



## MAGISTRATE HEARING DOCKET

**CITY OF STUART, FLORIDA  
121 S.W. FLAGLER AVENUE  
STUART, FLORIDA 34994**

**JUNE 21, 2023 AT 2:00 PM  
COMMISSION CHAMBERS**

Agenda items are available on our website at <http://www.cityofstuart.us>  
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: [mkindel@ci.stuart.fl.us](mailto:mkindel@ci.stuart.fl.us)

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**WHAT IS CIVILITY?** Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

### PLEDGE OF ALLEGIANCE

### VIOLATION HEARINGS

- 1. City of Stuart v. Lea and Robert Stancovich and Josephine Stancovich** Michael Mortell  
CASE NO: CE21010007  
ADDRESS OF VIOLATION: 1251 Sw Nortons Ln Stuart FL 34994  
CODE SECTION: Consent Order  
DESCRIPTION OF VIOLATION: None Compliance with Consent Order
  
- 2. City of Stuart v. Robert Haas Jr.** Deborah Carrasco  
CASE NO: CE22080003 & CE21050005  
ADDRESS OF VIOLATION: 228 SE Ila St., Stuart, FL  
CODE SECTION: Consent orders  
DESCRIPTION OF VIOLATION: Failure to comply with consent orders.

**3. City of Stuart v. McNamara 1991 Federal LLC & Enterprise Leasing Company of Florida, LLC**

Vito Lorenzo

CASE NO: CE23020021

ADDRESS OF VIOLATION: 1991 SE Federal Hwy, Stuart, FL 34994

CODE SECTION: Sec. 11.00.05. - Post-approval changes.

DESCRIPTION OF VIOLATION: **Sec. 11.00.05. - Post-approval changes. (Land Development Code)**

After an approval has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the approval without first obtaining a modification of the approval. A modification may be applied for in the same manner as the original application. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

Respondent continuously usurps and uses required parking for customers, shared with other retail businesses, as shown in Exhibit 1 to the Stipulation and Agreed Order.

**Sec. 1-13. Whenever in this Code any act is prohibited or is made or declared to be unlawful it shall be punished by a fine not to exceed \$500.00.**

**ADJOURNMENT**

**CITY OF STUART, FLORIDA  
AGENDA ITEM REQUEST  
MAGISTRATE**

**Meeting Date:** 6/21/2023

**Prepared by:** Michael Mortell

**Title of Item:**

City of Stuart v. Lea and Robert Stancavich and Josephine Stancavich

**Address:**

1251 Sw Nortons Ln Stuart FL 34994

**Code Section:**

Consent Order

**Description of Violation:**

None Compliance with Consent Order

**Summary Explanation/Background Information:**

**ATTACHMENTS:**

1. DSCF2759
2. DSCF2760
3. DSCF2761
4. DSCF2762
5. DSCF2763
6. Stipulation Agreed Order signed by magistrate - Stancavich 1251 SW Nortons Lane
7. Notice of Hearing and Hand Delivery
8. Staff report mortell June 2023





5/30/2023





5/30/2023





5/30/2023





5/30/2023





5/30/2023



CITY OF STUART, FLORIDA  
CODE ENFORCEMENT MAGISTRATE

**Case No. CE21010007**

CITY OF STUART, FLORIDA,  
Petitioner,  
v.

PCN: 083841033000000106

Lea and Robert Stancavich  
Josephine R. Stancavich  
1251 SW Nortons Lane  
Stuart, FL 34994

Respondent(s).

**STIPULATION AND AGREED ORDER**

**STIPULATION**

The City of Stuart, Florida and the Respondent(s), hereby stipulate and agree to the following:

1. The person(s) signing this Stipulation have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
2. The violations that are more fully described in the Notice of Violation/Notice of Hearing filed in this case do exist at the property described therein. A true and accurate copy of the Notice is attached hereto as ***Exhibit "A."***
3. The legal description of the real property is attached hereto as ***Exhibit "B."***
4. The Respondents are granted until **July 31, 2021**, to take the necessary corrective actions to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances, Florida Building Code, as applicable, as fully described in the Notice of Hearing/Notice of Violation and the Work Schedule attached hereto as ***Exhibit "C."***
5. If the Respondents do not correct the violations(s) and bring the property into compliance as set forth in Section 4 above, **the permit will be expired. A new permit will have to be applied for based upon current building codes. Fines and costs may result in a lien being placed on any real or personal property owned by Respondents.**
6. Administrative costs in the amount of **\$300.00 shall be waived by the City with the filing of this Stipulation.** In accordance with Sec.162.09, Florida Statutes, a hearing is not necessary for the issuance of an order imposing the fine, and no additional



notification will be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondents fail to comply with this Stipulation.

7. The Respondents approve this Stipulation, and request the Magistrate enter the Agreed Order which requires the Respondents to correct the violations and bring the property into compliance, or be liable for the fines and additional costs described above.
8. **The Respondents bear the burden of contacting the City's Code Enforcement Division at 772-600-1254 to arrange for a re-inspection of the property** in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.

CITY OF STUART, FLORIDA  
CODE ENFORCEMENT DIVISION

By: Vito Longo

Date: 2/17/2021

RESPONDENT(S)

By: Robert Stancavich

By: [Signature]

Date: 2/17/21

**AGREED ORDER**

THIS MATTER came before the Magistrate on FEBRUARY 18, 2021, and having been fully advised of the premises;

IT IS HEREBY ORDERED that the above Stipulation is approved and the parties shall abide thereby, and

IT IS FURTHER ORDERED that the Respondents shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.

[Signature]  
Paul J. Nicoletti  
Magistrate

Copy furnished to the parties by: U.S. Mail / Hand Delivery / Fax





**CITY OF STUART**  
**CODE ENFORCEMENT**  
830 SE MARTIN LUTHER KING, JR. BLVD  
STUART, FL 34994-2139

**NOTICE OF VIOLATION**

**Feb 02, 2021**

**STANCAVICH LEA**  
**1251 SW NORTONS LN**  
**STUART, FL 34994**

**Case #: CE21010007**

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

**ADDRESS: 1251 SW NORTONS LN**  
**PARCEL ID #: 0838410330000001060000**

**OBSERVATION DATE: 01/05/21**  
**CORRECTION DATE: 02/12/2021**

**VIOLATION(S)**  
**AND**  
**CORRECTIVE**  
**ACTIONS:**

**10-61 (j) (2)**  
No accumulation or storage shall be located within any required front yard, side yard or carport that is visible from public view  
**10-34**  
The contractor and owner have not provided a dumpster to keep the work site clean  
**10-69(B)(3)**  
Commercial Vehicles parking prohibited on residential property  
**Correction: 10-61 (j) (2)**  
Remove outdoor storage  
**10-34**  
Clean site and provide dumpster for future debris  
**10-69(B)(3)**  
Remove commercial vehicles

**NOTICE OF HEARING SUMMONS**

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on **02/18/2021 at 10:00AM** in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

**An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.**

Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 288-5325 or (772) 600-1254.

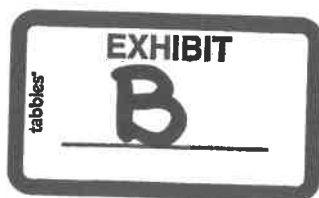
  
Code Enforcement Officer  
Chalimar Gregory / Vito Lorenzo / Deborah Carrasco

2019 2970 0001 7698 2590  
Certified Mail #





**Lots 1 and 2, Norton's Landing, according to the Plat thereof, recorded in Plat Book 11, Page(s) 7, of the Public Records of Martin County, Florida.**





Work Schedule For 1251 SW Norton's Lane, #16120107

2/17/2021

| Work Performed                         | Approximate Date Completed            |
|----------------------------------------|---------------------------------------|
| Fill The Second Floor Cells            | Schedule Within 14 Days From Now      |
| Install Second Floor Roof Trusses      | After Cells Poured                    |
| Roof Sheathing and Tie Down Inspection | After Trusses Up & Sheathing In Place |
| Roof                                   | After Passing Inspection              |
| Windows & Doors                        | April - May 2021                      |
| Shell Completed                        | June - July 2021 Outside Completed    |







CITY EXHIBIT D



RECEIPT OF HAND DELIVERY

DATE 5/22/2023

Property Owner

TO: Robert & Lea Stancovich

ATTENTION Notice of Magistrate Hearing for June 21<sup>st</sup> 2023 @ 2pm

Location of Property in violation 1251 SW Norton's LN, Stuart FL

Date and Time of Service 1:23 pm 5/22/2023

Recipient 

Signature of Owner/Recipient



**CITY OF STUART, FLORIDA  
CODE ENFORCEMENT MAGISTRATE**

**Case: CE21010007**

Building Official-Stefano Nicolosi  
Code Enforcement Officer-Vito Lorenzo

CITY OF STUART, FLORIDA,  
Petitioner,

v.

**Robert J & Lea Stancavich  
Josephine Rose Stancavich  
1251 SW Nortons Ln  
Stuart, FL 34994**

Respondent(s).

**NOTICE OF MAGISTRATE HEARING**

Please take notice that on **Wednesday** the **21<sup>st</sup>** day of **June**, at **2:00 PM**, in the City of Stuart Commission Chambers located at **121 SW Flagler Ave, Stuart, FL**, the City will bring on to be heard the Code Enforcement Case **CE21010007**.. Please govern yourself accordingly.

I HEREBY CERTIFY that a true copy of this Notice of Hearing was served upon the Respondent by Hand Delivery on this **22nd** day of **May, 2023**.



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Vito Lorenzo  
121 SW Flagler Ave  
Stuart, FL 34994  
(772) 288-5325

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**CITY OF STUART  
OFFICE OF THE CITY ATTORNEY**

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**MEMORANDUM 2022**

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**STAFF REPORT REGARDING 1251 NORTON's WAY**

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**SUMMARY:** This staff report is generated as an addendum to the August 2022 Magistrate Hearing to supplement the Agenda Item and provide a detailed history of the events.

**HISTORY**

In October 2015, Mr. Stancavich applied for a variance to the City of Stuart Board of adjustment asking for a reduction of certain setbacks required by City Code. If the setback reductions were granted, Mr. Stancavich claimed that he would have enough land to subdivide it into two legal parcels. However, the house he wanted to build on the vacant lot was over 3,000 square feet and he needed a variance based upon its design. Mr. Stancavich was not requesting a variance reducing or changing the minimum lot size or granting a lot split and assigning a new parcel ID for a non-conforming lot. The application specifically stated that it was a request for *a front setback reduction to 15 feet for an existing residence and an inland buffer requirement of 8 feet with an average of 15 where a minimum of 50 is required.* According to the agenda item, if these variances were granted, it would *allow him to split his land into two lots and construct a new single-family home on the second lot.* The Board of Adjustment did not address the legal size or requirements of the lots. The board of adjustment hearing was limited to the buffer and setback reduction requests. The report stated that the variance was required "to allow for an existing single-story on the proposed Lot 1 after a legally dimensioned lot split; ..."

The Justification Letter attached to Variance Application stated that the owner would seek the subdivision of the parcels at a later date. The City of Stuart does not subdivide parcels. The subdivision or assignment of a new parcel ID is performed by the Martin County Property Appraiser.

The application was submitted in October as a prospective purchaser, but the hearing took place on December 9, 2015. Mr. Stancavich closed on the property on November 24, 2015 and was the owner at the time of the hearing. It is unknown what disclosures were made between the seller of the property and the potential buyer at that time of sale, but the transaction closed as a single parcel. It is also unknown if Mr. Stancavich obtained Title Insurance or performed a Title Search of the property prior to purchase or before applying to the Board of Adjustment for the variance. If Title insurance was issued or a title search was performed, Mr. Stancavich was aware of three separate deed restrictions recorded on the property preventing its subdivision. When the Closing did occur (prior to the Board of Adjustment



**1251 NORTON'S WAY****MARCH 3, 2023**

Hearing), the property was transferred by Warranty Deed. A Warranty Deed is a transfer free from encumbrances other than those specifically disclosed. The variance granting the setbacks has been recorded and Mr. Stancavich is entitled to rely on those setbacks.

The Board of Adjustment granted the variance request. The original Order approving the variance requests included a condition added by the Board of Adjustment which required Mr. Stancovich to complete the construction no later than January 2017. The procedure when a board adds additional terms at the hearing is to include an acceptance line for the applicant to sign prior to the execution of the Order. The order was provided to Mr. Stancavich for his signature following the hearing but was not returned to the City and therefore not rendered or recorded. It appears that the City staff failed to track or diary the order.

In December 2016, an agent of Mr. Stancavich contacted Stephen Mayer in the Development Department via email regarding the matter and for reasons unknown, Stephen Mayer agreed to modify the Order without another board meeting. The new order only required Mr. Stancavich to obtain a permit for construction before December 9, 2016, or the Order was void. It should be noted that during the entire year following the Board of Adjustment hearing, Mr. Stancavich never approached the City about the subdivision of the property. Upon receipt of the email from Mr. Mayer at the City, Mr. Stancavich pulled a permit as an owner builder to build a home on his original parcel located at 1251 Norton's Way before December 9, 2016. However, again Mr. Stancavich did not sign the Variance Order and return it and as a result, it was again neglected and remained unrecorded.

When the matter came to the attention of the City Attorney in March 2022, the first response was that the staff did not have the legal authority to modify the order. However, after consulting with counsel for Mr. Stancavich as well as research, the City attorney recommended that the City honor the representation by Mr. Meyer because had it been recorded back in 2016, it would not be 6 years old. In addition, Mr. Stancavich had begun construction based upon the site plan included in the order and the structure was located in the buffer where the variance had been granted. As a result, the modified Order requested by Mr. Stancavich was entered and rendered by the City Clerk. The modified Order granted the setback and buffer changes requested by Mr. Stancavich and remains in full force and effect because it did not expire.

In February 2021, Mr. Stancavich entered a Stipulation and Order regarding multiple code matters. The Stipulated Order agreed that the windows would be complete, the roof would be complete and inspected and the entire outside of the house would be complete prior to July 2021. In February 2022, the property was violated for failure to comply with the stipulated order. In the March 2022 hearing, the City learned that Mr. Stancavich had never subdivided the parcels to create a legal parcel for the second home to be constructed. Pursuant to the City Comprehensive Plan, a permit can not be issued for two houses on one lot unless the second house meets the criteria of an accessory dwelling unit. The permit issued to Mr. Stancavich expired and the second house remains in disrepair and unfinished after being under construction for almost 7 years.

In April 2022, the Magistrate entered a final order adjudicating a fine of \$25,000.00 dollars which was a reduction of more than \$100,000.00 of the accrued fines. In addition, the Order ratified the \$250.00 per day fine but suspended same until May 20, 2022, allowing the respondent to bring the subject property into compliance. The Order further states that in the event the Respondent fails to comply by May 20, 2022, a fine of \$250.00 per day will continue to accrue from April 22, 2022, until the property is in compliance.

At the time this report was drafted, the Respondent had removed a trailer from being stored on the property which was part of the original proceeding. However, there is no open permit on the property. Electricity was temporarily granted as part of the permit, but it remains on even though the permit is long since void. In addition, the Respondent is using the structure without a certificate of occupancy by storing his office equipment inside. There is no roof on the structure and not all of the windows have been installed. This can create a dangerous condition during hurricane season. Until such time as the Owner subdivides the lots, the structure under construction is illegal and non-conforming. The City is honoring the variances granted in 2015 but they were conditioned on representations by Mr. Stancavich which have not been fulfilled.

### **TIMELINE**

**October 2015:** Application to Board of Adjustment for variance granting setback variances.

**December 2015:** Board of Adjustment grants variance with requirement construction of new structure that would impact the original buffer zone be constructed by January 2017 or Variance Order is void. For reasons unknown, Mr. Stancavich never signed the acceptance line on the Order nor returned it and therefore it was not rendered or recorded.

**December 2016:** Agent of Stancavich emails Mr. Meyer objecting to language requiring completion by the end of December 2016 and the email discussed the variance order with the deadline which demonstrates that Mr. Stancavich and his consultant were in possession of the order and aware of the condition. For reasons unknown the land planner modified the order and changed the conditional language to state that Mr. Stancavich needed to pull a permit by December 9, 2016, instead of completing the entire construction project or the Variance would be void. Mr. Stancavich immediately pulled a permit but again did not sign the order and as a result it was not rendered or recorded.

2017-2020 – Mr. Stancavich – acting as an owner builder very slowly worked toward constructing the house. The City did not notice that the Board of Adjustment Order had not been recorded because the permit for construction had already been issued and the buffer inspections were completed initially. In addition, the variance order does not have any impact on the matters pending before the code enforcement magistrate. It is essentially a distraction created to defer responsibility.

**February 2021:** On February 18, 2021, the Magistrate entered a Stipulation signed by Mr. Stancavich which included several deadlines for completion of certain work.

**February 2022:** Mr. Stancavich was noticed for hearing for Violation of the Stipulated Order.

**March 2022:** Mr. Stancavich raised the issue of the variance and claimed that it provided relief that was not being considered. Because the city did not have the order, the matter was continued until April.

**April 2022:** A final order on the code enforcement violation was rendered by the magistrate. The evidence presented included a fine more than \$150,000 dollars had accrued based upon the conditions in the stipulated order and that the property remained in disrepair without a permit or any construction activity taking place. In addition, evidence was presented that Mr. Stancavich was using the new



**1251 NORTON'S WAY****MARCH 3, 2023**

structure without a certificate of occupancy; that the electricity remained on in the new structure; that he was storing business files, furniture, and equipment in the structure; and that the roof, windows and exterior of the structure were not finished per the Order from a year prior. The magistrate entered a Final Order in the amount of \$25,000. In addition, the Order ratified the \$250.00 per day fine but suspended same until May 20, 2022, allowing the respondent to bring the subject property into compliance. The Order further states that in the event the Respondent fails to comply by May 20, 2022, a fine of \$250.00 per day will continue to accrue from April 22, 2022, until the property is in compliance.

**August 2022:** The City is seeking to adjudicate the balance of any fines that have accrued since the April hearing. It has been approximately 120 days. The specific number will be determined at the hearing. Based upon the Final Order, the City is seeking another Judgment be recorded in the amount of \$250.00 per day for 120 days for a total of \$30,000.00. The is also seeking a finding from the magistrate for the following violations:

1. Non-conforming structure on property without an active building permit. \$100.00 per day fine.
2. Electricity on in structure/ using structure without a certificate of occupancy. \$100.00 per day.
3. Furniture, equipment and miscellaneous being stored inside the structure/ additional use without a certificate of occupancy. \$100.00 per day fine.
4. Utility trailers and a tractor stored on site – must be on hardened surface. Seeking 30 days to rectify.
5. Compliance with Stipulation and Final Order entered on April 22, 2022.
  - a. No Roof Sheathing or tie down inspection performed. \$100.00 per day fine.
  - b. Windows and doors must be installed by July, 2021. \$100.00 per day.
  - c. Outside of home and shell must be complete by July, 2021. \$100.00 per day.

The City is seeking six (6) separate fines in the amount of \$100.00 per day. This will allow Mr. Stancavich to reduce the outstanding fine for each segment completed rather than having one amount contingent upon completion of everything. If he disconnects the electricity, that fine will terminate. If he removes the furniture and equipment that fine will terminate. If he obtains a permit, that fine will cease.

The Respondent will have the ability to call for inspections and remove each fine as soon as the work is complete for that item. For example, if he pulled a permit next week, then fine 1, 2, and 3 would stop that day. Once he called for an inspection on the roof sheathing, that fine would terminate.

**DECEMBER 15, 2022:** On August 22, 2022, the City Magistrate adjudicated an additional fine in the amount of \$29,750.00 for the penalties that accrued from April 22, 2022, until August 19, 2022. On August 19, the Magistrate also assessed costs in the amount of \$450.00 through August 19, 2022. In addition, the Magistrate affirmed that he fine in the amount of \$250.00 per day should continue until the property owner brings the property into compliance.

The Magistrate also scheduled a status conference for September 16, 2022. On September 16, the magistrate noted that the Owner had elected to seek Board of Adjustment relief or in the alternative submit alternative plans and obtain a building permit (and begin construction) for one single family home on the single parcel.

**1251 NORTON'S WAY**

**MARCH 3, 2023**

Following the Code Enforcement Hearing on September 16, 2022, the Respondent sent emails to the City depicting flooding after a heavy rain that may or may not be related to the removal of a swale on his property. The drainage easement was not modified by the City and no permit was issued for its modification.

**December 13, 2022** After the Notice for Hearing was delivered for the December 16, 2022 Code Enforcement Hearing, the Respondent sent an email with a draft application for a building permit with other documents including a letter from an engineer that said it had been hired to “provide assistance updating of an existing permit”. The City responded to the Owner and explained that he must obtain a permit by submitting a complete application with all of the necessary supporting documents as well as the standard application fee. It should be noted that the City is not even charging the penalty cost for an after the fact permit that would normally be charged. As of 2:30 p.m. on December 15, 2022, the application for a permit has not been submitted to the City and the Code hearing is set for December 16, 2022. A review of the history in this case shows that the exact same thing happens two or three days before every code enforcement proceeding and then the owner acts like he was confused and claims that he will resolve the issue immediately but then takes no action until the next notice is received. The fine at a rate of \$250.00 per day from August 22, 2022, until December 16, 2022, is 116 days or \$29,000.00. The Total fine up until August 22, 2022, is \$54,750.00. If the \$29,000 is added by the magistrate, the total fine will become \$83,750 but the Judgments are being recorded separately to make it easier to calculate interest and track specific compliance.

**December 16, 2022-** the Status Conference was held during the regularly scheduled Code Enforcement hearing on December 16, 2022. The magistrate entered a six (6) page order adjudicating a total fine in the amount of \$83,750.00. The order also set the item for a status conference on January 18, 2023.

**January, 2023:** On January 18, 2023 there was a status conference held. Mr. Stancavich informed the City that he hired an architect and was moving in a different direction. He stated that he was going to stop pursuing the lot split and simply build one house on the parcel by combining the structures. At the time of the Status hearing, the property was not in compliance with the City codes and did not have an active building permit. The owner stated that he would be seeking a building permit for a single family residential lot on a single parcel.

**January 30, 2023:** On January 30, 2023, the City sent a letter to Mr. Stancavich as an attempt to address his intention to seek a building permit for one home. The letter included a list of minimum criteria that was necessary for the City to properly review his submittal due to the amount of time that had passed since the permits were originally obtained (2016). The requirements included a new survey, new architectural drawings based upon the current building code, new flood elevations and a legal opinion related to his intention to place a structure over an area that was reserved for a drainage easement. It also requested a storm water plan for the entire parcel as well as a response to the dry retention pond that was depicted on the southeast corner of the parcel.



**1251 NORTON'S WAY**

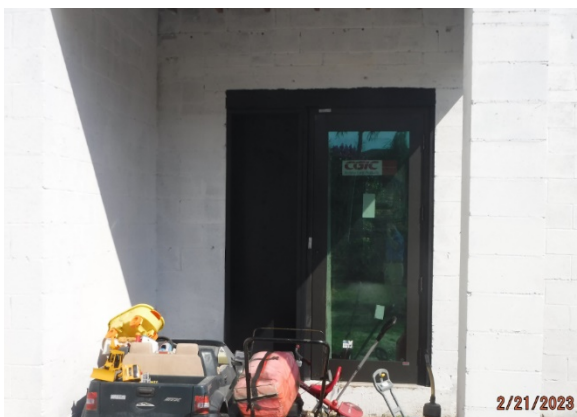
**MARCH 3, 2023**

Paragraph six (6) of the letter stated that Time was of the Essence and that Mr. Stancavich would need to execute a consent order with the City no later than February 8, 2023, or the proposal would be withdrawn.

**February 2023** – The property owner did not execute a new consent order with the City. In addition, during the month of February, the City was notified that there was working taking place on the property without a permit. Upon investigation, the City was able to determine that Mr. Stancavich installed windows and a door and in addition acknowledge that he done some “grading” of the property. The lien in the amount of \$250.00 per day has continued to run since December 16, 2022. Mr. Stancavich did submit an application for a permit but it was failed by the Development Department because it was incomplete and it was not in compliance with the City Code or the Board of Adjustment variance order that had been granted in 2015.

**March, 2023** – during the first week of March, 2023, multiple property owners in the immediate vicinity of the property contacted the City to inquire about the status. Concerns raised by the neighbors included but were not limited to issues related to the compatibility of a house made up of connecting two houses together; the basis for the variance was to build two residences and the neighbor state that they would have objected to the variance if it were just for the merging of the two houses into one; flooding problems that occur whenever it rains because (according to the neighbors) Mr. Stancavich filled in the drainage easement and put pavers across the driveway. Prior to his intervention, the property drained into Poppleton Creek. There were also concerns about building without a permit, operating a business in the house that was under construction; installing a fence backwards and an overall dissatisfaction with the length of time that has passed and the fact that he is no longer following the spirit of the original Board of Adjustment approval that was based upon his representation of a lot split.

**March 15, 2023** – the matter is set for a quarterly status conference to adjudicate the lien that has accrued since the last Order. The last order was entered by the Magistrate on December 16, 2023. December 16 until March 15 (not including March 15) is 89 days. The lien is accruing at a rate of \$250.00 per day. Multiplied by 89 days is \$22,250.00. The prior cumulative total was \$83,750.00. The total amount outstanding as of March 15, 2023, is \$106,000.00. The city is seeking the entrance of another judgment in the amount of \$22,500.00 which does not even address the installation of the windows and door without a permit. The City is not currently seeking an additional fine for the windows or doors. It is simply included to provide information.



Due to the nature of the project and the response from the neighborhood, staff does not believe it will be able to issue a building permit without the applicant seeking a variance from the Board of Adjustment Order or a Development Order from the City Commission.

**June 15, 2023** - Since March there have been additional compliance regarding non compliance and additional debris on the property. As of June 14, 2023, the Code Enforcement Department has inspected the site and photographed same. The outside of the house is in compliance and all construction material and other debris has been properly removed. However, the Respondent remains in violation of the Consent Decree and has failed or refused to obtain a permit and complete the construction of the house. The structure remains in a condition of disrepair. The Respondent has not filed an application to for a permit and has failed to do any work on the structure. The lien is accruing at a rate of \$250.00 per day. From March 16 until June 21, 2023 is 97 days multiplied by \$250.00 per day is a total of \$24,250.00.



**CITY OF STUART, FLORIDA  
AGENDA ITEM REQUEST  
MAGISTRATE**

**Meeting Date:** 6/21/2023

**Prepared by:** Deborah Carrasco

**Title of Item:**

City of Stuart v. Robert Haas Jr.

**Address:**

228 SE 11a St., Stuart, FL

**Code Section:**

Consent orders

**Description of Violation:**

Failure to comply with consent orders.

**Summary Explanation/Background Information:**

Mr. Haas, at **228 SE 11A Stuart FL**, had signed a Stipulation agreement for **CE 2105005 on May 11, 2021**. He was **granted until June 14, 2021 to come into compliance. He complied by June 21, 2021, which resulted in the amount of \$600.00.**

Mr. Haas also signed another Stipulation regarding **CE22080003 on August 3, 2022**. He was **granted until October 31, 2022 to come into compliance. His compliance date was May 12, 2023. Which has resulted in the amount of \$48,000.00**

**ATTACHMENTS:**

1. City of Stuart vs Robert Haas Jr. 6-15-23



## RECEIPT OF HAND DELIVERY

DATE June 14, 2023

### Property Owner

TO: Robert Haas Jr.

ATTENTION Re: Magistrate Hearing

Location of Property in violation 228 SE ILA Street

Date and Time of Service June 14, 2023 @ 1:40pm

Recipient RJ Haas  
Signature of Owner/Recipient



CITY OF STUART, FLORIDA  
CODE ENFORCEMENT MAGISTRATE

Case: CE22080003

Case: CE21050005

Property Inspector – Deborah Carrasco

CITY OF STUART, FLORIDA,  
Petitioner,

v.

Robert Haas Jr.  
228 SE ILA Street  
Stuart, FL 34994

Respondent(s).

**NOTICE OF MAGISTRATE HEARING**

Please take notice that on **Wednesday** the **21st** day of **June 2023**, at **2:00 PM**, in the City of Stuart Commission Chambers located at **121 SW Flagler Ave, Stuart, FL**, the city will bring on to be heard the Code Enforcement Cases **CE22080003** and **CE21050005**. Please govern yourself accordingly.

I HEREBY CERTIFY that a true copy of this Notice of Hearing was served upon the Respondent by Hand delivery on this **14th** day of **June 2023**.



Deborah Carrasco  
121 SW Flagler Ave  
Stuart, FL 34994  
(772) 600-0118 Ext. 3950



CITY OF STUART, FLORIDA  
CODE ENFORCEMENT MAGISTRATE

Case No. CE22080003

CITY OF STUART, FLORIDA,

Petitioner,

v.

Robert J. Haas Jr  
228 SE ILA St.  
Stuart, FL 34994

PCN# 0938410010070008020000

Respondent(s).

**STIPULATION AND AGREED ORDER**

**STIPULATION**

The City of Stuart, Florida and the Respondent(s), hereby stipulate and agree to the following:

1. The person(s) signing this Stipulation has/have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
2. The violation(s) that are more fully described in the Notice of Violation/Notice of Hearing filed in this case exist at the property described therein, and the legal description of the property is attached on Exhibit "A."
3. The Respondent is granted until **October 31, 2022**, to take the necessary corrective action to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances, or Florida Building Code, as applicable, and as described in the Notice of Hearing/ Notice of Violation. **\*The necessary corrective action requires submitting plans and apply for an After The Fact Building Permit by the above date. \***
4. If the Respondent does not correct the violations(s) and bring the property into compliance as set forth in section 3, a civil penalty of **\$250.00 per violation, per day** shall be assessed for each day the violation continues after the compliance date. **The assessment of fines and costs may result in a lien being placed on any real or personal property owned by Respondent.**
5. Administrative costs in the amount of **\$300.00 shall be waived by the City** with the filing of this Stipulation. In accordance with Sec.162.09, Florida Statutes, a hearing is not necessary for the issuance of an order imposing the fine, and no additional notification will be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondent fails to comply with this Stipulation.

6. The Respondent acknowledges that the City of Stuart Code Enforcement Magistrate may enter an Order which requires the Respondent to correct the violations and bring the property into compliance, as stated in this Stipulation and Agreed Order.
7. Should the Respondent(s) come into compliance in accordance with this Stipulation and Agreed order, and subsequently violate the same code sections, such reoccurrences shall subject the Respondent(s) to an administrative fine of up to \$500.00 per day for each violation.
8. The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-600-1254 to arrange for a re-inspection of the property in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.

CITY OF STUART, FLORIDA  
CODE ENFORCEMENT DIVISION

By: Deborah Canas

Date: 8/3/2022

RESPONDENT(S)

By: R. J. [Signature]

By: \_\_\_\_\_

Date: 8/3/2022

AGREED ORDER

THIS MATTER came before the Magistrate on AUGUST 19, 2022 and having been fully advised of the premises.

IT IS HEREBY ORDERED that the above Stipulation is approved, and the parties shall abide thereby, and

IT IS FURTHER ORDERED that the Respondent shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.

[Signature]  
Paul J. Nicoletti, Magistrate

Copy furnished to the parties by: U.S. Mail / Hand Delivery / Fax





**CITY OF STUART**  
**NEIGHBORHOOD SERVICES**  
121 SW FLAGLER AVE  
STUART, FL 34994-2139

**NOTICE OF VIOLATION**

Aug 02, 2022  
HAAS ROBERT J JR  
228 SE ILA ST  
STUART, FL 34994

Case #: CE22080003

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

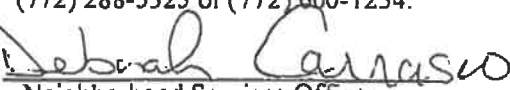
|                                                                  |                             |
|------------------------------------------------------------------|-----------------------------|
| ADDRESS: 228 SE ILA ST                                           | OBSERVATION DATE: 08/02/22  |
| PARCEL ID #: 0938410010070008020000                              | CORRECTION DATE: 10/31/2022 |
| VIOLATION(S) 105.1                                               |                             |
| AND CONSTRUCT, ENLARGE, ALTER, REPAIR, MOVE, DEMOLISH OR INSTALL |                             |
| CORRECTIVE WITHOUT A PERMIT.                                     |                             |
| ACTIONS: Correction: 105.1                                       |                             |
| OBTAIN REQUIRED PERMIT.                                          |                             |

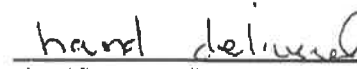
**NOTICE OF HEARING SUMMONS**

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Neighborhood Services Magistrate on 08/19/2022 at 10:00AM in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Neighborhood Services Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly.  
An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.  
Should you require additional information regarding this notice, please contact Neighborhood Services at (772) 288-5325 or (772) 600-1254.

  
Neighborhood Services Officer  
Vito Lorenzo / Deborah Carrasco

  
Certified Mail #  
Composite  
CITY EXHIBIT A



Basic Info

|                          |       |                         |                 |
|--------------------------|-------|-------------------------|-----------------|
| PIN                      | AIN   | Situs Address           | Website Updated |
| 09-38-41-001-007-00080-2 | 25936 | 228 SE ILA ST STUART FL | 8/2/22          |

General Information

|                                                     |                                                                  |                                                       |
|-----------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------|
| Property Owners<br>HAAS ROBERT J JR                 | Parcel ID<br>09-38-41-001-007-00080-2                            | Use Code/Property Class<br>0100 - 0100 Single Family  |
| Mailing Address<br>228 SE ILA ST<br>STUART FL 34994 | Account Number<br>25936                                          | Neighborhood<br>383881 Indian Grvs,PalmettoHbr,Rivr P |
| Tax District<br>STUART                              | Property Address<br>228 SE ILA ST STUART FL                      | Legal Acres<br>0.61                                   |
|                                                     | Legal Description<br>LOTS 8, 9, 10 & 11 BLOCK 7 CASA TERRACE ... | Ag Use Acres<br>N/A                                   |

Current Value

|      |            |                   |              |                 |                |                         |                      |
|------|------------|-------------------|--------------|-----------------|----------------|-------------------------|----------------------|
| Year | Land Value | Improvement Value | Market Value | Value Not Taxed | Assessed Value | Total County Exemptions | County Taxable Value |
| 2022 | \$ 238,000 | \$ 240,570        | \$ 478,570   | \$ 112,878      | \$ 365,692     | \$ 50,000               | \$ 315,692           |

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

|                          |                                                       |                                 |
|--------------------------|-------------------------------------------------------|---------------------------------|
| Sale Date<br>10/3/19     | Grantor (Seller)<br>GORDON REVOCABLE TRUST 09/28/2001 | Doc Num<br>2783345              |
| Sale Price<br>\$ 375,000 | Deed Type<br>Wd Full Covenant and Warranty Deed       | Book & Page<br><u>3092 2312</u> |

Legal Description

LOTS 8, 9, 10 & 11 BLOCK 7 CASA TERRACE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1 PAGE 35 PUBLIC RECORDS MARTIN COUNTY FLORIDA

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.



CITY OF STUART, FLORIDA  
CODE ENFORCEMENT MAGISTRATE

Case No. CE2105005

CITY OF STUART, FLORIDA,  
Petitioner,

PCN: 093841001007008020000

v.

Robert J. Haas Jr.

Respondent(s).

**STIPULATION AND AGREED ORDER**

**STIPULATION**

The City of Stuart, Florida and the Respondent(s), hereby stipulate and agree to the following:

1. The persons signing this Stipulation have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
2. The violations that are more fully described in the Notice of Violation/Notice of Hearing filed in this case do exist at the property which is located at: 228 SE ILA Street and described therein, and the legal description of the property is attached as Exhibit "A."
3. The Respondent is granted until **June 14, 2021** to take the necessary corrective action to bring the property into compliance with the cited sections of the City of Stuart Code of Ordinances, or Florida Building Code, as applicable, and as described in the Notice of Hearing/ Notice of Violation attached hereto.
4. If the Respondent does not correct the violations(s) and bring the property into compliance as set forth in section 3, a civil penalty of **\$100.00 per violation, per day** shall accrue for each day the violation continues after the compliance date. **Fines and costs may result in a lien being placed on any real or personal property owned by Respondent.**
5. **Administrative costs shall be waived by the City with the filing of this Stipulation.** In accordance with Sec.162.09, Florida Statutes, a hearing is not necessary for the issuance of an order imposing the fine, and no additional notification will be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondent fails to comply with this Stipulation.



**Case No: CE2105005**  
**Stipulation and Agreed Order**

Additional costs may be assessed for the later prosecution of this case if the Respondent fails to comply with this Stipulation.

6. The Respondent approves this Stipulation, and requests the Magistrate enter the Agreed Order which requires the Respondent to correct the violations and bring the property into compliance or be liable for the fines and additional costs described above.
7. **The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-600-0118 to arrange for a re-inspection of the property in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.**

CITY OF STUART, FLORIDA  
CODE ENFORCEMENT DIVISION

By: Deborah Caruso

Date: 5/11/2021

RESPONDENT(S)

By: K. Haas

By: \_\_\_\_\_

Date: 5/11/21

**AGREED ORDER**

THIS MATTER came before the Magistrate on MAY 20, 2021 and having been fully advised of the premises.

IT IS HEREBY ORDERED that the above Stipulation is approved, and the parties shall abide thereby, and COMPLY WITH SEC. 10-~~6~~ 11(1), CITY CODE ONLY.

IT IS FURTHER ORDERED that the Respondent shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.

  
Magistrate

Copy furnished to the parties by U.S. Mail / Hand Delivery / Fax

5/20/2021

**EXHIBIT "A"**

**Lots 8, 9, 10 and 11, Block 7, CASA TERRACE, according to the map or plat thereof as recorded in Plat Book 1, Page 35, Public Records of Martin County, Florida.**



**CITY OF STUART**  
**CODE ENFORCEMENT**  
830 SE MARTIN LUTHER KING, JR. BLVD  
STUART, FL 34994-2139

**NOTICE OF VIOLATION**

May 03, 2021

**HAAS ROBERT J JR**  
615 SW ANCHORAGE WAY  
STUART, FL 34994

Case #: CE21050005

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

ADDRESS: 228 SE ILA ST  
PARCEL ID #: 0938410010070008020000

OBSERVATION DATE: 05/03/21

CORRECTION DATE: 05/07/2021

VIOLATION(S)  
AND  
CORRECTIVE  
ACTIONS:

10-61 (J) (1)  
GENERAL STORAGE OF MATERIALS SHALL BE LOCATED ENTIRELY  
WITHIN AN ENCLOSED BUILDING OR SCREENED FROM VIEW.  
10-69 (B) (9)  
ONLY FULLY OPERABLE VEHICLES, VESSELS, OR AIRCRAFT SHALL BE  
PARKED OR STORED ON RESIDENTIAL PROPERTY.  
Correction: 10-61 (J) (1)  
MATERIALS SHALL BE ENTIRELY WITHIN AND ENCLOSED BUILDING OR  
SCREENED FROM VIEW.  
10-69 (B) (9)  
PARKED OR STORED VEHICLES, VESSELS AND AIRCRAFT MUST BE  
FULLY OPERABLE.

**NOTICE OF HEARING SUMMONS**

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Code Enforcement Magistrate on 05/20/2021 at 10:00AM in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Code Enforcement Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly.

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact the Code Enforcement Division at (772) 288-5325 or (772) 600-1254.

  
Code Enforcement Officer

7019 2970 0001 7674 8886  
Certified Mail #



Recorded in Martin County, FL 5/21/2021 7:52 AM  
Carolyn Timmann, Clerk of the Circuit Court & Comptroller  
Rec Fees: \$35.50



Details Actions

Case Information

|             |                                   |              |                                     |          |                               |        |        |
|-------------|-----------------------------------|--------------|-------------------------------------|----------|-------------------------------|--------|--------|
| Case *      | CE21050005                        | Date         | 05/03/2021                          | Operator | dcarrasc                      | Fines  | 600.00 |
| Status *    | N - ACTIVE CASE                   |              | 05/03/2021                          | Officer  | DCARRASCO - CARRASCO, DEBORAH | Lien   | 0.00   |
| Board       | MAG - CODE ENFORCEMENT MAGISTRATE | Last Event   | ROC                                 | 08/01/22 | Balance                       | 600.00 |        |
| Origination | CODE - CODE ENFORCEMENT           | Take Payment | <input checked="" type="checkbox"/> |          |                               |        |        |

Location Information

Address 228 SE ILA ST  
City/State/Zip STUART FL 34994  
PARCEL ID 0938410010070008020000  
Unit

Owner Entity Information

Owner Name HAAS JR, ROBERT  
Use Default ☒  
Address Home - 228 SE ILA ST  
City/State/Zip STUART FL 34994  
Owner Phone

Case Description Origination Defined Fields Violation Codes \* History

7-21-22- going out today with Building Official, Steve N. Due to the large number of issues/ complaints we are receiving, I've called Mr. Haas a couple time, no return calls.DC

7-8-2022-Went to the property with Bruce City Inspector; Mr. Haas refused to let us inside. I did notice he did remove washer/dryer from driveway.DC  
7-8-22-Mary Michielson 727-238-2134 @ 1361 Overseas Hwy. Marathon FL. Lived at the address above for 2months rent free. Complained about the wiring in the house, walls and rooms she claims Mr. Haas has been put in. 7-8-22-Oscar Maclean, 5007th Ave.

Violation Information - Update - CITY OF STUART, FL - LIVE 9.1 — Mozilla Firefox

https://plus12.ci.stuart.fl.us/gas250-cp/wa/sua/01423c73d57f088e6346685b49f8954e3#

You must log in to this network before you can access the Internet. Open network login page

PLUS 360

CommunityPLUS

SunGard Public Sector

Violation Information - Update - CITY OF STUART, FL - LIVE 9.1

DEBORAH CARRASCO

Details ▾

Actions ▾

Case Information

|             |                                   |              |                                     |          |                               |           |           |
|-------------|-----------------------------------|--------------|-------------------------------------|----------|-------------------------------|-----------|-----------|
| Case *      | CE22080003                        | Date         | 08/02/2022                          | Operator | dcarrasc                      | Fines     | 48,000.00 |
| Status *    | N - ACTIVE CASE                   |              | 08/01/2022                          | Officer  | DCARRASCO - CARRASCO, DEBORAH | Lien      | 0.00      |
| Board       | MAG - CODE ENFORCEMENT MAGISTRATE | Last Event   | COMMENT                             | 05/15/23 | Balance                       | 48,000.00 |           |
| Origination | CITY MNG - CITY MANAGER           | Take Payment | <input checked="" type="checkbox"/> |          |                               |           |           |

Location Information

Owner Entity Information

Address

228 SE ILA ST

City/State/Zip

STUART FL 34994

PARCEL ID

0938410010079008020000

Unit

Owner Name

HAAS JR, ROBERT

Use Default

☒

Address

Home - 228 SE ILA ST

City/State/Zip

STUART FL 34994

Owner Phone

Case Description

Origination

Defined Fields

Violation Codes \*

History

5-12-23- S/M. received a letter from Mathers Construction saying all is in compliance. Fines were stopped.DC

1-10-23- Fine reminder letter being sent for both cases.DC

12-7-22-I went to the property to give him the re-notice of hearing he did sign for it.DC

I called Mr. Haas and asked if he was home told him my supervisor is requesting him to come to magistrate on 12-16-22. he said he'd be available at 9:30 today.DC

## CITY OF STUART, FLORIDA AGENDA ITEM REQUEST MAGISTRATE

**Meeting Date:** 6/21/2023

**Prepared by:** Vito Lorenzo

**Title of Item:**

City of Stuart v. McNamara 1991 Federal LLC & Enterprise Leasing Company of Florida, LLC

**Address:**

1991 SE Federal Hwy, Stuart, FL 34994

**Code Section:**

Sec. 11.00.05. - Post-approval changes.

**Description of Violation:**

**Sec. 11.00.05. - Post-approval changes. (Land Development Code)**

After an approval has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the approval without first obtaining a modification of the approval. A modification may be applied for in the same manner as the original application. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

Respondent continuously usurps and uses required parking for customers, shared with other retail businesses, as shown in Exhibit 1 to the Stipulation and Agreed Order.

**Sec. 1-13. Whenever in this Code any act is prohibited or is made or declared to be unlawful it shall be punished by a fine not to exceed \$500.00.**

**Summary Explanation/Background Information:**

On February 10, 2023 Inspector Vito Lorenzo, inspected the property, not through an anonymous complaint, and determined that Enterprise Leasing, the tenant on the property, was using required customer parking for storage of rental vehicles. McNamara 1991 Federal LLC is the fee simple owner of the Subject Property. A copy of the approved Site Plan showing the customer parking lot is attached as Exhibit 1. Since the time of the inspection, until today, the parking lot has remained in continuous use for the storage of rental vehicles. Enterprise Leasing has agreed to comply with the Approved Site Plan on or before July 31, 2023, or pay a fine of \$250.00 per day of violation, and the City has waived the costs (\$300.00) of this action.

**ATTACHMENTS:**

1. 1991 SE Federal Hwy CE23020021 McNamara 1991 Federal LLC & Enterprise Leasing Company of Florida LLC (Signed Stipulation & Agreed Order)
2. 1991 SE Federal Hwy CE23020021 McNamara 1991 Federal LLC & Enterprise Leasing Company of Florida LLC (Exhibits 1-10)

CITY OF STUART, FLORIDA  
CODE ENFORCEMENT MAGISTRATE

Case No. CE23020021

CITY OF STUART, FLORIDA,

Petitioner,

v.

McNamara 1991 Federal LLC  
522 Caroline Street  
Key West, FL 33040

PCN# 09-38-41-000-000-00300-2

Enterprise Leasing Company of Florida, LLC  
5105 Johnson Road  
Coconut Creek, FL 33073

Respondent(s).

**STIPULATION AND AGREED ORDER**

**STIPULATION**

The City of Stuart, Florida and the Respondent(s), hereby stipulate and agree to the following:

1. The person(s) signing this Stipulation has/have the authority to enter into the Stipulation and bind the respective parties to the terms contained herein.
2. The violation(s) that are more fully described in the Notice of Violation/Notice of Hearing filed in this case exist at the property described therein, and the legal description of the property is attached on Exhibit "1"
3. The Respondent is granted until **July 31, 2023**, to take the necessary corrective action to bring the property into compliance with the survey showing a maximum of twenty-three parked vehicles.
4. If the Respondent does not correct the violations(s) and bring the property into compliance as set forth in section 3, a civil penalty of **\$250.00 per violation, per day** shall be assessed for each day the violation continues after the compliance date. **The assessment of fines and costs may result in a lien being placed on any real or personal property owned by Respondent.**
5. Administrative costs in the amount of **\$300.00 shall be waived by the City** with the filing of this Stipulation. In accordance with Sec.162.09, Florida Statutes, a hearing is not necessary for the issuance of an order imposing the fine, and no additional notification will



be sent. Additional costs may be assessed for the later prosecution of this case, if the Respondent fails to comply with this Stipulation.

6. The Respondent acknowledges that the City of Stuart Code Enforcement Magistrate may enter an Order which requires the Respondent to correct the violations and bring the property into compliance, as stated in this Stipulation and Agreed Order.
7. Should the Respondent(s) come into compliance in accordance with this Stipulation and Agreed Order, and subsequently violate the same code section within a five (5) year period, as provided in Sec. 162.04(5), Florida Statutes, such reoccurrences are subject to the provisions of Section 162.06, Florida Statutes.
8. **The Respondent bears the burden of contacting the City's Code Enforcement Division at 772-600-1254 to arrange for a re-inspection of the property in order to verify that any violations have been corrected and that the property has been brought into compliance with the applicable sections of the City or Building Code.**
9. This Stipulation may be signed in counterparts, and each signed original or electronic copy thereof shall be valid evidence of the authority intended and granted therein by the signor.

CITY OF STUART, FLORIDA  
CODE ENFORCEMENT DIVISION

By: Vito Lorenzo  
Vito Lorenzo, Code Inspector

Date: 6/15/23

RESPONDENT(S)

Enterprise Leasing Company of Florida, LLC

Signed: Dave Schmidt  
Print: DAVE SCHMIDT

Date: 6/17/23

McNamara 1991 Federal LLC

Signed: Terri Spottswood  
Print: TERRI SPOTTSWOOD

Date: 6/13/2023

(Agreed Order on next page)

**AGREED ORDER**

THIS MATTER came before the Magistrate on \_\_\_\_\_, and having been fully advised of the premises;

IT IS HEREBY ORDERED that the above Stipulation is approved and the parties shall abide thereby, and

IT IS FURTHER ORDERED that the Respondent shall fully comply with the terms above or shall be liable for the fine established in the Stipulation and that costs in this case shall be assessed and paid to the City as provided above.

\_\_\_\_\_  
Wendy H. Werb, Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Email to Adam Gearhart, Property Development & Facilities Manager, Enterprise Leasing Company of Florida, LLC at [Adam.E.Gearhart@ehi.com](mailto:Adam.E.Gearhart@ehi.com) and to John M. Spottswood, Esq., on behalf of McNamara 1991 Federal LLC, at [jack@spottswood.com](mailto:jack@spottswood.com), this \_\_\_\_\_ day of June, 2023.

\_\_\_\_\_  
Vito Lorenzo, Code Inspector  
City of Stuart

# Basic Info

|                          |            |                               |                        |
|--------------------------|------------|-------------------------------|------------------------|
| <b>PIN</b>               | <b>AIN</b> | <b>Situs Address</b>          | <b>Website Updated</b> |
| 09-38-41-000-000-00300-2 | 25835      | 1991 SE FEDERAL HWY STUART FL | 6/15/23                |

## General Information

|                                                                |                                                                         |                                                              |
|----------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------|
| <b>Property Owners</b><br>MCNAMARA 1991 FEDERAL LLC            | <b>Parcel ID</b><br>09-38-41-000-000-00300-2                            | <b>Use Code/Property Class</b><br>1100 - 1100 STORES 1 STORY |
| <b>Mailing Address</b><br>522 CAROLINE ST<br>KEY WEST FL 33040 | <b>Account Number</b><br>25835                                          | <b>Neighborhood</b><br>30300 Fed Hwy S of Roosevelt Bridge   |
| <b>Tax District</b><br>STUART                                  | <b>Property Address</b><br>1991 SE FEDERAL HWY STUART FL                | <b>Legal Acres</b><br>0.7702                                 |
|                                                                | <b>Legal Description</b><br>PARCEL LYING IN SE 1/4 OF SEC 9-38-41; B... | <b>Ag Use Size (Acre\Sq Ft)</b><br>N/A                       |

## Current Value

| Year | Land Value | Improvement Value | Market Value | Value Not Taxed | Assessed Value | Total County Exemptions | County Taxable Value |
|------|------------|-------------------|--------------|-----------------|----------------|-------------------------|----------------------|
| 2022 | \$ 472,400 | \$ 120,620        | \$ 593,020   | \$ 47,040       | \$ 545,980     | \$ 0                    | \$ 545,980           |

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

## Current Sale

|                              |                                                           |                                            |
|------------------------------|-----------------------------------------------------------|--------------------------------------------|
| <b>Sale Date</b><br>12/21/17 | <b>Grantor (Seller)</b><br>ELOUISE MCNANMARA FAMILY TRUST | <b>Doc Num</b><br>2670833                  |
| <b>Sale Price</b><br>\$ 100  | <b>Deed Type</b><br>Wd Full Covenant and Warranty Deed    | <b>Book &amp; Page</b><br><u>2966 2208</u> |

## Legal Description

PARCEL LYING IN SE 1/4 OF SEC 9-38-41; BEG AT PI OF LN 33' NELY (MEAS AT RT ANGLE) OF C/LN OF US #1 & LN 14' W OF E/LN SEC; NW 270.78', NE 247.81' TO MONTEREY RD, S 367.06' TO POB

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

CITY EXHIBIT



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company  
MCNAMARA 1991 FEDERAL, LLC

Filing Information

Document Number L17000251383  
FEI/EIN Number 82-4176038  
Date Filed 12/07/2017  
State FL  
Status ACTIVE

Principal Address

522 CAROLINE ST  
KEY WEST, FL 33040

Mailing Address

522 CAROLINE ST  
KEY WEST, FL 33040

Registered Agent Name & Address

SPOTTSWOOD, JOHN M, JR  
500 FLEMING ST  
KEY WEST, FL 33040

Authorized Person(s) Detail

Name & Address

Title MGRM

SPOTTSWOOD, TERRI  
522 CAROLINE ST  
KEY WEST, FL 33040

Title T

ELOUISE B. MCNAMARA FAMILY TRUST  
522 CAROLINE ST  
KEY WEST, FL 33040

Title MGR

Mantovani, Kenneth J, III  
1408 N Killian Dr #111

CITY EXHIBIT 2





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Limited Liability Company  
ENTERPRISE LEASING COMPANY OF FLORIDA, LLC

Filing Information

Document Number M09000003003  
FEI/EIN Number 59-1664426  
Date Filed 08/04/2009  
State DE  
Status ACTIVE

Principal Address

5105 Johnson Road  
Coconut Creek, FL 33073

Changed: 04/05/2018

Mailing Address

600 Corporate Park Drive  
Saint Louis, MO 63105

Changed: 02/02/2021

Registered Agent Name & Address

C T CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

Authorized Person(s) Detail

Name & Address

Title Manager

Short, Rick A.  
600 Corporate Park Drive  
Saint Louis, MO 63105

Title Manager

Taylor, Andrew C.  
600 Corporate Park Drive  
Saint Louis, MO 63105

CITY EXHIBIT 3



CITY EXHIBIT 4



CITY EXHIBIT 5





CITY EXHIBIT 6





**CITY OF STUART  
NEIGHBORHOOD SERVICES**

121 SW FLAGLER AVE  
STUART, FL 34994-2139

**NOTICE OF VIOLATION**

**May 11, 2023**

**MCNAMARA 1991 FEDERAL LLC  
522 CAROLINE ST  
KEY WEST, FL 33040**

**Case #: CE23020021**

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

**ADDRESS: 1991 SE FEDERAL HWY  
PARCEL ID #: 0938410000000030020000**

**OBSERVATION DATE: 02/10/23  
CORRECTION DATE: 05/11/2023**

**VIOLATION(S) 1-13**

**AND  
CORRECTIVE**

**ACTIONS: Correction:1-13**

**Whenever in this Code any act is prohibited or is made or  
declared to be unlawful it shall be punished by a fine not  
exceeding \$500.00**

**Comply with the provisions of this code by complying with  
the parking requirements of the Approved Site Plan, a copy  
of which is attached.**

**NOTICE OF HEARING SUMMONS**

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Neighborhood Services Magistrate on **07/19/2023 at 2:00PM** in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Neighborhood Services Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

**An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.**

Should you require additional information regarding this notice, please contact Neighborhood Services at (772) 288-5325 or (772) 600-1254.

  
Neighborhood Services Officer  
Vito Lorenzo / Deborah Carrasco

7021 2720 0001 6373 0885  
7021 2720 0001 6373 0892  
7021 2720 0001 6373 0908  
Certified Mail #  
7022 1670 0001 3196 1110

**CITY EXHIBIT** 7

to of Florida in Book No. 922, from  
the State of Florida, recorded  
as partially transferred in Official  
Records of Martin County, Florida.

to of Florida in Book No. 1422, from  
the State of Florida, recorded as  
partially transferred in Official  
Records of Martin County, Florida.

Book 970, Page 10, and all terms  
there subject property as shown. Plans  
otherwise provided in documents.

Enterprise

install 100' x 60'

wood  
fence

PARCEL 2 2.30-4.1000  
GROSS 20000 E. 10000

247.8100  
247.2500

Area = 0.7081 Acres  
= 30,846 Sq. Ft.

N.45°35'18"E  
N.45°35'18"E

PARCEL 1

5.01°03'17"W. 208.46'

52.92'

5.06°41'29"W

N.47°07'37"W. 63.63'

N.41°24'42"W. 116.07'

HWAY - U.S. 1

(ST

CITY EXHIBIT

TO NOV

7021 2720 0001 6373 0885

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                                 |                                 |
|-----------------------------------------------------------------|---------------------------------|
| Certified Mail Fee<br>\$                                        | Postmark<br>Here<br><br>5/11/23 |
| Extra Services & Fees (check box, add fee as appropriate)       |                                 |
| <input type="checkbox"/> Return Receipt (hardcopy) \$           |                                 |
| <input type="checkbox"/> Return Receipt (electronic) \$         |                                 |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$  |                                 |
| <input type="checkbox"/> Adult Signature Required \$            |                                 |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$ |                                 |
| Postage<br>\$                                                   |                                 |
| Total Postage and Fees<br>\$                                    |                                 |
| Sent To John M Spottswood Jr                                    |                                 |
| Street and Apt. No., or PO Box No.<br>522 Caroline St           |                                 |
| City, State, ZIP+4®<br>Key West, FL 33040                       |                                 |

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 2720 0001 6373 0908

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                                 |                                 |
|-----------------------------------------------------------------|---------------------------------|
| Certified Mail Fee<br>\$                                        | Postmark<br>Here<br><br>5/11/23 |
| Extra Services & Fees (check box, add fee as appropriate)       |                                 |
| <input type="checkbox"/> Return Receipt (hardcopy) \$           |                                 |
| <input type="checkbox"/> Return Receipt (electronic) \$         |                                 |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$  |                                 |
| <input type="checkbox"/> Adult Signature Required \$            |                                 |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$ |                                 |
| Postage<br>\$                                                   |                                 |
| Total Postage and Fees<br>\$                                    |                                 |
| Sent To McNamara 1991 Federal LLC                               |                                 |
| Street and Apt. No., or PO Box No.<br>522 Caroline St           |                                 |
| City, State, ZIP+4®<br>Key West, FL 33040                       |                                 |

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 2720 0001 6373 0892

U.S. Postal Service™  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                                 |                                 |
|-----------------------------------------------------------------|---------------------------------|
| Certified Mail Fee<br>\$                                        | Postmark<br>Here<br><br>5/11/23 |
| Extra Services & Fees (check box, add fee as appropriate)       |                                 |
| <input type="checkbox"/> Return Receipt (hardcopy) \$           |                                 |
| <input type="checkbox"/> Return Receipt (electronic) \$         |                                 |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$  |                                 |
| <input type="checkbox"/> Adult Signature Required \$            |                                 |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$ |                                 |
| Postage<br>\$                                                   |                                 |
| Total Postage and Fees<br>\$                                    |                                 |
| Sent To CT Corporation System                                   |                                 |
| Street and Apt. No., or PO Box No.<br>600 Corporate Park Drive  |                                 |
| City, State, ZIP+4®<br>Saint Louis, MO 63105                    |                                 |

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0001 3196 1110

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

|                                                                 |                                 |
|-----------------------------------------------------------------|---------------------------------|
| Certified Mail Fee<br>\$                                        | Postmark<br>Here<br><br>5/11/23 |
| Extra Services & Fees (check box, add fee as appropriate)       |                                 |
| <input type="checkbox"/> Return Receipt (hardcopy) \$           |                                 |
| <input type="checkbox"/> Return Receipt (electronic) \$         |                                 |
| <input type="checkbox"/> Certified Mail Restricted Delivery \$  |                                 |
| <input type="checkbox"/> Adult Signature Required \$            |                                 |
| <input type="checkbox"/> Adult Signature Restricted Delivery \$ |                                 |
| Postage<br>\$                                                   |                                 |
| Total Postage and Fees<br>\$                                    |                                 |
| Sent To Enterprise Leasing Company of Florida LLC               |                                 |
| Street and Apt. No., or PO Box No.<br>1991 SE Federal Hwy,      |                                 |
| City, State, ZIP+4®<br>Stuart, FL 34994                         |                                 |

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
Enterprise Leasing Company of Florida  
1991 SE Federal Hwy  
Stuart, FL 34994

CE2302-0021

9590 9402 7639 2122 5650 40

2. **7022 1670 0001 3196 1110** Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent ☐ Addressee

X *[Signature]*

B. Received by (Printed Name) *Myrick Johnson*

C. Date of Delivery *05/26/23*

D. Is delivery address different from item 1? ☐ Yes ☒ No  
If YES, enter delivery address below:

**MAY 30 2023**

**CODE ENFORCEMENT**  
*Aug 11 2023*  
**CITY OF STUART**

3. Service Type  
☒ Adult Signature ☐ Priority Mail Express®  
☐ Adult Signature Restricted Delivery ☐ Registered Mail™  
☒ Certified Mail® ☐ Registered Mail Restricted Delivery  
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™  
☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery  
☐ Collect on Delivery Restricted Delivery

CITY EXHIBIT 8



| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                        |  | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul> |  | <b>A. Signature</b><br><input checked="" type="checkbox"/> COVID19-MC- <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                       |
| <b>1. Article Addressed to:</b><br>John M Spottswood Jr<br>522 Caroline St<br>Key West, FL 33040<br>CE23020021<br><br>9590 9402 7639 2122 5650 26                                    |  | <b>B. Received by (Printed Name)</b><br>Rt#1-USPS-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>C. Date of Delivery</b><br>5/25/23 |
|                                                                                                                                                                                                                                                                      |  | <b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                       |
|                                                                                                                                                                                                                                                                      |  | <b>RECEIVED</b><br><b>MAY 31 2023</b><br><b>CODE ENFORCEMENT</b><br><b>CITY OF STUART</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |
| <b>2. Article Number (Transfer from carrier label)</b><br>7021 2720 0001 6373 0885                                                                                                                                                                                   |  | <b>3. Service Type</b><br><input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™<br><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Collect on Delivery Restricted Delivery |                                       |
| PS Form 3811, July 2020 PSN 7530-02-000-9053                                                                                                                                                                                                                         |  | Domestic Return Receipt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                       |

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                        |  | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul> |  | <b>A. Signature</b><br><input checked="" type="checkbox"/> COVID19-MC- <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                       |
| <b>1. Article Addressed to:</b><br>Mcnamara 1991 Fidural LLC<br>522 Caroline St<br>Key West FL 33040<br>CE23020021<br><br>9590 9402 7639 2122 5650 33                              |  | <b>B. Received by (Printed Name)</b><br>Rt#1-USPS-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>C. Date of Delivery</b><br>5/25/23 |
|                                                                                                                                                                                                                                                                      |  | <b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                       |
|                                                                                                                                                                                                                                                                      |  | <b>RECEIVED</b><br><b>MAY 31 2023</b><br><b>CODE ENFORCEMENT</b><br><b>CITY OF STUART</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |
| <b>2. Article Number (Transfer from carrier label)</b><br>7021 2720 0001 6373 0908                                                                                                                                                                                   |  | <b>3. Service Type</b><br><input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™<br><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Collect on Delivery Restricted Delivery |                                       |
| PS Form 3811, July 2020 PSN 7530-02-000-9053                                                                                                                                                                                                                         |  | Domestic Return Receipt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                       |

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                        |  | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul> |  | <b>A. Signature</b><br><input checked="" type="checkbox"/> Kathleen R. Wagner Legal Dept. <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                       |
| <b>1. Article Addressed to:</b><br>CT corporation system<br>600 Corporate Park Dr<br>Saint Louis, MO 63105<br>CE23020021<br><br>9590 9402 7639 2122 5650 19                       |  | <b>B. Received by (Printed Name)</b><br>Kathleen R. Wagner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>C. Date of Delivery</b><br>5-30-23 |
|                                                                                                                                                                                                                                                                      |  | <b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                       |
|                                                                                                                                                                                                                                                                      |  | <b>RECEIVED</b><br><b>JUN 07 2023</b><br><b>CODE ENFORCEMENT</b><br><b>CITY OF STUART</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |
| <b>2. Article Number (Transfer from carrier label)</b><br>7021 2720 0001 6373 0892                                                                                                                                                                                   |  | <b>3. Service Type</b><br><input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®<br><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™<br><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery<br><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™<br><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery<br><input type="checkbox"/> Collect on Delivery Restricted Delivery |                                       |
| PS Form 3811, July 2020 PSN 7530-02-000-9053                                                                                                                                                                                                                         |  | Domestic Return Receipt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                       |

CITY EXHIBIT 9





**CITY OF STUART  
NEIGHBORHOOD SERVICES**  
121 SW FLAGLER AVE  
STUART, FL 34994-2139

**AMENDED NOTICE OF VIOLATION**

May 11, 2023

MCNAMARA 1991 FEDERAL LLC  
522 CAROLINE ST  
KEY WEST, FL 33040

AND ENTERPRISE LEASING OF FLORIDA LLC  
5105 JOHNSON STREET  
COCONUT CREEK, FL 33073

Case #: CE23020021

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

ADDRESS: 1991 SE FEDERAL HWY  
PARCEL ID #: 0938410000000030020000

OBSERVATION DATE: 02/10/23

VIOLATION(S) 1-13

AND  
CORRECTIVE

ACTIONS:

Correction: 1-13

Whenever in this Code any act is prohibited or is made or declared to be unlawful it shall be punished by a fine not exceeding \$500.00

Comply with the provisions of this code by complying with the parking requirements of the Approved Site Plan, a copy of which is attached.

**NOTICE OF HEARING SUMMONS**

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Neighborhood Services Magistrate on **07/19/2023 at 2:00PM** in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Neighborhood Services Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact Neighborhood Services at (772) 288-5325 or (772) 600-1254.

  
Neighborhood Services Officer  
Vito Lorenzo / Deborah Carrasco

Certified Mail #

I hereby certify that a correct copy of the above Amended Notice of Violation and Notice of Hearing Summons was furnished to:  
jack@spottswood.com and to Adam.E.Gerahart@ehi.com on this 9th day of June, 2023.



Paul J. Nicoletti, Interim City Attorney  
pnicoletti@ci.stuart.fl.us FBN: 366296

**CITY EXHIBIT** 10

to of Florida in Deed No. 623, from  
to State of Florida, recorded  
as partially transferred in Official  
Records of Martin County, Florida.

to of Florida in Deed No. 1425, from  
the State of Florida, recorded June  
1945, transferred in Official Records  
of Martin County, Florida, to Forest and

Deed, 970, Page 10, and all terms  
therein subject property as shown, (except  
otherwise indicated in elsewhere.)

Enterprise  
Install 100' x 100'  
wood  
fence

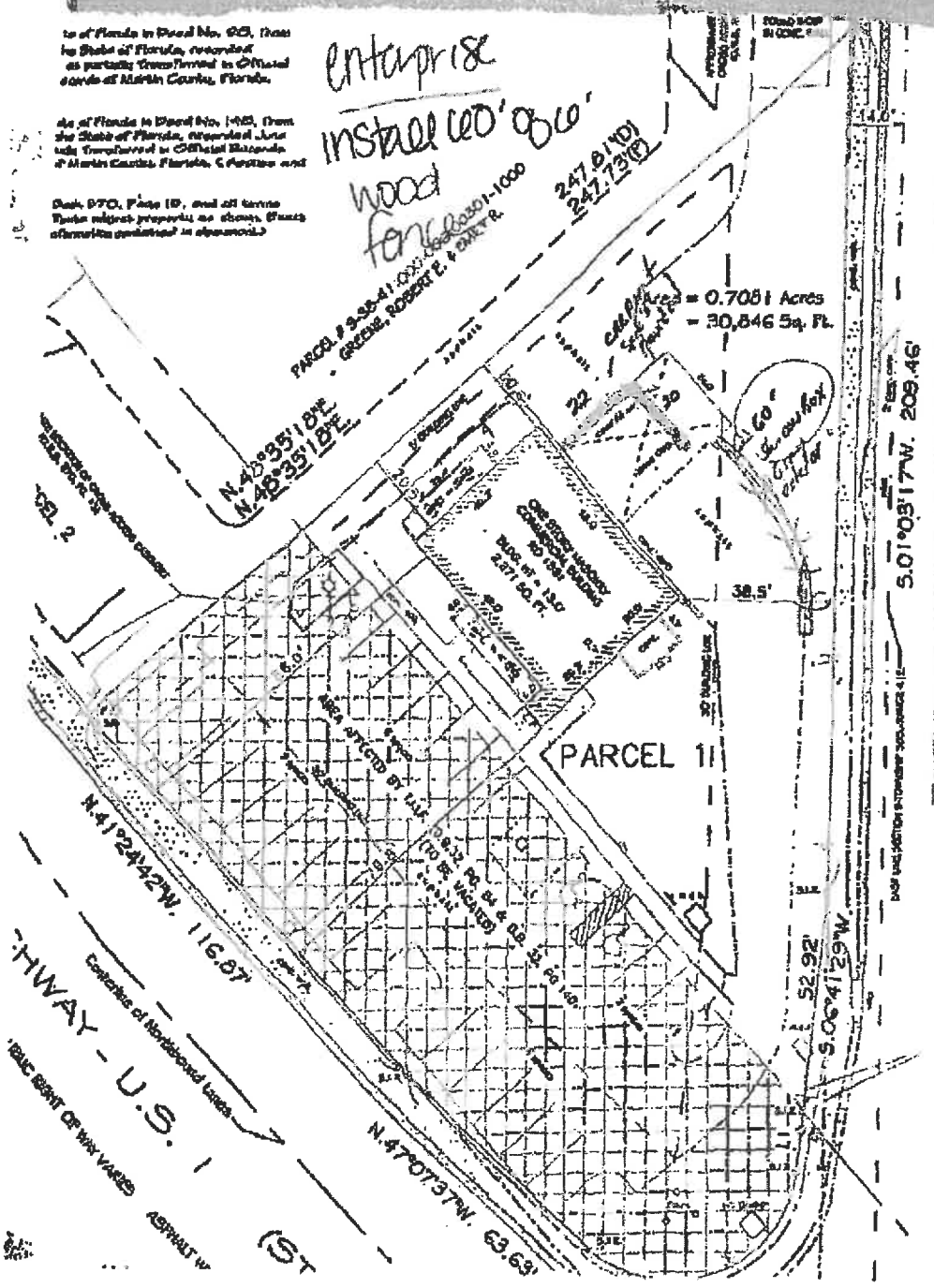


EXHIBIT  
1 (city)