

IN THE CIRCUIT COURT OF THE  
SEVENTH JUDICIAL CIRCUIT, IN AND  
FOR FLAGLER COUNTY, FLORIDA

CASE No. 2016 CA 000126  
DIVISION:

THE GROUP GOLF OF PALM COAST, LLC,  
A Florida limited liability company,

vs.

CITY OF PALM COAST, FLORIDA, a subdivision of  
the State of Florida.

\_\_\_\_\_ :

**COMPLAINT AND DEMAND FOR JURY TRIAL**  
**PERMANENT INJUNCTIVE RELIEF REQUESTED**

1. In this action The Group Golf Of Palm Coast, LLC (hereinafter "Group Golf") seeks to enjoin the Defendant City of Palm Coast, Florida (hereinafter "Palm Coast") from arbitrarily and selectively enforcing alleged ordinances and regulations regarding the condition and maintenance of Group Golf's property and buildings upon said property.
2. This Court has jurisdiction to decide this action and to grant the requested injunctive and compensatory relief pursuant 42 U.S.C. §1983 and the Fourteenth Amendment to the United States Constitution.
3. This action is properly brought in Flagler County, Florida.
4. Group Golf seeks to enjoin Palm Coast from enforcing vague, unspecified and inapplicable ordinances which treat Group Golf's property in a disparate fashion from other similar properties located adjacent to Group Golf's property and from other similarly situated properties throughout Palm Coast.
5. Group Golf contends that Palm Coast has violated Group Golf's due process rights by:

- (a) Failing to give proper and adequate notice of alleged code violations;
- (b) Failing to use and implement a meaningful hearing and appeals process;
- (c) Failing to identify valid and reasonable standards;
- (d) Failing to identify the zoning classification which applies to Group Golf's property;

and

(e) By giving notice by posting notices on a property which Palm Coast knows is not occupied and is managed by out of town owners;

6. Group Golf further contends that Palm Coast has violated the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States in that Palm Coast is attempting to hold Group Golf to an unrealistic and unachievable standard of property maintenance, to wit, Palm Coast contends that a two-hundred plus acre property must be maintained free of weeds. Furthermore, Palm Coast has applied its alleged "weed free" standard in a completely arbitrary, irrational and discriminatory basis. Namely, the properties surrounding Group Golf's property, including property owned by the City of Palm Coast, are not held to the same irrational standard. Notably, Palm Coast has not further delineated that standard to say the weeds must be noxious, must be of a certain size or shape. Apparently, in Palm Coast's and Code Enforcement Officer Michael Esposito's mind a single dandelion on the property is a code violation.

7. Palm Coast is attempting to seize Group Golf's property through foreclosure based on fines alleged to have accrued upon Palm Coast's irrational and discriminatorily enforced maintenance standards.

8. Group Golf contends that Palm Coast is depriving Group Golf of its right to own property and utilize it in a peaceful and meaningful and gainful manner, without any due process and

Palm Coast is seeking to discriminate against the Group Golf by treating it differently than all other similarly situated property owners within Palm Coast.

9. Group Golf seek compensatory damages for the harm it has suffered and will suffer due to Palm Coast's harassment, arbitrary and discriminatory enforcement of vague and unlawful alleged standards.

### **Parties**

10. Defendant Palm Coast is a political subdivision of the State of Florida.

11. Group Golf, LLC, is a limited liability company created and existing under the laws of Florida.

### **Factual Allegations**

12. Group Golf is the sole owner of a two-hundred plus acre property situated in Flagler County, Florida, which is commonly known as the Former Matanzas Woods Golf Course (hereinafter "The Property").

13. The golf course that was constructed roughly twenty-four years ago on The Property ceased to operate and exist over eight (8) years ago.

14. Following Group Golf purchasing The Property in 2014 Palm Coast cited Group Golf for alleged code violations related to building conditions and maintenance of the course, to wit, the need for The Property to be mowed.

15. Palm Coast maintained and still seeks to hold Group Golf to a standard of maintaining The Property as though it were still operating as a golf course today.

16. Group Golf maintains that The Property is not currently a golf course and that it will never again be a golf course and that it is irrational and arbitrary for Palm Coast to try to hold Group Golf to any such standard.

17. Palm Coast has never identified with any specificity why Palm Coast maintains that the former clubhouse, the former golf cart storage shed and the former maintenance building should all be torn down. Palm Coast has never had any structural expert examine or inspect any of the buildings at issue.

18. The buildings at issue are structurally sound; are secured and present no hazard or danger to anyone.

19. The buildings at issue will serve a useful purpose in the future development and operation of the property.

20. Palm Coast Code Enforcement Officials, including and particularly Michael Esposito, have acted irrationally, arbitrarily and intentionally to enforce an unreasonable and arbitrary standard of maintenance in an effort to return the property to a third-party named James T. Cullis with political connections in Palm Coast who seeks to develop the property for his own benefit. Mr. Cullis' legal representatives, the law firm of Chiumento Sellis Dwyer, PL, a firm which formerly leased office space to the City of Palm Coast and which often represents the City of Palm Coast has also been instrumental in pushing Mr. Cullis' agenda to obtain Group Golf's property for Mr. Cullis through any means possible including using its political influence to cause Group Golf to be subjected to undue, arbitrary and capricious standards.

21. The animus which Palm Coast bears towards Group Golf and the favoritism which Palm Coasts bears towards Mr. Cullis can be demonstrated by the fact that Palm Coast officials including Planning Manager Ray Tyner met with Mr. Cullis and his legal representatives on June 6, 2015 – almost eight (8) months after Group Golf had taken ownership of The Property to discuss “future development of the property.” According to Code Enforcement notes regarding that date, “Planning Manager Ray Tyner and planning staff will coordinate with Mr. Cullis

regarding future development plans, proposed uses and drafting necessary agreements, development orders, etc. Addressing future plans in a comprehensive approach for the Matanzas neighborhood was discussed.” Zoning codes, residential development, appropriate areas for cluster development, identifying storm water improvement opportunities and identifying suitable areas to go back into natural state were all discussed at that meeting.

22. Notably, Michael Yokan on behalf of Group Golf has repeatedly sought information from Palm Coast regarding how the Property could be used to benefit storm water runoff needs of Palm Coast but has received no information or indeed any indication from Palm Coast officials that Palm Coast has any interest in any kind of storm water improvements or further development of areas of the Property for such purposes.

23. Palm Coast held the June 6, 2015 meeting with Mr. Cullis despite knowing that Mr. Cullis had no ownership or control of the Property.

24. Palm Coast’s animus towards Group Golf is further demonstrated by Palm Coast on May 21, 2014 having notified the former property owner that what Palm Coast expected of the former owner in regards to the Clubhouse and Cart House was for the former owner to: “Regularly Monitor both structures and parking lot and keep them secure.” Palm Coast also directed the former owner to:

- “Repair or Removal of the Damaged Awning that is between the two buildings.”

- “Restricting access to the Clubhouse and Cart House Parking Lot with tall fencing that also acts as a visual deterrent.” A copy of Michael Esposito’s May 21, 2014 email to Greg Kong is attached hereto as Exhibit “A.” Yet, almost immediately after Group Golf took ownership of the Property Palm Coast was demanding demolition of those same structures as well as demolition of the metal maintenance building.

25. Group Golf has removed the damaged awning and gated both access points into the property. Some trespassers still manage to come onto the Property and Group Golf has now installed security cameras to capture images of the trespassers. Group Golf going forward will routinely post photographs of the trespassers upon a website created for that purpose so that the good people of Palm Coast can see and identify those persons (many of whom are area youths) who are trespassing upon the Property. Group Golf has also “deputized” a number of individuals to patrol the property at random times and given those persons authority to trespass any unauthorized persons found upon the property. Notably, Stephen Richardson has himself called the Sheriff’s Office to have a number of individuals issued trespass warnings.

26. Palm Coast’s and Michael Esposito’s animus towards Group Golf was further shown by Michael Esposito trespassing upon Group Golf’s property and ordering a number of laborers whom Group Golf had hired to remove debris which had been created by trespassers vandalizing the former club house to leave the property contending that they were doing demolition work without a permit. Thus, Mr. Esposito intentionally interfered with thwarted Group Golf from removing debris from The Property.

27. Group Golf gave Palm Coast notice in October 2015 that the property had been mowed and was ready for re-inspection. Barbara Grossman disregarded that re-inspection notice and sent a nonsensical response saying that brush near 398 Lakeview Blvd. was still not in compliance. She made no mention of the overall course having been mowed.

28. Michael Esposito gave no written response to the request for re-inspection.

29. The arbitrariness of the standard which Palm Coast is seeking to enforce stems from Palm Coast’s and Michael Esposito’s mistaken belief that the Property remains a golf course. Per Code Enforcement notes dated June 4, 2015 Michael Esposito noted, “While on-site, Matt

[Richardson] and I reviewed the compliance requirement that each fairway is to be kept free of weeds and overgrowth from tee box to each green and golf hole.” Mr. Esposito and Palm Coast fail to understand that there no longer any fairways, tee boxes, greens or holes on the Property. The Property has not been a golf course for over eight years. Hundreds or thousands of pine trees have grown upon the property during the intervening eight years as have countless other native plants, grasses, weeds and shrubs. Palm Coast and Mr. Esposito have chosen to stick their heads in the proverbial sand – despite there no longer being any identifiable sand traps anywhere on the property- and refuse to accept the fact that The Property is no longer a golf course.

30. Palm Coast either failed to re-inspect the property or found the property was still in violation because some small number of weeds existed upon some area of the property. It is not possible to maintain, and not reasonably or rationally possible to maintain, a two-hundred plus acre property in a weed free state. Anyone who has ever tried to eradicate dandelions and other common weeds from his or her residential lot knows that such a feat is not possible. The clock for the purpose of any alleged violations should have ceased ticking in October 2015.

31. Group Golf intends to develop the property into a farm with orchards, vineyards and an agritourism component utilizing the existing cart paths as walking trails. Group Golf will also develop and build a reasonable number of residences, a number of which may include an assisted living component, upon its property. The Property has lain fallow for eight years and Group Golf believes The Property will readily be classified as an organic farm. Group Golf has no desire or intention to engage in a widespread herbicide program which would contaminate the entire property with undesirable chemicals.

32. Palm Coast's arbitrary rules regarding property maintenance as applied to Group Golf are not reasonably necessary to secure the health, safety, good order, and general welfare of the public.

33. Palm Coast's further arbitrary application of rules which the City's Code Enforcement Office appears to be making up whimsically to suit their fancy as needed to harass Group Golf are further demonstrated by Palm Coasts recent contention that a rotten Lob Lolly Pine tree of which very little structure remains constitutes a public nuisance because, "This tree is in partial compliance as the debris still needs to be removed in order to be in full compliance." A copy of Ms. Virginia Smith's email of March 4, 2015 is attached hereto as Exhibit "B." Hundreds or thousands of Lob Lolly pine trees exist upon The Property. The fallen tree in question is largely decomposed and little or nothing of it will be visible to the naked eye in a matter of months. The tree is not unsightly and in fact it cannot readily be seen, if at all, from the adjacent roadway located some 80 feet away. The tree does not pose a hazard to anyone's health or safety. Indeed, to get to the tree one would have to leave the road, cross a muddy ditch and enter onto and trespass upon Group Golf's property. Removing the rotten tree would serve no purpose. Palm Coast's insistence that the tree – which had been dead for years prior to Group Golf purchasing the property - constitutes a public nuisance is further evidence of the arbitrary and undefined rules which Palm Coast now seeks to enforce.

34. Palm Coast is not able to articulate what the current zoning status is of Group Golf's property. Group Golf believes that the property reverted to its former zoning classification when the former golf course failed and that the property is now zoned for agricultural use.

35. The latest governmental overreach by Palm Coast is the scheduling of a hearing to foreclose upon Group Golf's property for the alleged code violations.

36. On February 4, 2016 Michael Yokan received a Notice of Non-Compliance and Request to Foreclose in his post office box. Mr. Counsel received a certified copy of that same notice roughly a week later. The very next day after receiving the Notice Michael Yokan sent a letter appealing that Notice and all notices which accompanied it to Palm Coast. A copy of Michael Yokan's letter is attached hereto as Exhibit "C."

37. Palm Coast responded through its counsel contending that Group Golf's appeal was untimely because the appeal was not filed within fifteen (15) days of the date on which Palm Coast allegedly mailed the Notice of Violation. A copy of William Reischmann's February 12, 2016 letter is attached hereto as Exhibit "D."

38. Palm Coast's notice procedure of requiring an appeal be initiated within fifteen (15) days of when Palm Coast allegedly gives notice, regardless of when the property owner receives such notice, is arbitrary and irrational and a violation of due process.

39. Group Golf will suffer significant financial injury and loss through loss of its property and through imposition of fines based upon irrational and arbitrary standards which Palm Coast seeks to impose upon Group Golf.

#### **COUNT ONE (PROCEDURAL DUE PROCESS)**

40. Group Golf adopts and incorporates by reference paragraphs one through 39 of the preceding Complaint and Demand for Jury Trial.

41. Palm Coast failed to give the Group Golf the opportunity to be heard and to cross-examine witnesses regarding the alleged code violations.

42. Palm Coast's application of unpublished and un-promulgated arbitrary and irrational standards constitutes a violation of Group Golf's due process rights.

43. Palm Coast has by enforcing arbitrary and irrational rules deprived Group Golf of due process as guaranteed by the Fourteenth Amendment to the United States in that the County has deprived Group Golf of significant property interests without due process or hearing on the basis of an irrational and arbitrary rules that have no rational basis, including but not limited to the right to own property, the right to develop property, the right to be treated in a nondiscriminatory manner that is consistent with the treatment of any other lawful property owner, the right to engage in a lawful business and to pursue a livelihood, and the right to compete fairly with other competing properties.

44. The arbitrary, capricious, unreasonable and undefined regulations which Palm Coast seeks to enforce – including but limited to the purported standards that a 200 plus acre property must be kept “weed free” – deprive Group Golf of its due process rights.

**WHEREFORE** the Group Golf respectfully requests the Court to:

- A. Assume jurisdiction of this cause of action;
- B. Declare the notice and enforcement procedures used by Palm Coast to be due process violations;
- C. Declare all fines and costs imposed by Palm Coast upon Group Golf to null and void and of no effect because Palm Coast had deprived Group Golf of significant property interests without notice and without an opportunity to be heard and that such action deprives the Group Golf of Due Process of Law guaranteed by the Fourteenth Amendment to the United States Constitution;
- C. Issue a permanent injunction restraining the Defendant from further using such faulty and arbitrary enforcement mechanisms to fine Group Golf;

- D. Pending the final determination of this action issue a temporary injunction restraining Palm Coast from further citing or fining Group Golf for any alleged code violations related to The Property;
- E. Award Group Golf its costs and attorney's fees under 42 U.S.C. §1988 herein;
- F. Award the Group Golf compensatory damages for the injuries it has suffered; and
- G. Award Group Golf such further and alternative relief as the Court deems just and equitable.

**COUNT TWO (EQUAL PROTECTION)**

45. Group Golf adopts and incorporates by reference paragraphs one through 39 of the preceding Complaint and Demand for Jury Trial.

46. Palm Coast by enforcing purported property maintenance standards upon Group Golf which Palm Coast does not enforce upon:

- (a) any similarly situated adjoining property owners;
- (b) upon similarly situated Palm Coast resident property owners;
- (c) upon the former owners of The Property; or
- (d) upon similarly situated property owned by other developers

has deprived Group Golf of equal protection as guaranteed by the Fourteenth Amendment to the United States in that Palm Coast is treating Group Golf differently and intentionally treating Group Golf in a harsh and unfair manner in regards to similarly situated competing properties and businesses.

47. As one drives down Matanzas Parkway and as one drives down the roads which encircle The Property numerous other properties owned by other developers and other persons and

entities lie in disheveled states due to no maintenance of any kind being carried out upon those properties.

48. Palm Coast is violating Group Golf's due process rights by intentionally and vexatiously imposing unrealistic standards and burdens upon Group Golf which Palm Coast does not impose or enforce upon any other similarly situated property owner including property which is owned by Palm Coast.

49. Group Golf expended significant moneys on purchasing The Property and in conducting maintenance and repairs upon the property.

**WHEREFORE** Group Golf respectfully requests the Court to:

- A. Assume jurisdiction of this cause of action;
- B. Declare that all fines, costs and liens imposed by Palm Coast upon Group Golf are null and void and of no effect because Palm Coast has deprived Group Golf of its rights of Equal Protection as guaranteed by the Fourteenth Amendment to the United States Constitution;
- C. Issue a permanent injunction restraining the Defendant from further using such faulty and arbitrary enforcement mechanisms to fine Group Golf;
- D. Pending the final determination of this action issue a temporary injunction restraining Palm Coast from further citing or fining Group Golf for any alleged code violations related to The Property;
- E. Award Group Golf its costs and attorney's fees under 42 U.S.C. §1988 herein;
- F. Award the Group Golf compensatory damages for the injuries it has suffered; and
- G. Award Group Golf such further and alternative relief as the Court deems just and equitable.

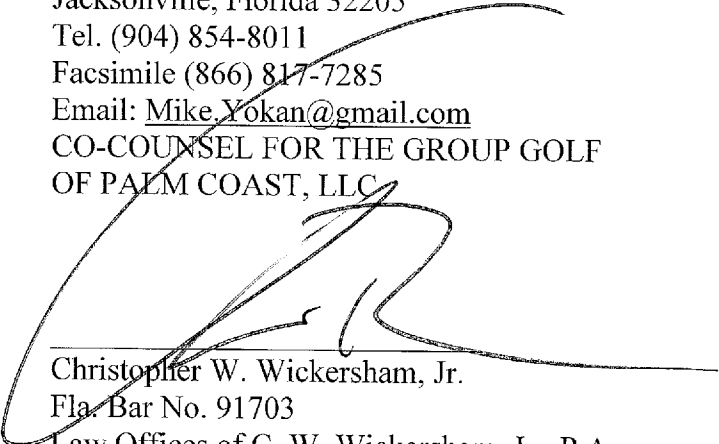
## DEMAND FOR JURY TRIAL

In accordance with Rule 1.430, Florida Rules of Civil Procedure Group Golf hereby demands a jury trial on all issues triable by a jury.

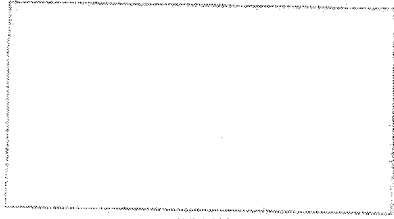
Respectfully submitted,



Michael R. Yokan  
Fla. Bar No. 0852856  
2720 Park Street, Ste. 213  
Jacksonville, Florida 32205  
Tel. (904) 854-8011  
Facsimile (866) 817-7285  
Email: [Mike.Yokan@gmail.com](mailto:Mike.Yokan@gmail.com)  
CO-COUNSEL FOR THE GROUP GOLF  
OF PALM COAST, LLC



Christopher W. Wickersham, Jr.  
Fla. Bar No. 91703  
Law Offices of C. W. Wickersham, Jr., P.A.  
2720 Park Street, Ste. 205  
Jacksonville, Florida 32205  
Tel. (904) 389-6202  
Facsimile (904) 389-6202  
CO-COUNSEL FOR THE GROUP GOLF  
OF PALM COAST, LLC



**From:** Greg Kong [mailto:gregkongpa@gmail.com]  
**Sent:** Wednesday, May 21, 2014 8:17 PM  
**To:** Michael Esposito  
**Subject:** Re: Matanzas Golf Course Discussion...

Michael,

We really appreciate you getting back to us in a promptly manner.

Look forward to speaking in the future.

Best regard,

Greg

On Wednesday, May 21, 2014, Michael Esposito <mesposito@palmcoastgov.com> wrote:

Greg,

It was a pleasure talking to you. I wanted to provide a review of our conversation this morning regarding the golf course and it's maintenance.

He are the items that we discussed:

1. **Minimum Maintenance Standards.** The current maintenance information was emailed to you this morning.
2. **Clubhouse and Cart House.** Regularly Monitor both structures and parking lot and keep them secure.
3. **Clubhouse and Cart House Parking Lot Access.** Restricting access to the Clubhouse and Cart House Parking Lot with tall fencing that also acts as a visual deterrent.
4. **Clubhouse and Cart House Awning.** Repair or Removal of the Damaged Awning that is between the two buildings.

**Exhibit A**

5. **Driving Range Road.** Restricting access to the Driving Range Road with a gate or fencing.
6. **Front Entry Right-of-Way.** Maintain the Right-of-Way area at the Entry to the Clubhouse with regularly scheduled mowing.
7. **Front Entry Sign.** Maintain the Entry Sign to the Clubhouse and keep it free of graffiti and damage.
8. **Trespassing.** Place signage stating "No Trespassing" on the property and enforce and pursue trespassing issues with the Flagler County Sherriff's Office.
9. **Quarterly Meetings.** Have a Representative from the Golf Course meet quarterly with the City Code Enforcement and the Flagler County Sherriff's Office to discuss the course and its status.
10. **Citizen Issues.** That all Public Complaints or Concerns pertaining to the Golf Course will be directed to a Golf Course Representative to contact the complainant and report the outcome/resolution to Code Enforcement.

If you have any further questions or clarifications please feel free to contact me.

Michael

Michael Esposito,

Code Enforcement  
Inspector

City of Palm Coast

160 Cypress Point  
Pkway, Suite B-106  
Palm Coast, FL 32164

Tel: 386-986-2456

[www.palmcoastgov.com](http://www.palmcoastgov.com)





Michael Yokan <mike.yokan@gmail.com>

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## Tree - Notice of Correction

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Virginia Smith <vsmith@palmcoastgov.com>

Fri, Mar 4, 2016 at 8:28 AM

To: Michael Yokan <mike.yokan@gmail.com>

Cc: Yvonne Robinson <YRobinson@palmcoastgov.com>, Barbara Grossman <BGrossman@palmcoastgov.com>

Good morning Mr. Yokan,

I am responding in regards to your email below to Ms. Grossman and City Attorney William Reischmann. In your email you attached pictures of a tree that was in violation of City codes. The tree in the pictures is of a tree that is located close to the clubhouse off of Lakeview Blvd. This tree is in partial compliance as the debris still needs to be removed in order to be in full compliance. The City has posted the property and the certified letter is being sent through US Mail.

As you know, on Wednesday, March 9, 2016, the Code Board will hear the City's request to direct the City Attorney to initiate foreclosure for the existing lien, the amount of which is still accruing.

Thank you.

Virginia Smith, CMC,  
CP

City Clerk/Paralegal

City of Palm Coast

160 Lake Avenue  
Palm Coast, FL 32164

Tel: 386-986-3713

[www.palmcoastgov.com](http://www.palmcoastgov.com)

Exhibit B



**From:** Michael Yokan [mailto:mike.yokan@gmail.com]  
**Sent:** Monday, February 29, 2016 11:46 AM  
**To:** Barbara Grossman (BGrossman@palmcoastgov.com); William Reischmann; Melanie Kelly; Christopher Wickersham  
**Subject:** Tree - Notice of Correction

Dear Ms. Grossman: Please re-inspect and acknowledge that the tree which your department contended was a code violation has been addressed and that no problem with said tree any longer exists.

Sincerely,

[Quoted text hidden]

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from City of Palm Coast officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

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**2 attachments**



**Tree 1.JPG**  
153K



**Tree 2.JPG**  
149K

**LAW OFFICE OF MICHAEL R. YOKAN**

**2720 Park Street, Ste. 213  
Jacksonville, Florida 32205**

Telephone (904) 854-8011  
Facsimile (866) 817-7285 (toll-free)  
[Mike.yokan@gmail.com](mailto:Mike.yokan@gmail.com)

February 5, 2016

City Clerk  
160 Cypress Point Parkway, Suite B-106  
Palm Coast, FL 32164

Re: CM# 91 7199 9991 7034 5533 8598

Dear Madam or Sir:

On behalf of the Group Golf of Palm Coast, LLC, I hereby appeal and demand a hearing upon each of the Notice to Remedy or Remove/Notice of Violation and Notice of Non-Compliance and Request to Foreclose which is dated January 20, 2016. I am attaching copies of each such notice to this appeal.

Group Golf specifically denies each of the allegations. Furthermore, the allegations are so vague as to not allow Group Golf to specifically address the allegations. Without withdrawing the objection as to vagueness as to the buildings at issue Group Golf denies that the structures are in a state of disrepair or in any condition which would necessitate them being removed. Group Golf also denies that any unsanitary conditions or accumulations of rubbish exist. Accordingly, I hereby demand access to Code Enforcements files concerning each of the allegations. I make this demand pursuant to due process rights as guaranteed by the State of Florida and United States Constitutions and pursuant to Florida's Public Records Laws.

Pursuant to Florida's Public Records Laws I hereby further demand the right to inspect:

(A) any and all complaints made by any party regarding the conditions of the subject property which the City of Palm Coast has received within the past year from this date. This request and the below requests include all letters, emails, notes, memoranda and other forms of communications;

(B) any and all communications between, from or to any elected, appointed or hired official or employee of the City of Palm Coast during the past year from this date which concern the condition or future of the subject property; and

(C) any and all communications between, from or to Jim Cullis and any elected, appointed or hired official or employee of the City of Palm Coast during the past year from this date which concern the condition or future of the subject property

This request is expressly a request for access to review. Please notify my office in advance if this

**Exhibit C**

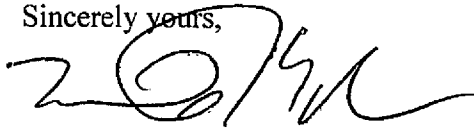
City Clerk  
February 5, 2016  
Page 2

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request will require the expenditure of any staff time for which you will seek to bill me.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "MRY", with a large, stylized flourish that loops back to the start of the signature.

Michael R. Yokan

MRY/sav

Parcel ID: 07-11-31-7037-ORP0A-0002

Legal Description:

Section 37 Block Lot

Subdivision

NONCRIF

**CITY OF PALM COAST  
CODE ENFORCEMENT BOARD  
PALM COAST, FLORIDA**

Code Enforcement Case Number: 2015040331

CITY OF PALM COAST,  
Petitioner

Vs.

The Group Golf of Palm Coast LLC  
Respondent

**NOTICE OF NON-COMPLIANCE AND REQUEST TO FORECLOSE**

Please be advised that the City of Palm Coast Code Enforcement has determined the property located at 398 Lakeview Blvd., Palm Coast, did not come into compliance with Code Enforcement Board order(s) dated 8/8/2015 and a lien was imposed on the property. Enclosed please find a copy of the relevant order(s) imposing the lien.

City staff will be requesting that the Code Enforcement Board authorize the City to pursue foreclosure of the lien(s) on the subject property pursuant to Chapter 162, Florida Statutes.

**The date this matter will be brought before the Code Enforcement Board is March 9, 2016 at 10 o'clock AM.** The location of this meeting is the Intracoastal Room (A) at Palm Coast City Hall, 160 Lake Avenue, Palm Coast, Florida.

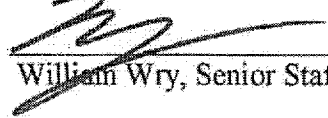
The Board's prior orders assessed a fine of \$500.00 for each day the violation(s) continued beyond the date set forth in the orders. Code enforcement staff has determined that the violations have not been corrected and the property has been in noncompliance for 148 days from August 27, 2015 to January 21, 2016 and remains in noncompliance. As of the date of this Notice, (January 21, 2016) the running fine/lien totals \$74,000.00, which daily fine shall continue to accrue until compliance is achieved or a judgment is rendered in a lawsuit to foreclose or recover a money judgment. The final lien amount cannot be determined until the property is brought into compliance or a judgment is entered.

If Respondent intends to challenge or contest the determination that the property remains in noncompliance, the number of days the property was not in compliance, or the calculation of the fine/lien amount to date, Respondent shall appear at the Code Enforcement Board meeting referenced above to contest these limited issues.

AH# 4

If you have any questions, please contact William Wry at 386-986-2334 or email [bwry@palmcoastgov.com](mailto:bwry@palmcoastgov.com).

Sincerely,

  
William Wry, Senior Staff Assistant

Certificate of Service

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished to The Group Golf of Palm Coast LLC at 2822 St. Johns Avenue, Jacksonville, FL 32205 by first class mail delivery, this day of March, 2016.

  
William Wry, Senior Staff Assistant

AI# 4



NONCRTF

CODE ENFORCEMENT BOARD  
THE CITY OF PALM COAST  
CASE NO: 2015040331

**NOTICE OF HEARING**

**REQ. FORECLOSURE**

**TO: The Group Golf of Palm Coast LLC  
2822 St. Johns Avenue  
Jacksonville, FL 32205**

NOTICE is hereby given that the Code Enforcement Board (CEB) of The City of Palm Coast, Florida, intends to hold a hearing at 10:00 am., or as soon thereafter as possible, at its regular meeting on the 9th of March, 2016, in the Intracoastal Room (A) at Palm Coast City Hall, 160 Lake Avenue, Palm Coast, Florida, to consider whether a violation of the Codes or Ordinances of The City of Palm Coast exists/existed on the above-named party's property, legally described as follows:

Parcel I.D.: 07-11-31-7037-ORP0A-0002 Address of Violation: 398 Lakeview Blvd.

The violation charged is, specifically:

- Palm Coast Code Section 15-108(d) Weeds/Overgrowth
- Property was found to be in non-compliance of the CEB Order dated \_\_\_\_\_.
- Property was found to be in non-compliance of the CEB Order dated \_\_\_\_\_ and is now found to be in compliance.

If the owner of property transfers ownership of the property after this pleading was served upon the property owner and the time of the hearing, the owner shall:

- (a) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (b) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (c) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (d) File a notice with the City's code enforcement office of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.

*A failure to make the disclosures described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed.*

Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

THE CITY OF PALM COAST  
CODE ENFORCEMENT  
160 LAKE AVENUE, SUITE 141, PALM COAST, FL 32164  
TEL (386) 986-3764

Dated this 19 January 2016. CM# 91 7199 9991 7035 3305 1265



In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact Wendy Cullen, at 386-986 3718 at least 48 hours prior to the meeting.

AIF 4

**CITY OF PALM COAST, FLORIDA – CODE ENFORCEMENT BOARD AFFIDAVIT OF NOTICE OF CODE VIOLATION AND REQUEST FOR HEARING**

**CODE ENFORCEMENT CASE NUMBER: 2015040331**

Pursuant to Chapter 162, *Florida Statutes*, and Section 2-153 of the *Code of Ordinances of the City of Palm Coast*, the undersigned Code Enforcement Inspector hereby gives notice of a violation of the *Codes or Ordinances of the City of Palm Coast*, as more particularly described herein, and hereby requests a public hearing before the Board.

**NAME OF OWNERS:**

The Group Golf of Palm Coast LLC  
2822 St. Johns Avenue  
Jacksonville, FL 32205

**NAME OF VIOLATORS(S):**  
Owner(s)

**REQ. FORECLOSURE**

**LOCATION OF VIOLATION:**

**LEGAL DESCRIPTION/PARCEL NO.:**

**VIOLATION OF:**

398 Lakeview Blvd.  
07-11-31-7037-ORP0A-0002  
Palm Coast Code Section 15-108(d)

**DESCRIPTION OF VIOLATION:**

Weeds/Overgrowth.

**REQUIREMENTS FOR CORRECTION:**

Maintain Lawn and Landscaping.

**DATE WARNING NOTICE WAS WRITTEN:**

April 08, 2014

**NUMBER OF DAYS/HOURS GIVEN TO CORRECT:**

14

**ADDITIONAL INFORMATION:**

Based upon the foregoing, the undersigned Code Enforcement Inspector hereby certifies that the above described violation  continues to exist, /  existed past the time given for correction and that the violation should be referred to the Code Enforcement Board for a hearing,  continues to recur.

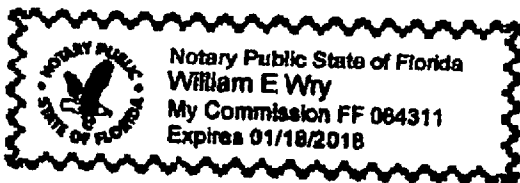
DATED THIS 20<sup>th</sup> DAY OF January 2016

  
\_\_\_\_\_  
Code Enforcement Inspector

STATE OF FLORIDA )

COUNTY OF FLAGLER )

SUBSCRIBED AND AFFIRMED before me this 20<sup>th</sup> day of January, 2016 by Michael Esposito, who is personally known to me.



  
\_\_\_\_\_  
Notary Public in and for the  
County and State Aforementioned



**CODE ENFORCEMENT**

**NOTICE TO REMEDY OR REMOVE/  
NOTICE OF VIOLATION**

January 20, 2016

CM# 91.7199.9991.7034.5533.8598

THE GROUP GOLF OF PALM COAST LLC  
2822 ST JOHNS AVENUE  
JACKSONVILLE, FL 32205

RE: Notice To Remove Public Nuisance - **ATTRACTIVE NUISANCE - Remove all structures from property to include clubhouse, cart house, maintenance building, and course bathrooms.**

**Code Case #2016010782**

398 LAKEVIEW BLVD, Palm Coast, Florida

Parcel # 07-11-31-7037-ORP0A-0002

Dear THE GROUP GOLF OF PALM COAST LLC:

Under the provisions of *Code of Ordinance of the City of Palm Coast* ("City Code"), the purpose of this Notice is to inform you that the Code Enforcement Division has inspected your property and determined that a public nuisance exists on your property. The public nuisance is in violation of the *City Code* by being in violation of **Section 35-76(d)** of the *City Code* by your failing to terminate/abate/correct the violation on your property.

Unless you remedy the violation on or before **February 04, 2016**, the City will have the right to remedy the condition and assess you for the City's costs plus administrative costs. Further, if the City's costs and administrative costs assessed against you are not paid within thirty (30) days of the date that the City submits an invoice to you, a lien will be placed on your property which is enforceable by foreclosure or pursuant to an agreement with the City entered by the City Manager and approved by the City Council providing for a schedule of payments.

The sum of \$1,500.00 is a good faith estimate by the City of the total costs, based on the City's Schedule of Administrative Costs (attached). This estimate should not be interpreted by you or construed to be the final costs which may be assessed against you as a result of the City's efforts to remedy the nuisance. Final assessable costs may be greater or lesser than the estimate.

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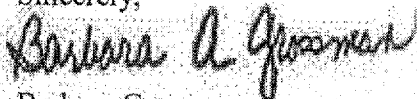
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If you have any questions concerning this matter, please contact the Code Enforcement Division at (386) 986-3764.

Sincerely,



Barbara Grossman  
Code Enforcement Manager

Attachment(s)



**CODE ENFORCEMENT**

**NOTICE TO REMEDY OR REMOVE/  
NOTICE OF VIOLATION**

January 20, 2016

CM# 91 7199 9991 7034 5533 8598

THE GROUP GOLF OF PALM COAST LLC  
2822 ST JOHNS AVENUE  
JACKSONVILLE, FL 32205

RE: Notice To Remove Public Nuisance - **ACCUMULATIONS - Remove All  
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**Code Case #2016010783**

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Parcel # 07-11-31-7037-ORP0A-0002

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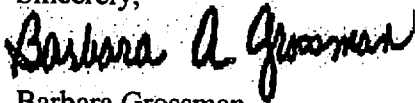
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January 20, 2016

CM# 91 7199 9991 7034 5533 8598

THE GROUP GOLF OF PALM COAST LLC  
2822 ST JOHNS AVENUE  
JACKSONVILLE, FL 32205

RE: Notice To Remove Public Nuisance - **UNSAFE/UNSANITARY CONDITIONS -  
Remove all structures from property to include clubhouse, cart house,  
maintenance building, and course bathrooms.**

**Code Case #2016010784**

398 LAKEVIEW BLVD, Palm Coast, Florida

Parcel # 07-11-31-7037-ORP0A-0002

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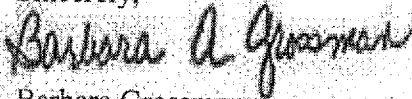
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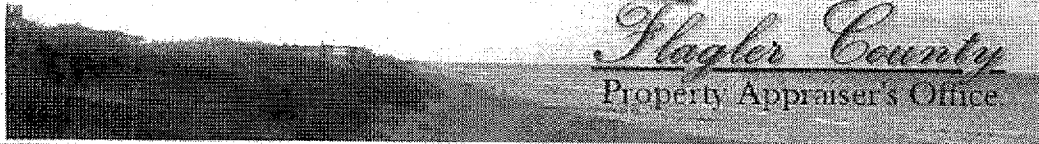
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Sincerely,



Barbara Grossman  
Code Enforcement Manager

Attachment(s)



<a href="#">Sales In Area</a>	<a href="#">Previous Parcel</a>	<a href="#">Next Parcel</a>	<a href="#">Return to Main Search</a>	<a href="#">Flagler Home</a>
<b>Property Record Card</b>				
<b>Owner and Parcel Information</b>				
Owner Name	GROUP GOLF OF PALM COAST LLC, THE	Today's Date	January 21, 2016	
Mailing Address	2822 ST JOHNS AVENUE	Parcel Number	07-11-31-7037-0RPOA-0002	
	JACKSONVILLE, FL 32205	Tax District	CITY OF PALM COAST WITH MOSQUITO CONTROL (District 61)	
Location Address	398 LAKEVIEW BLVD	2015 Millage Rates	20.5387	
Approximate Parcel Square Footage (GIS)	12020991.95	Approximate Parcel Acreage (GIS)	275.96	
Property Usage	REC OR PAR (009700)	Homestead	N	
<a href="#">Tax Estimator</a>	<a href="#">Tax Collector Bill</a>	<a href="#">Show Parcel Maps</a>	<a href="#">Generate Owner List By Radius</a>	<a href="#">Show Assessment Notice</a>
<a href="#">Show Historical Assessments</a>				

Value Information				Legal Information
	2013 Certified Values	2014 Certified Values	2015 Certified Values	
Building Value	NA	\$54,198	\$54,198	277.40 ACRES ALL OF RESERVE PARCELS, A,B,C,D,E & PT OF VACATED PC SEC 30, OR 47 PG 273 & PT OF VACATED PC SEC 37, OR 538 PG 1611 (EX .0626 ACOF RP E, OR 479/577) OR 550 PG 1626(MATANZAS GOLF COURSE OR 1118/827 OR 1842/1869 OR 2029/137  The legal description shown here may be condensed for assessment purposes. Exact description should be obtained from the recorded deed.
Extra Feature Value	NA	\$71,067	\$71,067	
Land Value	NA	\$79,350	\$79,350	
Land Agricultural Value	NA	\$0	\$0	
Agricultural (Market) Value	NA	\$0	\$0	
Just (Market) Value*	NA	\$204,615	\$204,615	
Assessed Value	NA	\$204,615	\$204,615	
Exempt Value	NA	\$0	\$0	
Taxable Value	NA	\$204,615	\$204,615	
Protected Value		\$0	\$0	

\*\*NA implies record did not exist for specified tax year

\*Just (Market) Value\* description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

Property Information							
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
STRG WHSE	05	7,150	7,150	386	STL PANEL	CLASS S	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
N/A	1	16	1987	1987	W/-10K		
Building Area Types							
Type	Description			Sq. Footage	Year		
BAS	Base Area			7150	1987		
NCA	Non-Calculated Area			750	1987		
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
RESTROOM	0D	165	165	52	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
N/A	1	08	1999	1999	N/A		
Building Area Types							
Type	Description			Sq. Footage	Year		
BAS	Base Area			165	1999		
NCA	Non-Calculated Area			150	1999		
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
RESTROOM	0D	165	165	52	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
N/A	1	08	1999	1999	N/A		
Building Area Types							
Type	Description			Sq. Footage	Year		
BAS	Base Area			165	1999		
NCA	Non-Calculated Area			150	1999		
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
RESTAURANT	05	2,766	2,766	218	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
R/B CDS AV	1	09	1987	1987	W/-10K		
Building Area Types							
Type	Description			Sq. Footage	Year		
BAS	Base Area			2766	1987		
NCA	Non-Calculated Area			846	1987		
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
GOLF CART	0D	5,040	5,040	324	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	

N/A	1	09	1987	1987	W-10K	<a href="#">Show Building Sketch</a>
Building Area Types						
Type	Description			Sq. Footage	Year	
BAS	Base Area			5040	1987	
NCA	Non-Calculated Area			1416	1987	
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame
LGT UTIL	00	360	360	75	PLY PANEL	CLASS D
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch
N/A	1	10	1987	1987	N/A	<a href="#">Show Building Sketch</a>
Building Area Types						
Type	Description			Sq. Footage	Year	
BAS	Base Area			360	1987	

Extra Features Data		
Description	Units	Effective Year Built
WALL CONC BLOCK LOW	1,316 SF	1988
CHAIN LINK 8'	653 LF	1988
PAVG CONC AVG <3000	3,160 SF	1988
PAVG ASPH LOW >3000	17,612 SF	1988
CANOPY STEEL	700 SF	1988
BARRIER POLE MEDIUM	18 UT	1988
MEZZ LOW COST STGE	904 SF	1987
CANOPY WOOD	150 SF	1999
CANOPY WOOD	150 SF	1999
CANOPY WOOD	846 SF	1987
CANOPY CLOTH AVG	600 SF	1990
CANOPY WOOD	1,416 SF	1987
FENCE WD 6' AVG	81 LF	2000
ASPH PRKG SPACE LOW	124 UT	1988
SIDEWALK CONC AVG	4,688 SF	1988
CURB CC 1'GUT AVG	262 LF	1988
FLAGP ALUM 25' AVG	2 UT	1988
GOLF CART BRIDGE	2,247 SF	1988

Sale Information								
Multi-Parcel Sale	Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor
Yes	10-03-2014	\$ 266,800	WARRANTY DEED	2029	137	Unqualified	Improved	GOLF GROUP OF PALM COAST
Yes	11-18-2011	\$ 2,000,000	WARRANTY DEED	1842	1849	Unqualified	Improved	THE GRAND CLUB LLC
No	07-01-2004	\$ 10,750,000	N/A	1118	827	Unqualified	Improved	COMMONWEALTH PALM COAST CORP
No	03-01-1996	\$ 13,711,400	N/A	550	1626	Unqualified	Improved	SUNSPORT RECREATION
No	01-01-1900	\$ 3,294,519	N/A	0	0	Qualified	Improved	CONVERSION

The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The Senior Exemption Does Not Apply to All Taxing Authorities. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Working values are subject to change. Website Updated: January 19, 2016

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## CODE ENFORCEMENT

### SCHEDULE OF ADMINISTRATIVE CHARGES

Sections 35-75 through 35-77 or Sections 15-101 through 15-137

#### Nuisance Abatement Costs

a) Administrative Cost	\$150.00
b) Title search and postage cost	Based on City's costs
c) Re-inspect cost	Based on City's costs
d) Abatement cost	Based on bid or City's costs
e) Cost of publication	Based on actual cost
f) First repeated violation cost	\$200.00
g) Second and subsequent repeated violation cost	Referred to City Attorney Or to Code Enforcement Board

#### Demolition Costs

a) Administrative cost	\$200.00
b) Title search and postage cost	Based on City's costs
c) Re-inspect cost	Based on City's costs
d) Abatement cost	Based on bid or City's costs
e) Cost of publication	Based on actual cost

January 3, 2015

Date

Barbara A. Grossman\*  
Code Enforcement Manager  
City of Palm Coast

\*Upon delegation from City Manager on file with the City Clerk of the City of Palm Coast



**CODE ENFORCEMENT**

**NOTICE TO REMEDY OR REMOVE/  
NOTICE OF VIOLATION**

January 20, 2016

CM# 91 7199 9991 7034 5533 8598

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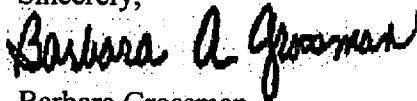
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Code Enforcement Manager

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January 20, 2016

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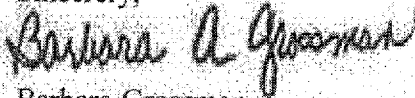
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CM# 91 7199 9991 7034 5533 8598

THE GROUP GOLF OF PALM COAST LLC  
2822 ST JOHNS AVENUE  
JACKSONVILLE, FL 32205

RE: Notice To Remove Public Nuisance - **UNSAFE/UNSANITARY CONDITIONS -  
Remove all structures from property to include clubhouse, cart house,  
maintenance building, and course bathrooms.**

**Code Case #2016010784**

398 LAKEVIEW BLVD, Palm Coast, Florida  
Parcel # 07-11-31-7037-ORP0A-0002

Dear THE GROUP GOLF OF PALM COAST LLC:

Under the provisions of *Code of Ordinance of the City of Palm Coast* ("City Code"), the purpose of this Notice is to inform you that the Code Enforcement Division has inspected your property and determined that a public nuisance exists on your property. The public nuisance is in violation of the *City Code* by being in violation of **Section 35-76(d)** of the *City Code* by your failing to terminate/abate/correct the violation on your property.

Unless you remedy the violation on or before **February 04, 2016**, the City will have the right to remedy the condition and assess you for the City's costs plus administrative costs. Further, if the City's costs and administrative costs assessed against you are not paid within thirty (30) days of the date that the City submits an invoice to you, a lien will be placed on your property which is enforceable by foreclosure or pursuant to an agreement with the City entered by the City Manager and approved by the City Council providing for a schedule of payments.

The sum of \$1,500.00 is a good faith estimate by the City of the total costs, based on the City's Schedule of Administrative Costs (attached). This estimate should not be interpreted by you or construed to be the final costs which may be assessed against you as a result of the City's efforts to remedy the nuisance. Final assessable costs may be greater or lesser than the estimate.

Section 35-76(g) of the *City Code* provides that you may file a written appeal within fifteen (15) days from the date of this Notice. The appeal must be addressed to the City Clerk and the written

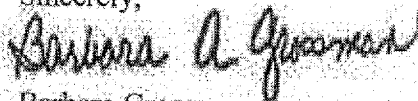
notice shall be either hand delivered to the City Clerk or mailed to the City Clerk and postmarked within the 15 day period. The appeal must state your name, the location of your cited property and must state the specific reasons, evidence and argument that you wish to be considered to address the determination by the Code Enforcement Division that a public nuisance exists on your property.

Upon timely receipt, the City Clerk will schedule the appeal for a hearing before the Code Enforcement Board/Hearing Officer. The petitioner understands they will be notified of the date, time and location of the hearing. The appellant shall be afforded due process and may present such evidence as is probative of the appellant's case. The City Manager or other City staff shall present such evidence as is probative of the alleged violation.

If you fail to correct the public nuisance on or within the date specified, the City may proceed to remedy the public nuisance and assess costs against you as set forth above. Also, you may be required to appear before the City's Code Enforcement Board and a fine of up to \$1000.00 per day for initial violations and \$5000.00 per day for repeat violations may be assessed against you (and your property) for every day a violation continues to exist beyond the date set for compliance by order of the Board.

If you have any questions concerning this matter, please contact the Code Enforcement Division at (386) 986-3764.

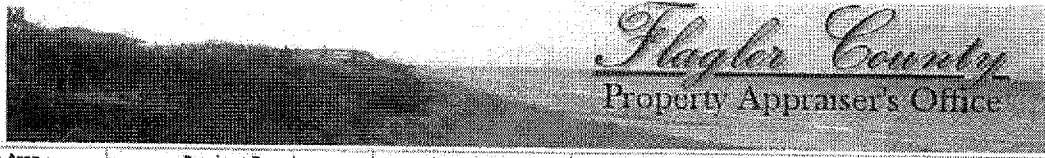
Sincerely,



Barbara Grossman

Code Enforcement Manager

Attachment(s)



*Flagler County*  
Property Appraiser's Office

<a href="#">Sales In Area</a>	<a href="#">Previous Parcel</a>	<a href="#">Next Parcel</a>	<a href="#">Return to Main Search</a>	<a href="#">Flagler Home</a>
Property Record Card				
<b>Owner and Parcel Information</b>				
Owner Name	GROUP GOLF OF PALM COAST LLC, THE	Today's Date	January 21, 2016	
Mailing Address	2822 ST JOHNS AVENUE	Parcel Number	07-11-31-7037-0RP0A-0002	
Location Address	JACKSONVILLE, FL 32205	Tax District	CITY OF PALM COAST WITH MOSQUITO CONTROL (District 61)	
	39B LAKEVIEW BLVD	2015 Millage Rates	20.5387	
Approximate Parcel Square Footage (GIS)	12020991.96	Approximate Parcel Acreage (GIS)	275.96	
Property Usage	REC OR PAR (G09700)	Homestead	N	
<a href="#">Tax Estimator</a>   <a href="#">Tax Collector Bill</a>   <a href="#">Show Parcel Maps</a>   <a href="#">Generate Owner List By Radius</a>   <a href="#">Show Assessment Notice</a>   <a href="#">Show Historical Assessments</a>				

Value Information				Legal Information
	2013 Certified Values	2014 Certified Values	2015 Certified Values	
Building Value	NA	\$54,199	\$54,198	277.40 ACRES ALL OF RESERVE PARCELS, A,B,C,D,E & PT OF VACATED PC SEC 38, OR 47 PG 273 & PT OF VACATED PC SEC 37, OR 539 PG 1611 (EX .0626 AC OF RP E, OR 479/577) OR 550 PG 1626(MATANZA'S GOLF COURSE OR 1118/827 OR 1842/1869 OR 2029/137  The legal description shown here may be condensed for assessment purposes. Exact description should be obtained from the recorded deed.
Extra Feature Value	NA	\$71,067	\$71,067	
Land Value	NA	\$79,350	\$79,350	
Land Agricultural Value	NA	\$0	\$0	
Agricultural (Market) Value	NA	\$0	\$0	
Just (Market) Value*	NA	\$204,615	\$204,615	
Assessed Value	NA	\$204,615	\$204,615	
Exempt Value	NA	\$0	\$0	
Taxable Value	NA	\$204,615	\$204,615	
Protected Value		\$0	\$0	

\*NA implies record did not exist for specified tax year

\*Just (Market) Value\* description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

Property Information							
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
STRG WHSE	05	7,150	7,150	386	STL PANEL	CLASS S	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
N/A	1	16	1987	1987	W-10K		

Building Area Types			
Type	Description	Sq. Footage	Year
BAS	Base Area	7150	1987
NCA	Non-Calculated Area	750	1987

Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
RESTROOM	0D	165	165	52	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
N/A	1	08	1999	1999	N/A		

Building Area Types			
Type	Description	Sq. Footage	Year
BAS	Base Area	165	1999
NCA	Non-Calculated Area	150	1999

Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
RESTROOM	0D	165	165	52	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
N/A	1	08	1999	1999	N/A		

Building Area Types			
Type	Description	Sq. Footage	Year
BAS	Base Area	165	1999
NCA	Non-Calculated Area	150	1999

Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
RESTAURANT	05	2,766	2,766	218	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>
R/B CDS AV	1	09	1987	1987	W-10K		

Building Area Types			
Type	Description	Sq. Footage	Year
BAS	Base Area	2766	1987
NCA	Non-Calculated Area	846	1987

Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame	
GOLF CART	0D	5,040	5,040	324	PLY PANEL	CLASS D	
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch	<a href="#">Show Building Sketch</a>

N/A	1	09	1987	1987	W-10K	<a href="#">Show Building Sketch</a>
Building Area Types						
Type	Description			Sq. Footage		Year
BAS	Base Area			5040		1987
NCA	Non-Calculated Area			1416		1987
Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame
LST UTIL	0D	360	360	76	PLY PANEL	CLASS D
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch
N/A	1	10	1987	1987	N/A	<a href="#">Show Building Sketch</a>
Building Area Types						
Type	Description			Sq. Footage		Year
BAS	Base Area			360		1987

Extra Features Data		
Description	Units	Effective Year Built
WALL CONC BLOCK LOW	1,316 SF	1988
CHAIN LINK 6'	653 LF	1988
PAVG CONC AVG <3000	3,160 SF	1988
PAVG ASPH LOW >3000	17,612 SF	1988
CANOPY STEEL	700 SF	1988
BARRIER POLE MEDIUM	35 UT	1988
MEZZ LOW COST STGE	904 SF	1987
CANOPY WOOD	150 SF	1999
CANOPY WOOD	150 SF	1989
CANOPY WOOD	846 SF	1987
CANOPY CLOTH AVG	600 SF	1990
CANOPY WOOD	1,416 SF	1987
FENCE WD 6' AVG	81 LF	2000
ASPH PRKG SPACE LOW	124 UT	1988
SIDEWALK CONC AVG	4,688 SF	1988
CURB CC 1'GUT AVG	262 LF	1988
FLAGP ALUM 25' AVG	2 UT	1988
GOLF CART BRIDGE	2,247 SF	1988

Sale Information								
Multi-Parcel Sale	Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor
Yes	10-03-2014	\$ 265,800	WARRANTY DEED	2029	132	Unqualified	Improved	GOLF GROUP OF PALM COAST
Yes	11-18-2011	\$ 2,000,000	WARRANTY DEED	1842	1869	Unqualified	Improved	THE GRAND CLUB LLC
No	07-01-2004	\$ 10,750,000	N/A	1118	827	Unqualified	Improved	COMMONWEALTH PALM COAST CORP
No	03-01-1996	\$ 13,711,400	N/A	550	1626	Unqualified	Improved	SUNSPORT RECREATION
No	01-01-1980	\$ 3,294,519	N/A	0	0	Qualified	Improved	CONVERSION

The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The Senior Exemption Does Not Apply to All Taxing Authorities. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Working values are subject to change. Website Updated: January 19, 2016

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## CODE ENFORCEMENT

### SCHEDULE OF ADMINISTRATIVE CHARGES Sections 35-75 through 35-77 or Sections 15-101 through 15-137

#### Nuisance Abatement Costs

a) Administrative Cost	\$150.00
b) Title search and postage cost	Based on City's costs
c) Re-inspect cost	Based on City's costs
d) Abatement cost	Based on bid or City's costs
e) Cost of publication	Based on actual cost
f) First repeated violation cost	\$200.00
g) Second and subsequent repeated violation cost	Referred to City Attorney Or to Code Enforcement Board

#### Demolition Costs

a) Administrative cost	\$200.00
b) Title search and postage cost	Based on City's costs
c) Re-inspect cost	Based on City's costs
d) Abatement cost	Based on bid or City's costs
e) Cost of publication	Based on actual cost

January 3, 2015

Date

Barbara A. Grossman\*  
Code Enforcement Manager  
City of Palm Coast

\*Upon delegation from City Manager on file with the City Clerk of the City of Palm Coast

GARGANESE, WEISS & D'AGRESTA, P.A.

*Attorneys at Law*

111 N. Orange Ave., Suite 2000  
P.O. Box 2873  
Orlando, Florida 32802-2873  
Phone (407) 425-9566  
Fax (407) 425-9596

William E. Reischmann, Jr.

*wreischmann@orlandolaw.net*

February 12, 2016

Michael R. Yokan, Esquire  
Post Office Box 40755  
Jacksonville, FL 32203

***Via email to [mike.yokan@gmail.com](mailto:mike.yokan@gmail.com)  
and by U.S. MAIL***

RE: ***City of Palm Coast/Matanzas Woods property.***

Dear Mr. Yokan:

I respond to your email correspondence of February 5, 2016.

The Clerk is coordinating the production of the documents that you've requested.

There is a hearing scheduled for March 9, 2016, of which you've obviously received notice, consistent with Chapter 162, Florida Statutes and City Code, whereby the City is requesting that the Code Enforcement Board authorize the City Attorney's office to initiate foreclosure of the existing lien (copy attached), entered after hearing by the City's Code Enforcement Board on November 6, 2015. This prior hearing was precipitated by the property owner's noncompliance with the Code Enforcement Board's Order of August 8, 2015, which specifically directed the property owner to cure the violations regarding overgrown conditions. (The owner's representatives were in attendance at this original Code Enforcement Board hearing).

I enclose copies of photographs taken on February 1, 2016, which partially reflects the status of the continuing violation (overgrown conditions). These continuing fines can be stopped by bringing the property into compliance. The fines continue in the per diem amount of \$500.00. Compliance requires the following:

Each fairway is to be kept free of weeds and overgrowth from tee box to each green and golf hole.

---

Ft. Lauderdale (954) 670-1979 • Kissimmee (321) 402-0144 • Cocoa (866) 425-9566  
Website: [www.orlandolaw.net](http://www.orlandolaw.net) • Email: [firm@orlandolaw.net](mailto:firm@orlandolaw.net)

Exhibit D

Pursuant to Chapter 162, Florida Statutes, and the City Code of Ordinances, the City has the authority to reduce the amount of fines (which fines become a lien, as aforescribed) when the property has come into compliance.

On a separate matter, the property owner contests the City's allegations regarding the on-going nuisances caused by the structures on the property (in contrast to and separate from the overgrown conditions referenced hereinabove). There are three pending code enforcement cases involving the structures. With regard to the first, the accumulation issue, I've been advised by City representatives that those violations have been brought into compliance. However, with regard to the unsafe and unsanitary conditions as well as the attractive nuisance created by the structures on the property, those violations still continue. These are continuing violations because of the following:

Repeated fire calls that have been the subject of emergency responses from the Palm Coast Fire Department. Such calls were a result of an intentionally set fire and multiple fires within the structures. The structure has had and continues to have unfettered access from unknown person breaking into the structure.

Pursuant to Chapter 633, Florida Statutes, the current Florida Fire Prevention Code, as adopted and enforced by the Florida State Fire Marshal, Chapter 4 - "General Requirements" to maintain a structure and Chapter 19 - "Combustible Waste and Refuse", the structures located at 398 Lakeview Blvd. have been neglected beyond repair. There is no control of access to the structures allowing trespassers to enter and leave the buildings at any time. Lastly, the structural supports of the buildings have been permitted to deteriorate to the point where fire services will not enter that structure in the event of a fire.

These two remaining violations can be remedied by the following:

- (1) Removal of the structures; and
- (2) Alternatively, within thirty (30) days from the date of this correspondence, apply for all necessary building permits to make the structures code compliant and thereafter complete all repairs and renovations within sixty (60) days.

Your February 5, 2016 correspondence (appeal) seeks a hearing, pursuant to Section 35-76(g) of the City Code. Section §35-76 requires such appeal be filed with the City Clerk within fifteen (15) days after the City's Notice(s) of Violation (January 20, 2016), along with a \$25.00 filing fee. Neither condition precedent to a timely appeal occurred. Therefore, the City Clerk may not schedule any such appeal for hearing. The violations must be immediately remedied. Alternatively, pursuant to Section §35-76(h), the City may undertake such actions as are necessary to remedy the violations.

2/12/2016

Page -3 -

You have previously indicated that the property owner intends to submit applications for redevelopment. The City has not received any such requests but welcomes the opportunity to discuss future uses of the property and prompt code compliance.

Sincerely,

**/s/ To Avoid Delay, typed and forwarded  
in absence of attorney**

William E. Reischmann, Jr., Esquire  
City Attorney

Enclosures

cc: Jim Landon, City Manager  
Stephen Flanagan, Community Development Director  
Barbara Grossman, Code Enforcement Manager  
Virginia Smith, CMC, CP

Parcel ID: 07-11-31-7037-0RPOA-0002

Legal Description:

Section 37 Block Lot

OPENIC

**CITY OF PALM COAST  
CODE ENFORCEMENT BOARD  
PALM COAST, FLORIDA**

Case Number: 2015040331

OCM# 91 7199 9991 7035 3305 4471

CITY OF PALM COAST,  
Petitioner

Vs.

The Group Golf of Palm Coast, LLC  
Respondent

**ORDER IMPOSING FINE/LIEN (NOT IN COMPLIANCE)**

This matter came to be heard by The City of Palm Coast Code Enforcement Board on the 4th day of November, 2015, after proper notice to Respondent who was present. Based on the testimony and evidence submitted, the Board hereby makes the following:

**FINDINGS OF FACT**

1. The Respondent is the property owner of 398 Lakeview Blvd., the legal description and parcel identification number of said property is stated above, and there has been the following violation: Weeds/Overgrowth, Palm Coast Code Section 15-108(d).
2. The Respondent was previously found in violation of the same Code on August 08, 2015. (see attached)
3. The Respondent was in violation of the above cited Code for the period from August 27, 2015 to November 03, 2015.
4. The Respondent has not brought the property into compliance as of November 4, 2015.

91 7199 9991 7035 3305 4471

AI# 2

### CONCLUSIONS OF LAW

Pursuant to Chapter 162.09 Florida Statutes and Section 2-211 (b) Code of Ordinances of the City of Palm Coast, the Respondent may be fined up to \$5000.00 per day for a repeat violation and be ordered to pay administrative costs to the City of Palm Coast in enforcing its Codes.

### ORDER

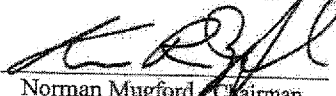
**THAT BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND BY THE AUTHORITY OF Chapter 162.09, Florida Statutes, and Section 2-207 Code of Ordinances of the City of Palm Coast, IT IS HEREBY ORDERED**

1. That the Respondent/Respondents shall pay the City of Palm Coast, a fine in the amount of **\$34,500.00**, that is \$500.00 per day for the period from August 27, 2015 to November 03, 2015. The fine shall continue to run until the property is brought into compliance and an affidavit of compliance has been filed by the Code Enforcement Officer. Payment shall be made in the form of a cashier's check or money order made payable to the City of Palm Coast, 160 Cypress Point Pkwy, Suite B-106, Palm Coast, Florida 32164, Attn. Code Enforcement.
  
2. This Order may be recorded in the Public Records of Flagler County and shall constitute notice to any subsequent purchasers, successors in interest, or assigns, if the violation concerns real property, and the findings, conclusions and orders herein shall be binding upon the Respondent and any subsequent purchasers, successors in interest, or assigns. It shall constitute a lien against any lands on which the violation existed and upon any other real or personal property owned by the Respondent. *A Satisfaction of Fine/Lien will be recorded upon satisfaction of the fine.*
  
3. That pursuant to Chapter 162.07 and 167.09 Florida Statutes and Section 2-211 Code of Ordinances of the City of Palm Coast, and other controlling law the Respondent shall pay administrative costs of **\$69.50** to the City. When the property does come into compliance and Affidavit will be mailed giving 30 days to pay the fine. If not paid in the time allotted, the property will be liened, and an additional administrative cost of \$33.40 will be added. Payment shall be in the form acceptable by the City of Palm Coast, and made payable to The City of Palm Coast, 160 Lake Avenue, Suite 214, Palm Coast Florida 32164. Unless paid, the costs shall constitute a lien against any lands on which the violation existed and upon any other real property owned by the Respondent and any subsequent purchases, successors in interest or assigns. A satisfaction of Fine/Lien will be recorded upon satisfaction of the costs.
  
4. All prior orders remain in full force and effect, except as modified herein

5. This Order may be appealed by an aggrieved party to the Circuit Court within thirty (30) days of its execution.

DONE AND ORDERED this 6th day of November, 2015.

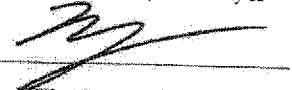
CITY OF PALM COAST CODE ENFORCEMENT BOARD

By:   
Norman Mugford, Chairman

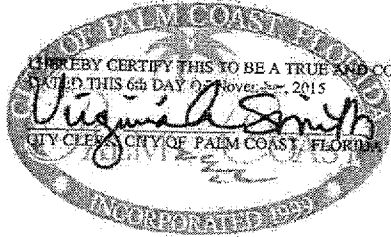
Attest:   
William Wry, Senior Staff Assistant

Certificate of Service

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished to The Group Golf of Palm Coast, LLC at 2822 St. Johns Avenue, Jacksonville, FL 32205 via Certified Return Receipt and first class mail, this 6th day of November, 2015.

  
William Wry, Senior Staff Assistant  
to the Code Enforcement Board

AI# 2



OENFC

