

RESOLUTION NO. 2018-379

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING OF THE RELEASE OF ORDERS IMPOSING FINE AND LIEN IN THE CODE ENFORCEMENT BOARD OF THE TOWN OF HASTINGS CASE NO. 2004-02 AND CASE NO. 2010-08; AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE RELEASE OF LIEN ON BEHALF OF ST. JOHNS COUNTY, ON BEHALF OF THE CODE ENFORCEMENT BOARD OF THE TOWN OF HASTINGS, A DISSOLVED TOWN; DIRECTING THE CLERK OF COURT TO RECORD THE RELEASE OF LIEN IN THE PUBLIC RECORDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about July 28, 2011, the Code Enforcement Board of the Town of Hastings, Florida, entered two Orders Imposing Fine and Lien ("Orders") against certain real property located at 6141 South Main Street, Hastings, Florida, ("Property") which were subsequently recorded in the public records of St. Johns County, Florida on or about May 29, 2012, at Official Records Book 3566, Pages 1220-1221, and Book 3566, Pages 1222-1223, respectively; and

WHEREAS, each of the Orders assessed a fine in the amount of \$250 for each day that the violation of certain ordinances of the Town of Hastings continued beyond June 28, 2011 and provided that the order would constitute a lien against the Property; and

WHEREAS, the public records of St. Johns County, Florida do not indicate that either of the Orders has since been released or the accrual of fines under the Orders stopped; and

WHEREAS, on or about February 28, 2018, the Town of Hastings was dissolved, resulting in the lands of the former Town of Hastings being included in the unincorporated areas of St. Johns County ("County") and certain assets of the Town of Hastings being transferred to the County, including the Orders; and

WHEREAS, the County currently has a pending code enforcement proceeding relating to the unsafe conditions and structures on the Property; and

WHEREAS, the owner of the Property intends to remediate the unsafe conditions and structures by removing the dilapidated structures utilizing a loan from the United States Department of Agriculture, which requires the resolution of the pending fines and liens imposed by the Orders; and

WHEREAS, the County has determined that releasing the liens imposed by the Orders will further compliance with the County codes and will serve the interest of the public and the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby incorporated into the body of this Resolution and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners of St. Johns County, Florida hereby approves the Release of Lien releasing the Orders Imposing Fines and Lien in Case Nos. 2004-02 and 2010-08 before the Code Enforcement Board of the Town of Hastings, Florida, and authorizes the County Administrator, or designee, to execute the Release of Lien in substantially the same form and format as attached.

Section 3. To the extent that there are typographical or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

Section 4. The Clerk of Court is instructed to record the original Release of Lien in the public records of St. Johns County, Florida

Section 5. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 10 day of November, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

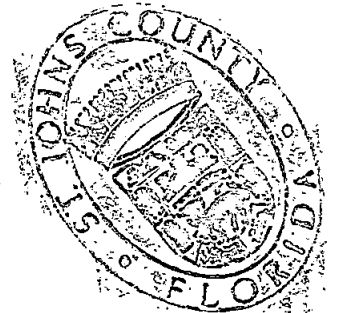
By: Henry Dean
Henry Dean, Chair

ATTEST: Hunter S. Conrad, Clerk

By: Pam Halterman

RENDITION DATE 11/8/18

Deputy Clerk



St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS: That St. Johns County, a political subdivision of the State of Florida, on behalf of the Code Enforcement Board (CEB) of the Town of Hastings, a dissolved town, the owner and holder of that certain Order Imposing Fine and Lien in the matter of 6141 South Main Street against Doris Fisher-Hjerling, Athena Baxter, Messiah Baxter, Re: Violation of Chapter 13, Section(s) 3, Case No.: 2010-08, bearing the date July 28, 2011, recorded or about May 29, 2012, in Official Records Book 3566, Pages 1220-1221, of the public records of St. Johns County, State of Florida, and of that certain Order Imposing Fine and Lien in the matter of 6141 South Main Street against Doris Fisher-Hjerling, Athena Baxter, Messiah Baxter, Re: Violation of Section(s) 13-6 A, Case No.: 2004-02, bearing the date July 28, 2011, recorded or about May 29, 2012, in Official Records Book 3566, Pages 1222-1223, of the public records of St. Johns County, State of Florida, hereby acknowledges full payment and release of said liens, and surrender the same as canceled, and hereby direct the Clerk of Circuit Court to cancel and satisfy the same of record on the following described real property located in St. Johns County, Florida, legally described as:

3-113 Hastings Villa – Lots 6 thru 9 Blk D (Ex. E5ft. in R/W Red #513 in DB232) & All of Lot 10 BLK E OR 1444/1725 & 2049/467 (L/E).

Parcel Identification Number: 046330-0060

Commonly known as: 6141 South Main Street, Hastings, Florida 32145

WITNESS our hands and seals, this ____ day of November, 2018.

**St. Johns County, a political subdivision
of the State of Florida, on behalf of the
Code Enforcement Board of the Town of
Hastings, Florida, a dissolved town**

By: _____
Michael D. Wanchick
County Administrator

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ____ day of November, 2018, by Michael D. Wanchick, as County Administrator of St. Johns County, a political subdivision of

the State of Florida, on behalf of the Code Enforcement Board of the Town of Hastings, a dissolved town, who is personally known to me.

Notary Public, State of Florida
My Commission Expires: _____

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF HASTINGS, FLORIDA
ORDER IMPOSING FINE AND LIEN

Public Records of
St. Johns County, FL
Clerk # 2012029898,
O.R. 3566 PG 1220-1221
05/29/2012 at 01:26 PM,
REC. \$9.00 SUR. \$9.50

IN THE MATTER OF:

6141 SOUTH MAIN STREET,

DORIS FISHER-HJERLING, ATHENA BAXTER, MESSIAH BAXTER, Respondent(s)

RE: VIOLATION OF CHAPTER 13, SECTION(S) 3.

CASE NO: 2010-08

THIS MATTER originally came before Board for public hearing on June 3, 2008 and the Respondent having been given due notice, at which time the Code Enforcement Board (CEB) heard testimony under oath and received evidence. The Board issued findings of fact, conclusions of law and an oral order which was reduced to writing and furnished to the Respondent(s) to take corrective action by a certain time, as more specifically set forth in that Order. On June 28, 2011, this Board conducted a compliance hearing to determine whether the Board's Order dated May 26, 2011 had been complied with by the Respondent.

Based on the evidence and testimony presented at the hearing, this Board finds that the violation was not corrected as required by the prior Order of this Board, that the violation of Chapter 13, Section 3 of Town of Hastings Ordinance #03-01 continues to exist on the Property, and that Respondent(s) as the owner(s) of the Property is in violation of the Order requiring the Respondent(s) to correct the violation.

The Board's previous order provided for a Compliance Date of June 11, 2011 and a fine of \$250.00 for the first day of the violation and \$250.00 for each day the violation continues beyond the referenced Compliance Date.

The Board has considered the following factors as they pertain to the amount of the fine:

- (a) The gravity of the violation is serious.
- (b) No actions have been taken by the Respondent(s) to correct the violation
- (c) The Respondent(s) has committed previous violations.

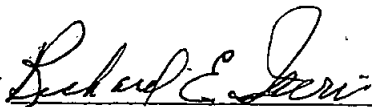
IT IS HEREBY ORDERED that beginning June 28, 2011, the above described fine is hereby imposed against the Respondent(s) for each and every day the violation exists upon the following described Property, situated in Hastings, St. Johns County, Florida:

LOCATION: 6141 South Main Street, Hastings, Florida 32145

LEGAL DESCRIPTION: 3-113 Hastings Villa - Lots 6 thru 9 Blk D (Ex. E5ft. in R/W Red #513 in DB232) & All of Lot 10 BLK E OR 1444/1725 & 2049/467 (L/E) Parcel 0463300060

THIS ORDER SHALL BE RECORDED in the Official Record Books of St. Johns County forthwith AND SHALL CONSTITUTE A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE RESPONDENT(S), pursuant to Section 162.09, Florida Statutes. Further information on this matter may be obtained by contacting the Code Enforcement Officer, 6195 South Main Street, Suite A, Hastings, Florida 32145, Telephone (904)692-1420.

ORDERED at Hastings, St. Johns County, Florida, this 28th day of July, A.D., 2011.



Chairman, Code Enforcement Board

Richard E. Irvin

PLEASE TAKE NOTICE THAT IN ACCORDANCE WITH CHAPTER 162 OF THE FLORIDA STATUTES:

A. ANY FINE IMPOSED BY THIS BOARD AGAINST YOU, THE RESPONDENT(S), CONSTITUTES A LIEN AGAINST THE REAL PROPERTY UPON WHICH THE VIOLATION EXISTS, AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY YOU. YOUR CONTINUED NONCOMPLIANCE CAN RESULT IN FORECLOSURE, JUDICIAL SALE AND LOSS OF YOUR PROPERTY.

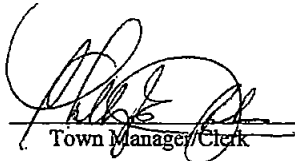
B. You have thirty (30) days from the date of execution of this Order to APPEAL this Order to the Circuit Court of St. Johns County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Code Enforcement Board.

C. The Enforcement Board, upon notification by the Code Enforcement Officer that an Order of this Enforcement Board has not been complied with by the set time, may order the violator to pay a FINE NOT TO EXCEED \$250.00 FOR EACH DAY the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists, and upon any other real or personal property owned by the violator. After three (3) months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the Town's Attorney to foreclose on the lien.

Copy of this Order furnished to the above Respondent:

CERTIFICATION

I HEREBY CERTIFY, that a true and correct copy of the above foregoing ORDER has been furnished by certified mail receipt #7010 1060 0001 5402 5671 and by regular United States mail to the Respondent: Doris Fisher-Hjerling, 6141 South Main Street, Hastings, Florida 32145 this 1st day of August 2011.



Town Manager/Clerk

I HEREBY CERTIFY, THAT I AM THE Official keeper of the records of the Town of Hastings, Florida; that the above and foregoing is a true and correct copy of the Original maintained by me as a part of the official records of the Town of Hastings, Florida.

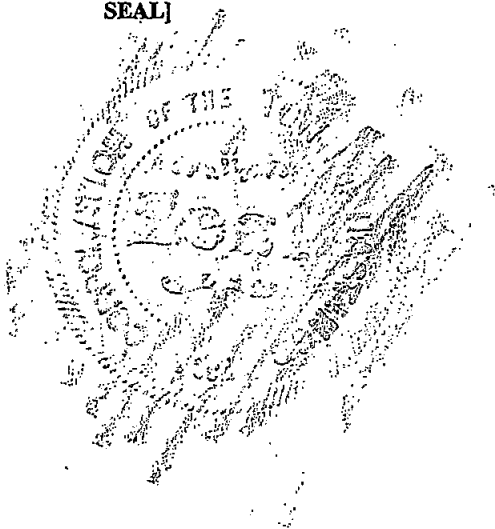
In witness whereof, I have hereunto set my hand and the Official Seal of the Town of Hastings, Florida this 1st day of August 2011.



Town Manager/Clerk

6195 SOUTH MAIN STREET, SUITE A
HASTINGS, FLORIDA 32145-5593

SEAL]



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF HASTINGS, FLORIDA
ORDER IMPOSING FINE AND LIEN

Public Records of
St. Johns County, FL
Clerk # 2012029899,
O.R. 3566 PG 1222-1223
05/29/2012 at 01:26 PM,
REC. \$9.00 SUR. \$9.50

IN THE MATTER OF:

6141 SOUTH MAIN STREET,

DORIS FISHER-HJERLING, ATHENA BAXTER, MESSIAH BAXTER, Respondent(s)

RE: VIOLATION OF SECTION(S) 13-6 A

CASE NO: 2004-02

THIS MATTER originally came before Board for public hearing on June 3, 2008 and the Respondent having been given due notice, at which time the Code Enforcement Board (CEB) heard testimony under oath and received evidence. The Board issued findings of fact, conclusions of law and an oral order which was reduced to writing and furnished to the Respondent(s) to take corrective action by a certain time, as more specifically set forth in that Order. On June 28, 2011, this Board conducted a compliance hearing to determine whether the Board's Order dated May 26, 2011 had been complied with by the Respondent.

Based on the evidence and testimony presented at the hearing, this Board finds that the violation was not corrected as required by the prior Order of this Board, that the violation of Section 13-6A of Town of Hastings Ordinance #82-04 continues to exist on the Property, and that Respondent(s) as the owner(s) of the Property is in violation of the Order requiring the Respondent(s) to correct the violation.

The Board's previous order provided for a Compliance Date of June 11, 2011 and a fine of \$250.00 for the first day of the violation and \$250.00 for each day the violation continues beyond the referenced Compliance Date.

The Board has considered the following factors as they pertain to the amount of the fine:

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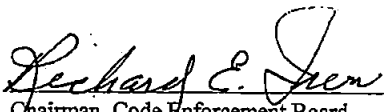
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LEGAL DESCRIPTION: 3-113 Hastings Villa - Lots 6 thru 9 Blk D (Ex. E5ft. in R/W Red #513 in DB232) & All of Lot 10 BLK E OR 1444/1725 & 2049/467 (L/E) Parcel 0463300060

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ORDERED at Hastings, St. Johns County, Florida, this 28th day of July, A.D., 2011.


Chairman, Code Enforcement Board
Richard E. Irvin

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B. You have thirty (30) days from the date of execution of this Order to APPEAL this Order to the Circuit Court of St. Johns County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Code Enforcement Board.

C. The Enforcement Board, upon notification by the Code Enforcement Officer that an Order of this Enforcement Board has not been complied with by the set time, may order the violator to pay a FINE NOT TO EXCEED \$250.00 FOR EACH DAY the violation continues past the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists, and upon any other real or personal property owned by the violator. After three (3) months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the Town's Attorney to foreclose on the lien.

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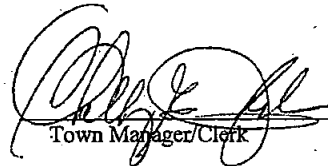
CERTIFICATION

I HEREBY CERTIFY, that a true and correct copy of the above foregoing ORDER has been furnished by certified mail receipt #7010 1060 0001 5402 5671 and by regular United States mail to the Respondent: Doris Fisher-Hjerling, 6141 South Main Street, Hastings, Florida 32145 this 1st day of August 2011.


Town Manager/Clerk

I HEREBY CERTIFY, THAT I AM THE Official keeper of the records of the Town of Hastings, Florida; that the above and foregoing is a true and correct copy of the Original maintained by me as a part of the official records of the Town of Hastings, Florida.

In witness whereof, I have hereunto set my hand and the Official Seal of the Town of Hastings, Florida this 1st day of August 2011.


Town Manager/Clerk

6195 SOUTH MAIN STREET, SUITE A
HASTINGS, FLORIDA 32145-5593

