existing within the corporate limits of the City of Haines City, Florida. Respondent(s), as owners(s) of the captioned real property are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Haines City. All required notices pursuant to §162.12, Florida Statutes.

CONCLUSIONS OF LAW

3. This Magistrate has jurisdiction over the Respondent(s) and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to §2-35 of the Code of Ordinances of the City of Haines City.
4. The above stated facts constitute a violation of the specific sections(s) of the City Code cited in paragraph 1 herein.
5. The violator did/did not appear for the hearing. The following individual(s) appeared _____

STATE OF FLORIDA

COUNTY OF POLK

I, the undersigned duly appointed City Clerk of the City of Haines City, Florida, HEREBY CERTIFY that the foregoing is a true and correct copy of Order of Imposing Fine/Administrative Lien for City of Haines City, Petitioner, v. UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP, as shown in the records of the City on file in the office of the City Clerk.

WITNESS my hand and seal of the City of Haines City, Florida, this 25TH day of SEPTEMBER, 2024.

Sharon Lauther, City Clerk, MMC



ORDER

Based on the foregoing Findings of Fact Conclusions of Law, and upon consideration of (i) the gravity of the violation, (ii) any actions taken by the violator to correct the violation, and (iii) previous violations committed by the violator, it is hereby ORDERED that:

- ☐ Summary Disposition. Respondent(s) admit(s) to the violation (s) and Respondent(s) has waived any defenses to the violation(s).
- ☐ Respondent(s) shall secure captioned property by _____ or a \$ _____ per day fine shall be imposed.
- ☒ Respondent(s) shall have until 10/9/24 for a total compliance or a \$ 100.00 per day fine shall be imposed.
- ☐ The City of Haines City is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Florida Statutes, but shall not be required to do so. If abatement occurs, the City of Haines City may assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- ☐ Pursuant to §162.08(5) Florida Statutes, the Code Enforcement Division of the City of Haines City is hereby authorized to initiate the demolition process and assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- ☐ The evidence did not support the violation cited. The case is hereby dismissed.
- ☐ Violation(s) did exist at the subject property, but have been remedied. No fine in this matter shall be imposed, however future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- ☐ Violation(s) as identified herein is/are irreparable or irreversible in nature. A one-time fine of \$ _____ is imposed against the Respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or costs amount imposed.
- ☒ Respondent(s) shall be responsible for costs incurred by the City in prosecuting this case totaling \$ 60.03. The costs shall be paid in full within 60 days of this order. If unpaid the costs shall be assessed against the subject property as a lien, and this Order, or subsequent Order Imposing Fine, may be recorded in the Public Records of Polk County as evidence thereof.
- ☐ Respondent has been found in violation as a repeat offender. A fine of \$ _____ shall be imposed and a \$ _____ per day fine shall continue until property is brought into compliance.
- ☐ Pursuant to §162.09 (3) the Special Magistrate authorize the City of Haines City to begin foreclosure procedures on the above captioned property.
- ☐ Other: _____
- ☐ Bank is for notification purpose only.

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to §162.09(3), Florida Statutes, once final this ORDER may be recorded in the public records and thereafter may constitute a lien against the captioned property and upon any other real property and upon any other real or personal property owned by YOU. FURTHER, SUBSEQUENT CERTIFICATIONS OR SUPPLEMENTAL CERTIFICATIONS OF FINES MAY BE RECORDED IN THE PUBLIC RECORDS IF THE VIOLATIONS MENTIONED HEREIN MAY BE REMEDIED AND YOU FAIL TO TIMELY DO SO.

October 23, 2024

A HEARING IS HEREBY SCHEDULED FOR 8:45 A.M. ON _____ AT HAINES CITY, CITY HALL, 620 E. MAIN ST HAINES CITY, FLORIDA 33844, TO CONSIDER THE ENTRY OF AN ORDER IMPOSING FINE AND LIEN.

DONE AND ORDERED this 25TH day of SEPTEMBER, 2024 at Haines City, Polk County, Florida.

ATTEST



Michelle Escibano
Specialist to the Special Magistrate



SPECIAL MAGISTRATE
City of Haines City Special Magistrate

The code enforcement officer or the violator may request a REHEARING by the Special Magistrate within ten (10) days of the date of mailing of this ORDER pursuant to Haines City Code of Ordinances § 2-37. The request must be in writing and specify the precise reasons for rehearing.

Violation No: 35014

Certified Mail Number: 9489009000276582295281 & 9489009000276582295298