



Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Agenda

Thursday, October 3, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- A. Special Magistrate Hearings - September 5, 2024

III. NEW CASES TO BE HEARD

- A. 8000 Lagoon Rd., Open Doors 4U Investments, LLC
Case Number: 20240453
Violation: High vegetation- not mowed - abandoned maintenance
Code Section: LDC Sec. 6-2 - Amendments, (w) Section 302.4- Weeds
Code Officer: D. Batt
- B. 4501 Estero Blvd. Oceanic Blue Retreats, LLC
Case Number: 20240524
Violation: Green water and debris in pool
Code Section: LDC Sec. 6-1 - Adoption of IPMC Section 303.1 Swimming pools
Code Officer: D. Batt
- C. 290 Pearl St., Island Bay Marina, L.C.
Case Number: 20240666
Violation: The overgrowth of grass and/or weeds in excess of 12 inches.
Code Section: LDC Sec. 6-2 - Amendments, (w) Section 302.4- Weeds
Code Officer: D. Batt

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE SPECIAL MAGISTRATE IN ANY MATTER CONSIDERED AT THIS HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.



Fort Myers Beach Special Magistrate Hearing

Town Hall Council Chambers
2731 Oak Street
Fort Myers Beach, FL 33931

Minutes

Thursday, September 5, 2024

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

Special Magistrate Monica Schmucker called the hearing to order.

II. APPROVAL OF MINUTES

- A. Special Magistrate Hearings - August 6, 2024
Special Magistrate Schmucker approved the minutes.

III. SWEARING IN OF THOSE PROVIDING TESTIMONY

Special Magistrate Schmucker swore in those providing testimony.
Code Officer D. Batt could not attend, so Manager Yozzo presented the cases.

IV. CONTINUED CASES

- A. 144 Gulf Island Dr., Andrews, David + Mardina

Case Number: 20220371

Violation: Work without Permit - Stairs

**Code Section: LDC Sec. 6-111 - Adoption; amendments
105.1 - Permits required**

Code Officer: D. Batt

Manager Yozzo reported that the violator came into compliance with the issuance of a permit to replace rotted wooden stairs. The town requested a finding of violation and an administrative fee of \$250.00. Special Magistrate Schmucker found a violation existed and she imposed an administrative fee of \$250.00.

- B. 1661 Estero Blvd., Key Estero Shops, LLC

Case Number: 20240249

Violation: Operation of a shared parking lot to the public for a fee per vehicle space without first obtaining the required Use Permit.

Code Section: LDC Sec. 34-3203 - Illegal buildings, uses and lots.**Code Officer: D. Batt**

Special Magistrate Schmucker indicated the case was continued from the previous hearing.

Attorney Amy Thibaut from Roetzel & Andress represented the respondent and requested permission to allow a member of the public to testify. She received permission.

Tim Shadle stated that the parking lot was used as a paid parking lot for years before the current owner purchased it, although he was not sure if it was a legal lot.

Attorney Thibaut reviewed the history of the property. She stated the owner purchased the property based on the shared parking use. She believed the parking lot was grandfathered, but the respondent submitted a special exception application to settle the dispute. She requested that any fines be put in abeyance to allow the property owner to go through the special exception process. She cited a FL case regarding adjudication and stated that the owner acted in good faith when he purchased the property.

Town Attorney Stuparich stated that the town's position did not change, and the property remained an illegal, nonconforming use. She indicated the affidavits on the record were not relevant to the violation. No information from the county stated that the parking lot was a lawful use. She revealed that Key Estero was issued a notice of violation in 2019 for the illegal use of a commercial parking lot. The owner presented the same argument that his use was authorized under the county ordinances that were in effect at that time. She reviewed why it was an illegal, nonconforming use. She stated that no special exception was filed when she filed her previous reply, but she verified that the respondent filed the application and made payment. She requested that an affidavit from Officer Batt be entered into the record.

Manager Yozzo presented the affidavit with photos and reviewed its contents. He testified that the information was accurate. The town requested a finding of a repeat violation, fines of \$85,500.00 for 171 days at \$500.00 per day and an administrative fee of \$250.00. Town Attorney Stuparich requested that a sign prohibiting paid parking be installed until a special exception is issued. She noted that he continued to operate an illegal parking lot. Special Magistrate Schmucker will enter the information into the record.

Attorney Thibaut cited a case regarding the failure to file notice within 30 days and continued discussing the history of the shared parking lot.

Special Magistrate Schmucker asked why the respondent continued to operate after paying the fine. Attorney Thibaut was unsure but believed it was a lawful, nonconforming use. Special Magistrate Schmucker explained that this case was a repeat of the previous finding, which was adjudicated. Attorney Thibaut did not think this case would set a precedent because it was unique.

Town Attorney Stuparich stated there was nothing in the record from the county to adjudicate that supports Attorney Thibaut's argument. She noted that the respondent never appealed the town council's previous decision. Special Magistrate Schmucker agreed it was a unique situation and would issue an order within 15 days.

- C. 5740 Lauder St., McCarthy, Wendy L. + Unknown Heirs of McCarthy, Janet

Case Number: 20240316

Violation: Failure to maintain a property in safe condition or demolition

**Code Section: LDC Sec. 6-111 - Adoption; amendments
103.5 Unsafe buildings or systems**

Code Officer: D. Batt

Case closed. Matter transferred to Building Official's for further consideration under the Unsafe Building Code.

Manager Yozzo requested that the case be closed and transferred to the building official for further consideration. Town Attorney Stuparich added that the building would be demolished.

Attorney Amy Thibaut from Roetzel & Andress represented the property owner and indicated that the building should be demolished in four to six weeks.

The town requested an order to close the case. Special Magistrate Schmucker ordered the case be closed.

Minutes approved with / without changes, October 3, 2024 by
Special Magistrate Schmucker.

Signature: _____

Property Address and Owner:

Hearing Date: October 3, 2024

Case Number: 20240453
Violation: High vegetation- not mowed - abandoned
maintenance
Code Section: LDC Sec. 6-2 - Amendments,
(w) Section 302.4- Weeds
Code Officer: D. Batt

Subject:

High vegetation- not mowed - abandoned maintenance

Code Section:

LDC Sec. 6-2 - Amendments, (w) Section 302.4- Weeds

Reference Number:

20240453

Strap Number:

03-47-24-W3-00102.0150

Officer:

D. Batt

Narrative:

Case Number: 20240453
Violation: High vegetation- not mowed - abandoned
maintenance
Code Section: LDC Sec. 6-2 - Amendments,
(w) Section 302.4- Weeds
Code Officer: D. Batt

Attachments:

1. EXHIBIT A- Establishment of Ownership
2. EXHIBIT B- Photos of Initial Site Inspection
3. EXHIBIT C- Notice of Violation and Service
4. EXHIBIT D- Affidavit of Non Compliance
5. EXHIBIT E- Referenced Town of Fort Myers Beach Code of Ordinances
6. EXHIBIT F- Notice of Hearing

Town Recommendations:

The Town of Fort Myers Beach requests that an order be issued finding a violation of LDC Sec. 6-2 - Amendments, (w) Section 302.4- Weeds, including an order to correct the above listed violation(s) and/or the imposition of an administrative fee of \$250.00 to cover costs in bringing this matter before the Special Magistrate, a fine not to exceed \$250.00 for each day each violation continues past the date for compliance, and for such other and further relief as is consistent with the powers of the Special Magistrate.

Town Approvals:

Date: September 18, 2024

Thomas Yozzo, Compliance & Securities Manager

Date: September 20, 2024

nancy stuparich, Town Attorney

EXHIBIT A

Prepared by and Return To:
Brittany M. Pender
Fidelity National Title of Florida, Inc.
11423 N. Dale Mabry Highway
Tampa, FL 33618

Order No.: FTPA23-131219

APN/Parcel ID(s): 03-47-24-W3-00102.0150

WARRANTY DEED

THIS WARRANTY DEED dated May 16 2023, by Suzanne W. Robinson, a married woman and Sherri W. Badia a/k/a Sherri A. Badia, a married woman, hereinafter called the grantor, to Open Doors 4U Investments LLC, a Florida limited liability company, whose post office address is 10350 City Center Blvd, Apt 203, Pembroke Pines, FL 33025, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Lee, State of Florida, to wit:

Lot 15, Block 2, Unit No. 1 Laguna Shores, according to the map or plat thereof, as recorded in Plat Book 9, Page(s) 29 and 30, of the Public Records of Lee County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

The property being hereby conveyed, is not now, nor has it ever been, nor was it ever intended to be the homestead of the grantor, the grantor's spouse, and/or minor children, if any. Nor is it contiguous with or adjacent to such homestead. The grantor's residence is at the street or post office address designated below.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022.

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

[Signature]
Witness Signature

[Signature]
Suzanne W. Robinson

Allan Denny
Print Name

Address: 2020 Pine Log Church Rd
Brasstown, NC 28902

[Signature]
Witness Signature

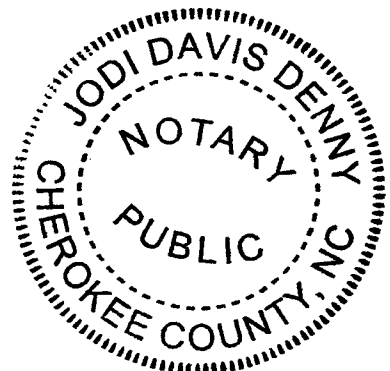
Jodi Davis Denny
Print Name

State of North Carolina

County of Clay

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16th day of May, 2023 by Suzanne W. Robinson to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

[Signature]
Name: Jodi Davis Denny
Notary Public in and for the State of North Carolina
My Commission Expires: September 19, 2026



WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Brittany M. Pender
Witness Signature
BRITTANY M. PENDER

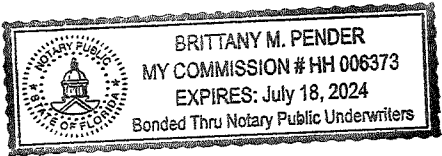
Print Name
Hilda Garcia
Witness Signature
Hilda Garcia

Sherri W. Badia
Sherri W. Badia a/k/a Sherri A. Badia
Address: 5405 N. Branch Avenue
Tampa, FL 33604

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17th day of May, 2023 by Sherri W. Badia aka Sherri A. Badia, to me known to be the person(s) described in or who has/have produced FLD as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Brittany M. Pender
Name: BRITTANY M. PENDER
Notary Public in and for the State of Florida
My Commission Expires: 7/18/24





Lee County Tax Collector
Noelle Branning

2023 Paid Individual Tax Certificate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
03-47-24-W3-00102.0150
Alternate Key:
2100154412
Millage Code:
032

Site Address / Legal Description:
8000 LAGOON RD

LAGUNA SHORES UNIT 1 BLK.2 PB 9 PG 29
LOT 15

Exemptions/Values:

Assessed Value 416,049

* See message below

OPEN DOORS 4U INVESTMENTS LLC
10350 CITY CENTER BLVD #203
PEMBROKE PINES, FL 33025

Paid 07/16/2024 B25-00-02463250 \$6,296.01

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	352.602	0	352.602	1,326.59
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	416.049	0	416.049	935.28
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	416.049	0	416.049	1,323.87
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	352.602	0	352.602	349.08
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	352.602	0	352.602	33.43
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	352.602	0	352.602	11.53
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	352.602	0	352.602	36.18
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.9851	352.602	0	352.602	1,052.55
FORT MYERS BEACH MOSQUITO	239-463-6350	0.1123	352.602	0	352.602	39.60
FORT MYERS BEACH LIBRARY	239-463-9691	0.2355	352.602	0	352.602	83.04
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	352.602	0	352.602	7.65
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	352.602	0	352.602	13.89

Non-Ad Valorem Assessments Levying Authority

LEE COUNTY SOLID WASTE ASSESSMENT	Telephone 239-533-8000	Rate	Amount 302.38
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2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$5,515.07

2023 Paid Individual Tax Certificate

Tax Notice

PAY ONLY ONE AMOUNT

If Received By:

Cert #2409616
If Received By
Jul 31, 2024

Amount Due:

Bidder #89431
Please Pay
\$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

Account: 03-47-24-W3-00102.0150

Site Address: 8000 LAGOON RD,
FORT MYERS BEACH,
33931

Alternate Key: 2100154412

* If the address below is not correct, visit LeePA.org to update your address.

OPEN DOORS 4U INVESTMENTS LLC
10350 CITY CENTER BLVD #203
PEMBROKE PINES, FL 33025

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

Return with payment

Paid 07/16/2024 B25-00-02463250 \$6,296.01



IMPORTANT INSTRUCTIONS AND INFORMATION - PLEASE READ

Ad Valorem Taxes cover the period January 1 through December 31 of the tax year indicated on the front of this notice. Tax notices are mailed on or about November 1 and become delinquent April 1. Failure to receive a tax notice does not extend discounts or excuse taxpayers' responsibilities to pay taxes and applicable penalties for late payments. Installment tax notices are mailed in June, September, December and March. Installment payment discounts are: June (6%), September (4.5%) and December (3%).

Governmental Office Responsibilities



Lee County Tax Collector

The Tax Collector prints, mails, and collects payments based on the tax rolls certified by the Property Appraiser and Levying Authorities.

Contact the Tax Collector to:

- Pay your current or delinquent property taxes
- Learn about Partial Payment, Installment Payment, and Homestead Tax Deferral plans
- Print your tax bills and receipts

Phone: 239-533-6000 • Website: LeeTC.com



Lee County Property Appraiser

The Property Appraiser values properties and prepares and certifies the tax roll which includes assessed values, exemptions, legal description, assessed owner(s) name and mailing address.

Contact the Property Appraiser to:

- Ask questions about the assessed value or exemption of your property
- Change your mailing address
- File or check on Homestead and other exemptions

Phone: 239-533-6100 • Website: LeePA.org



Lee County Levying Authorities

Lee County Levying Authorities establish millage rates and assessments based on revenue needed for operating expenses.

Call your Levying Authority with direct questions regarding services provided or rates charged.

A list of Levying Authorities and phone numbers may appear on the front of this notice or can be found on your property tax bill.

Visit LeeTC.com/property-taxes for instructions on viewing your bill.

Discounts

The amounts indicated on the front of this notice represent the total taxes and assessments due (if applicable) less discounts allowed for early payment. When the discount period ends on a weekend or holiday, the discount is extended to the next business day. Taxes are due by March 31 of each year.

4% if paid in **NOVEMBER**

3% if paid in **DECEMBER**

2% if paid in **JANUARY**

1% if paid in **FEBRUARY**

Delinquent Taxes

Payment of delinquent taxes must be made in certified U.S. funds drawn on a U.S. bank. The amount due is determined by the date payment is received. Failure to pay delinquent taxes could result in the loss of your property. On April 1 the following charges are imposed by Florida Law:

Real Estate: 3% minimum interest and advertising costs. A tax certificate sale is held on or before June 1 resulting in additional charges.

Tangible Personal Property: 18% interest annually, cost of advertising, and fees. Tax warrants will be issued on all unpaid personal property taxes on or about June 1.

Property Sold: forward this notice to the new owner(s).

Payment Options

PAY ONLINE



Visit LeeTC.com

Other ways to pay:

Mail: Check or money order.

Phone: 239.533.6000.

In Person: Cash, check, money order, debit card (PIN required), and all major credit cards.

Note: A convenience fee is charged when using a credit or debit card and is subject to service provider rates which may vary. No portion of this fee is retained by the Tax Collector's office.

Note: If using your bank's online bill pay, make sure you allow for processing time so payment arrives by the received date listed on the front of this notice.

Confirm Payment

Confirm receipt of your payment online at our official website LeeTC.com. Your taxes are not considered paid until your payment clears our bank and is applied to your tax account.

Have you met Edison?

Edison is our automated chatbot that can answer many of your questions relating to property taxes and much more. Available 24/7, you can find Edison at the bottom of our website, LeeTC.com.



NOTICE: Pursuant to Florida Statute 590.125(5), be advised that the Florida Forest Service may be performing prescribed burning and/or other treatments in a project area that includes your property in Lee County, Florida. These efforts are to reduce fuel loads and threat of wildfires. These projects are planned to occur from the date of this notice until the same date the following year. This service is provided at no cost to the affected landowner(s). Contact the Florida Forest Service if you have questions regarding this service at: 10941 Palm Beach Blvd., Fort Myers, FL 33905, or 239.690.8001.

Our Mission: Deliver 5-Star service quickly and efficiently through an organizational culture that values customers, team, and community.



Property Data

STRAP: 03-47-24-W3-00102.0150 Folio ID: 10234037

[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)

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[Owner Of Record - Sole Owner](#) [\[Change Mailing Address\]](#)



OPEN DOORS 4U INVESTMENTS
LLC
10350 CITY CENTER BLVD #203
PEMBROKE PINES FL 33025

[Site Address](#)

Site Address maintained by [E911 Program Addressing](#)

8000 LAGOON RD
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



LAGUNA SHORES UNIT 1 BLK.2 PB 9 PG 29 LOT 15

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 9 and 29 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	2 / 2.0
Gross Living Area	1,110
1st Year Building on Tax Roll	1972
Historic Designation	No

Township	Range	Section	Block	Lot
47	24E	03	00102	0150
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.40627	-81.89264		

[View Parcel on Google Maps](#)

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)



[\[Pictometry Aerial Viewer \]](#)

Image of Structure



◀ Photo Date January of 2024 ▶ ☐ View other photos

Last Inspection Date: 07/01/2022

Property Values / Exemptions / TRIM Notices

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No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2024 / Additional Info	2024 (TRIM)	501,674	501,664	501,674	501,674	0	0	501,674
2023 / Additional Info	2023 (Final Value)	416,049	416,039	416,049	352,602	0	0	352,602
2022 / Additional Info	2022 (Final Value)	423,934	280,500	423,934	320,547	0	0	320,547
2021 / Additional Info	2021 (Final Value)	291,406	250,400	291,406	291,406	0	0	291,406
2020 / Additional Info	2020 (Final Value)	372,594	278,200	372,594	155,028	50,000	0	105,028
2019 / Additional Info	2019 (Final Value)	350,864	264,924	350,864	151,543	50,000	0	101,543
2018 / Additional Info	2018 (Final Value)	245,478	200,700	245,478	148,717	50,000	0	98,717
2017 / Additional Info	2017 (Final Value)	223,672	143,350	223,672	145,658	50,000	0	95,658
2016	2016 (Final Value)	222,551	143,350	222,551	142,662	50,000	0	92,662
2015	2015 (Final Value)	236,899	114,680	236,899	141,670	50,000	0	91,670
2014	2014 (Final Value)	214,804	114,680	214,804	140,546	50,000	0	90,546

2013	2013 (Final Value)	195,593	93,000	195,593	138,469	50,000	0	88,469
2012	2012 (Final Value)	199,771	155,000	199,771	136,154	50,000	0	86,154
2011	2011 (Final Value)	195,360	155,000	195,360	132,188	50,000	0	82,188
2010	2010 (Final Value)	201,010	160,000	201,010	130,234	50,000	0	80,234
	2009 (Final Value)	225,020	180,000	225,020	126,810	50,000	0	76,810
	2008 (Final Value)	310,960	250,000	310,960	126,690	50,000	0	76,690
	2007 (Final Value)	353,090	285,000	0	123,000	25,000	0	98,000
	2006 (Final Value)	342,050	240,000	0	120,000	25,000	0	95,000
	2005 (Final Value)	239,300	170,250	0	116,500	25,000	0	91,500
	2004 (Final Value)	222,800	170,250	0	113,110	25,000	0	88,110
	2003 (Final Value)	181,830	140,250	0	111,000	25,000	0	86,000
	2002 (Final Value)	180,980	99,880	0	108,400	25,000	0	83,400
	2001 (Final Value)	106,690	61,000	0	106,690	25,000	0	81,690
	2000 (Final Value)	90,710	45,000	0	90,710	0	0	90,710
	1999 (Final Value)	99,480	45,000	0	99,480	0	0	99,480
	1998 (Final Value)	94,270	43,500	0	94,270	0	0	94,270
	1997 (Final Value)	89,160	43,500	0	80,360	25,000	0	55,360
	1996 (Final Value)	80,950	40,000	0	78,020	25,000	0	53,020
	1995 (Final Value)	76,120	36,500	0	76,120	25,000	0	51,120
	1994 (Final Value)	79,420	44,000	0	79,420	25,000	0	54,420
	1993 (Final Value)	78,890	44,600	0	78,890	25,000	0	53,890
	1992 (Final Value)	84,720	44,600	0	84,720	25,000	0	59,720

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)) . For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\)\(a\)](#)). The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.
(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current Working Values)

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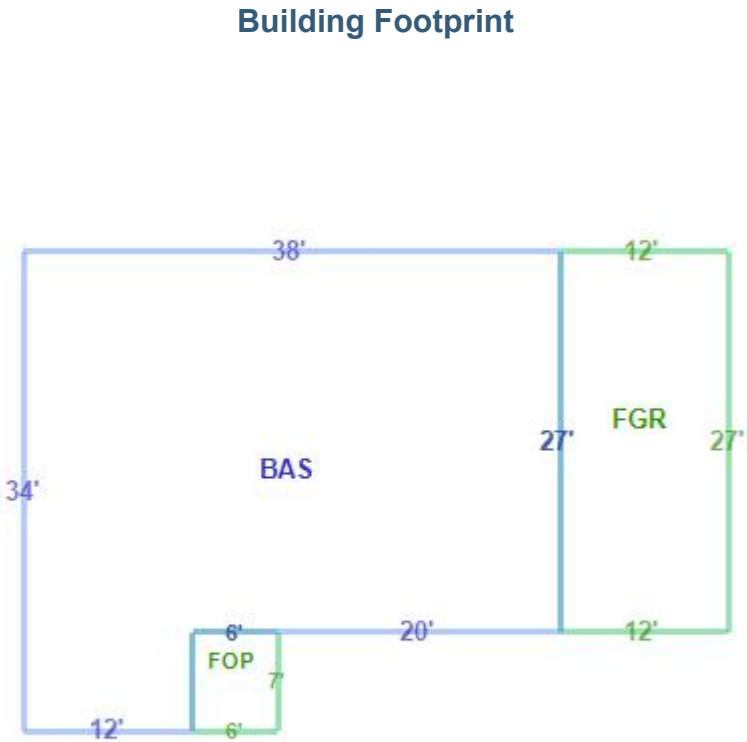
Land
Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
100	Single Family Residential	1.00	Lot

Buildings			
Building 1 of 1			
Building Characteristics			
Improvement Type	Model Type	Stories	Living Units
99 - Florida Ranch	1 - SINGLE FAMILY RESIDENTIAL	1.0	1
Bedrooms	Bathrooms	Year Built	Effective Year Built
2	2.0	1972	1984
Building Subareas			
Description		Heated / Under Air	Area (Sq Ft)
BAS - BASE		Y	1,110
FGR - FINISHED GARAGE		N	324
FOP - FINISHED OPEN PORCH		N	42



Photo Date: January of 2024



Property Details (2024 TRIM)



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Land
Land Tracts

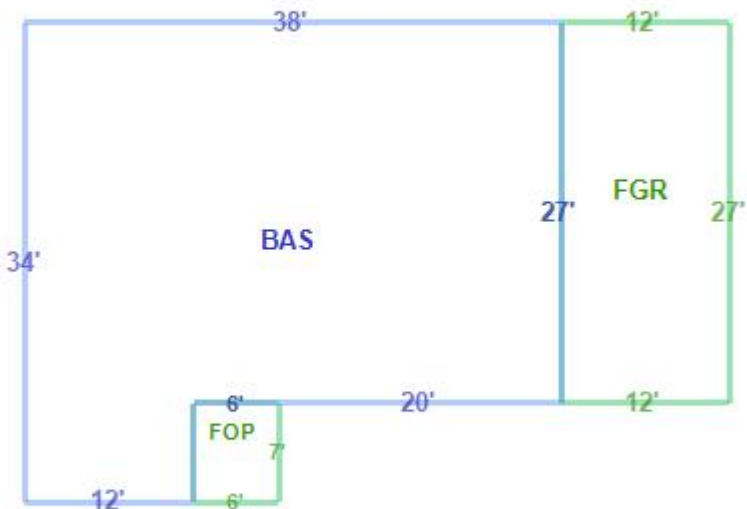
Use Code	Use Code Description	Number of Units	Unit of Measure
100	Single Family Residential	1.00	Lot
Buildings			
Building 1 of 1			
Building Characteristics			
Improvement Type	Model Type	Stories	Living Units
99 - Florida Ranch	1 - SINGLE FAMILY RESIDENTIAL	1.0	1
Bedrooms	Bathrooms	Year Built	Effective Year Built
2	2.0	1972	1984
Building Subareas			
Description		Heated / Under Air	Area (Sq Ft)
BAS - BASE		Y	1,110
FGR - FINISHED GARAGE		N	324
FOP - FINISHED OPEN PORCH		N	42

Building Front Photo



Photo Date: January of 2024

Building Footprint



Taxing Authorities

Generated on 9/16/2024 2:27 PM
TOWN OF FT MYERS BEACH / 032

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
GREEN CORRIDOR PACE / 363	Special District	
SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406

SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

SFWMD-OKEECHOBEE BASIN / 308

Water District

SFWMD
3301 GUN CLUB RD
WEST PALM BEACH FL 33406

Sales / Transactions
Generated on 9/16/2024 2:27 PM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
425,000.00	05/16/2023	2023000177892	01		
0.00	11/05/2020	2020000277869	11		
60,800.00	12/15/1999	3274/2724	03		
5,700.00	03/01/1972	790/159	06		

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **9** and **29** for the book and page numbers and **Plats Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data
Generated on 9/16/2024 2:27 PM

Permit Number	Permit Type	Date
201181	Roof	09/09/2020

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.
Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History
Generated on 9/16/2024 2:27 PM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
03-47-24-01-00002.0150	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data
Generated on 9/16/2024 2:27 PM

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	R - Residential Category		1	320.38
	Collection Days			
	Garbage	Recycling		Horticulture

Flood and Storm Information

Generated on 9/16/2024 2:27 PM

Flood Insurance Find my flood zone				
Community	Panel	Version	Date	Evacuation Zone
071C	0567	G	11/17/2022	A

Generated on 9/16/2024 2:27 PM



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

Detail by Entity Name

Florida Limited Liability Company
OPEN DOORS 4U INVESTMENTS LLC

Filing Information

Document Number L21000322130
FEI/EIN Number 87-1718860
Date Filed 07/15/2021
State FL
Status ACTIVE
Last Event REINSTATEMENT
Event Date Filed 01/19/2023

Principal Address

10350 city center blvd
 STE 203
 pembroke pines, FL 33025

Changed: 01/19/2023

Mailing Address

10350 city center blvd
 STE 203
 pembroke pines, FL 33025

Changed: 01/19/2023

Registered Agent Name & Address

LAS AMERICAS NOTARY & TAX SERVICES
 5290 GOLDEN GATE PKWY
 NAPLES, FL 34116

Name Changed: 01/19/2023

Authorized Person(s) Detail

Name & Address

Title MMGR

ALARCON, CYNTHIA C
 10350 city center blvd
 STE 203

pembroke pines, FL 33025

Title MMGR

NAYAR, LUIS R
10350 city center blvd
STE 203
pembroke pines, FL 33025

Title MMGR

NAYAR, VALERIA
10350 city center blvd
STE 203
pembroke pines, FL 33025

Title MMGR

NAYAR ALARCON, CINDY
10350 city center blvd
STE 203
pembroke pines, FL 33025

Annual Reports

Report Year	Filed Date
2022	01/19/2023
2023	01/19/2023

Document Images

[01/19/2023 -- REINSTATEMENT](#)

[View image in PDF format](#)

[09/20/2021 -- CORLCSTCNC](#)

[View image in PDF format](#)

[07/15/2021 -- Florida Limited Liability](#)

[View image in PDF format](#)

EXHIBIT B

May 16, 2024 at 10:39:04 AM
Town of Fort Myers Beach



May 16, 2024 at 10:39:16 AM
Town of Fort Myers Beach



May 16, 2024 at 10:39:37 AM
Town of Fort Myers Beach



EXHIBIT C



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931

Phone: (239) 765-0202 Fax: (239) 765-0909

May 16, 2024

CASE NUMBER:	20240453
CERTIFIED MAIL:	9589071052700636646600

OPEN DOORS 4U INVESTMENTS LLC
10350 CITY CENTER BLVD #203
PEMBROKE PINES, FL 33025

SITE ADDRESS: **8000 LAGOON RD**
 PARCEL STRAP NO: **034724W3001020150**

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **05/16/2024** by Town of Fort Myers Beach Code Enforcement Officer **Randy Sobel** indicates that the property is in violation of the following Town Code(s):

High vegetation- not mowed - abandoned maintenance

*Sec. 6-2. - Amendments. (Weeds) (w) Section 302.4 Weeds, is hereby amended to read as follows:
 All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.*

The Violation(s) can be brought into compliance by cutting vegetation to a height of less than 1 foot. You are hereby directed to bring these violations into compliance within 30 days of receipt of this notice.

ONCE THIS VIOLATION(S) IS IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at (239) 765-0202 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Randy Sobel

Code Enforcement Officer
Town of Fort Myers Beach

9589 0710 5270 0636 6466 00

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
Domestic Mail Only	
For delivery information, visit www.usps.com	
Certified Mail Fee	Postmark Here
\$	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
\$	
Total Postage and Fees	
\$	
Sent To	
OPEN PEAK 40 INVESTMENTS LLC. #AD40US3	
Street and Apt. No., or PO Box No.	
10350 CITICENTRAL BLVD #203	
City, State, ZIP+4	
Pensacola FL 32502	



 FORT MYERS BEACH • ESTERO ISLAND

 2525 Estero Boulevard

 Fort Myers Beach, FL 33931

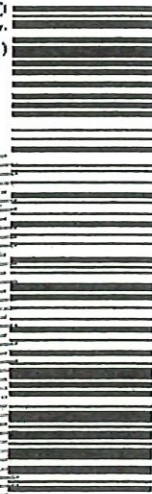
Town of Fort Myers Beach

MAY 28 2024

Received by: _____

OPEN DOORS 4U INVESTMENTS LLC
 10350 CITY CENTER BLVD
 PEMBROKE PINES, FL

CERTIFIED MAIL®



9589 0710 5270 0636 6466 00

2100 9879932093

FIRST-CLASS



US POSTAGE 

 ZIP 33931 \$ 008.690

 02 7H

 0006188942 MAY 17 2024

AM

331 FEB 2 1005 / 25 / 24

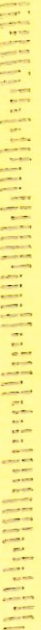
RETURN TO SENDER
 ATTEMPTED - NOT KNOWN
 UNABLE TO FORWARD

.. 94009215 27144270

ANK

9902394883 2012

EC: 33931335425 *0806-00240-22-17



May 17, 2024 at 9:15:29 AM
Town of Fort Myers Beach



May 16, 2024 at 3:37:12 PM

Town of Fort Myers Beach

TOWN HALL

5/16/24, 2:16 PM

iworq.net/iworq/0_Pages/popupEditLetterPrint.php?sid=PWNK9GLKK33QFHK7M5FFBF13XC400&id=5248151&k=8537&letterlin...



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

May 16, 2024

CASE NUMBER:	20240453
CERTIFIED MAIL:	9589071052700636646600

OPEN DOORS 4U INVESTMENTS LLC
10350 CITY CENTER BLVD #203
PEMBROKE PINES, FL 33025

SITE ADDRESS: 8000 LAGOON RD
PARCEL STRAP NO: 034724W3001020150

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **05/16/2024** by Town of Fort Myers Beach Code Enforcement Officer **Randy Sobel** indicates that the property is in violation of the following Town Code(s):

High vegetation- not mowed - abandoned maintenance

*Sec. 6-2. - Amendments. (Weeds) (w) Section 302.4 Weeds, is hereby amended to read as follows:
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The Violation(s) can be brought into compliance by cutting vegetation to a height of less than 1 foot. You are hereby directed to bring these violations into compliance within 30 days of receipt of this notice.

ONCE THIS VIOLATION(S) IS IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

- (a) All notices required by this article will be provided to the alleged violator by: (i) certified mail, return receipt requested, subject to the provisions of subsection (b) below; or (ii) by hand delivery by the sheriff or other law enforcement officer, code enforcement officer, or other person designated by the director; or (iii) by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or (iv) in the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) If notice is sent via certified mail, return receipt requested, to the owner of the property in question at the address listed in the Lee County Tax Collector's Office for tax notices, and at any other address provided to the town by such owner, and is returned as unclaimed or refused, notice may be provided by posting as described in subsections (c)(1) and (2) below, and by first class mail directed to the addresses furnished to the town, with a properly executed proof of mailing or affidavit confirming the first class mailing.
- (c) In addition to provision of notice as set forth in subsection (a), notice may also be served by publication or posting, as follows:
 - (1) Such notice will be published once during each week for four consecutive weeks (four publications being sufficient) in a Lee County newspaper of general circulation. The newspaper must meet the requirements prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication must be made in accordance with F.S. §§ 50.041 and 50.051.
 - (2) In lieu of publication as described in subsection (c)(1) above, such notice may be posted for at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which must be the property upon which the violation is alleged to exist and the other must be at Town Hall for the Town of Fort Myers Beach. Proof of posting must be by affidavit of the person posting the notice. The affidavit must include a copy of the notice posted and the date and places of its posting.
 - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a) above.
- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsections (a) and (b), together with proof of publication or posting as provided in subsection (c), will be sufficient to show the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

EXHIBIT D



09/16/2024

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

OPEN DOORS 4U INVESTMENTS LLC

Respondent.

Site Address: 8000 LAGOON RD
Parcel Strap No.: 034724W3001020150

Case Number: 20240453

Certified Mail:

Regular Mail:

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer D. Batt, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, Officer D. Batt, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. On 05/16/2024, OPEN DOORS 4U INVESTMENTS LLC (property owner) was observed by Officer Randy Sobel in violation of Section 6-2- Amendments; (w) Section 302.4 Weeds of the Town of Fort Myers Beach Code of Ordinances, High vegetation- not mowed - abandoned maintenance, at the property located at 8000 LAGOON RD, Fort Myers Beach, FL 33931 ("Subject Property"). I have full access to these records.

3. A Notice of Violation was issued on 05/16/2024, and sent certified mail to the address of record, 10350 CITY CENTER BLVD #203, PEMBROKE PINES, FL 33025, posted to the violation property located at 8000 LAGOON RD, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. OPEN DOORS 4U INVESTMENTS LLC was/were given 30 to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 06/17/2024.

5. I performed an inspection of the Subject Property on 09/16/2024, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any progress made towards compliance at 8000 LAGOON RD, Fort Myers Beach, FL 33931.

6. I have attached Exhibit A, which are photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 09/16/2024. These photographs have not been altered in any way.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate that and an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) and/or the imposition of an administrative fine not to exceed \$250.00 for each day each violation continues past the date for compliance or \$500.00 for each day each violation was repeated, and for such other and further relief as is consistent with the powers of the Special Magistrate.

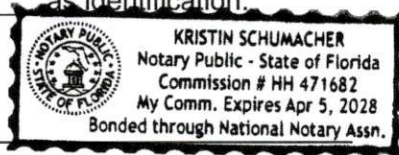
FURTHER AFFIANT SAYETH NAUGHT.



Signature of Affiant

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 16th day of September, 2024, by D. Batt, ☒ who is personally known to me OR ☐ who has produced _____ as identification.



(SEAL)



Notary Public Signature

My Commission Expires: April 5, 2028





EXHIBIT E

Sec. 6-2. - Amendments.

The 2018 Edition of the International Property Maintenance Code is hereby amended as follows:

- (a) Wherever the term "code official" appears in the International Property Maintenance Code, that term shall be interpreted to mean the Director of the Department or Community Development or his or her designee. Wherever the term "department" appears in this code, it shall be interpreted to mean the Department of Community Development. Wherever the terms "International Building Code" or "International Existing Building Code" appear in this code, the term "Florida Building Code" shall be substituted for such terms.
- (b) Section 101.1 Title, is amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the Town of Fort Myers Beach, Florida, hereinafter referred to as "this code."
- (c) *Section 102.3 Application of other codes*, is amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Florida Building Code, as amended.
- (d) *Section 102.6 Historic Buildings*, is amended to read as follows:

The provisions of this code shall not be mandatory for existing buildings or structures formally or officially designated as historic buildings by either the federal government, the state, or the Town, provided such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare.
- (e) *Section 102.7 Referenced codes and standards*, is amended to read as follows:

The codes and standards referenced in this code shall be the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code. Where there are differences between provisions of this code, the Florida Building Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code, the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any other code or standard contained in Articles II, III, and IV in Chapter 6 of the Land Development Code shall prevail.
- (f) *Section 103 Department of Property Maintenance Inspection* is hereby deleted in its entirety.
- (g) *Section 104.4 Right of Entry* is hereby deleted in its entirety.
- (h) Section 106.3 Prosecution of Violation, is hereby amended to read as follows:

Any person who fails to comply with a notice of violation or order served in accordance with Section 107 shall be adjudicated in accordance with the provisions of Chapter 162 of the Florida Statutes or any other method allowed by Florida law, or as provided in the codes and ordinances of the Town of Fort Myers.

- (i) *Section 107.2 Form*, is hereby amended to read as follows:

The notice prescribed in Section 107.1 shall comply with the requirements of F.S. ch. 162.

- (j) *Section 107.3 Method of Service*, is hereby amended to read as follows:

All notices shall be deemed to have been properly served if the service requirements contained in F.S. ch. 162 have been met.

- (k) *Section 107.5 Penalties*, is hereby amended to read as follows:

Penalties for noncompliance with orders and notices shall be as set forth in F.S. ch. 162, and the codes and ordinances of the Town of Fort Myers Beach.

- (l) *Section 107.6 Transfer of Ownership*, is hereby amended to read as follows:

If the owner of property that is subject to a code enforcement proceeding before the special magistrate, or court transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.
- (5) A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

- (m) *Section 108.2 Closing of vacant structures*, is hereby amended to read as follows:

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for closing or securing the premises fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(n) *Section 108.7 Record*, is hereby amended to read as follows:

The code official shall prepare a report on an unsafe condition. In addition, a written notice of the unsafe condition shall be recorded in the public records for Lee County. The notice shall state the occupancy of the structure and the nature of the unsafe condition.

(o) *Section 109.5 Costs of emergency repairs*, is hereby amended to read as follows:

Costs incurred in the performance of emergency work shall be paid by the Town. All costs incurred by the Town in the performance of emergency work shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for emergency repairs fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(p) *Section 109.6 Hearing*, is hereby amended to read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon appeal to the Town Council, be afforded a hearing as described in this code.

(q) *Section 110.1 General*, is hereby amended to read as follows:

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove

such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

(r) *Section 110.3 Failure to comply*, is hereby amended as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Town shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. In the event the owner or person creating the need for demolition and removal fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(s) *Section 111.1 Application for appeal*, is hereby amended to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued pursuant to this code shall have the right to appeal to the Town Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served on the affected person or from the date of posting on the property. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. This section shall not apply to orders issued by the Town special magistrate in connection with a code enforcement special magistrate hearing.

(t) *Sections 111.2 through Section 111.8* are hereby deleted in their entirety.

(u) *Section 112.4 Failure to comply*, is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a code violation and shall be subject to a fine as determined by the Town special magistrate.

(v) *Section 302.3 Sidewalks and driveways*, is hereby amended to read as follows:

Section 302.3. Sidewalks, driveways and rights-of-way. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Trees and shrubs shall be maintained to provide for horizontal clearance of at least three (3) feet from and vertical clearance of at least eight (8) feet above any sidewalk, bike path, or street right-of-way. Unpaved areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

- (w) *Section 302.4 Weeds*, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

- (x) *Section 302.8 Motor Vehicles*, is hereby amended to read as follows:

Section 302.8 Motor Vehicles and Boats. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle or boat shall be parked, kept or stored on any premises, and no vehicle or boat shall at any time be in a state of major disassemble, disrepair, or in the process of being stripped or dismantled. Painting of vehicles or boats is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle or boat of any type is permitted to undergo major overhaul, including body or hull work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- (y) A new *Section 302.10* is hereby added as follows:

Section 302.10 Exterior Storage.

1. No temporary or permanent storage of materials or equipment is permitted on any vacant parcel, unless in conjunction with an active building permit or where such storage is specifically permitted by Chapter 34 of the Land Development Code.
2. Equipment, materials, and furnishings not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors.

(z) *Section 303.2 Enclosures*, is hereby amended to read as follows:

Public swimming pools, hot tubs and spas shall include all safety features specified by F.S. § 514.0315, including any subsequent amendments thereto. Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

(aa) A new *Section 303.3* is hereby added as follows:

Section 303.3 Disposal of swimming pool water. Prior to disposing of any swimming pool water, chlorine and bromine levels must be reduced by not adding chlorine or bromine for a least five (5) days or until levels are below 0.1 mg per liter. One of the following methods of disposal shall be utilized:

1. Discharge of the water into roadside swales to allow for percolation of the water into the ground without any runoff to canals, beaches, wetlands, other tidal waters, or onto adjoining properties. This shall be the preferred method of disposal.
2. Discharge of the water into the sanitary sewer system operated by Lee County Utilities is also permitted, but is not the preferred method.

Under no circumstances shall any swimming pool water be discharged either directly or indirectly onto the beach, or into canals, wetlands, or any other tidal waters.

(bb) *Section 304.3 Premises Identification*, is hereby amended to read as follows:

All buildings shall have address numbers that have been assigned by Lee County placed in a position to be plainly legible and visible by emergency personnel from the street or road fronting the property. All address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches high. Numbers on all commercial, institutional, or multifamily buildings that are set back more than 50 feet from the street shall be at least eight inches high.

(cc) *Section 304.14 Insect screens*, is hereby amended to read as follows:

Every window in a residential structure that is capable of being opened and every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be

supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not, however, be required where other approved means, such as air curtains or insect repellent fans, are employed.

(dd) A new *Section 308.4* is hereby added as follows:

308.4 Additional Regulations for Rubbish and Garbage Containers.

1. Rubbish and Garbage containers shall not be moved to the street more than 24 hours prior to scheduled curbside collection, nor remain there more than 24 hours after scheduled collection.
2. Each refuse container that is not movable shall be opaquely screened from view from streets and adjoining properties and such screening shall be of sufficient height to entirely screen the container. Screening may be achieved by landscaping, wall, or opaque fencing provided the wall or fence does not exceed the maximum height permitted for the property.
3. Any rubbish or garbage container not located within a roofed enclosure must have a cover or lid that renders the interior of the container inaccessible to animals.

(ee) *Section 402.2 Common halls and stairways*, is hereby amended to read as follows:

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads, provided, however, that during Sea turtle nesting season (May 1 through October 31), the provisions of Chapter 14, Article II of the Fort Myers Beach Land Development Code shall supersede the foregoing requirements.

(ff) *Section 507 Storm Drainage*, is hereby amended to read as follows:

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Point sources of stormwater discharge from private property directly onto the beach are prohibited. This prohibition includes drainage collected from parking lots or other paved surfaces and stormwater from roofs of buildings.

(gg) A new *Section 602.7* is hereby added as follows:

Section 602.7 Screening of Mechanical Equipment. Any new mechanical equipment placed on a roof shall be screened from view from ground level of adjoining properties and public rights-of-way. When mechanical equipment is being replaced on a roof of a building that is not undergoing structural alterations, such equipment shall be screened to the same standard using non-structural materials such as ornamental latticework.

(hh) *Section 701.1 Scope*, is hereby amended to read as follows:

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. All references to the "International Fire Code" in this Chapter 7 shall be replaced with the "Florida Fire Prevention Code."

(Ord. No. 13-01, § 2, 1-22-2013; Ord. No. 21-01, § 2(Exh. A), 3-15-2021)

EXHIBIT F



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

09/17/2024

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

OPEN DOORS 4U INVESTMENTS LLC
10350 CITY CENTER BLVD #203
PEMBROKE PINES, FL 33025,
Respondent.

SITE ADDRESS: 8000 LAGOON RD
PARCEL STRAP NO: 034724W3001020150

Case Number:	20240453
Certified Mail:	9589071052700636647485
Regular Mail	

NOTICE OF CODE ENFORCEMENT HEARING

YOU ARE HEREBY NOTIFIED that, pursuant to Chapter 162, Florida Statutes and Chapter 2, Article V of the Town of Fort Myers Beach Land Development Code, the undersigned Code Enforcement Officer has documented that (an) uncorrected violation(s) of one or more codes of the Town of Fort Myers Beach, as described in the **NOTICE OF VIOLATION / NOTICE OF HEARING**, previously provided to you (a copy of which is enclosed herewith), exists on the above-described property. A hearing before the Town's Code Enforcement Special Magistrate concerning the violation(s) has, therefore, been scheduled for **10/03/2024 at 9:00 AM** in the Council Chambers at Town Hall, located at 2731 Oak St., Fort Myers Beach, Florida.

A copy of the evidentiary case file and all materials provided by the Town to the Special Magistrate in relation to this hearing can be viewed and accessed in advance of the hearing at the link below:

<http://www.fortmyersbeachfl.gov/209/Meetings-Agendas>

NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU. If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take any other action(s) that may affect your rights. If you believe you have come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be performed to determine compliance.

D. Batt

Code Enforcement Officer
Town of Fort Myers Beach

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH, 2525 ESTERO BLVD. FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE MAY NEED TO ENSURE AT THEIR OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE BY A COURT REPORTER UPON WHICH THE APPEAL IS TO BE BASED.



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

09/18/2024

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

LAS AMERICAS NOTARY & TAX SERVICES
Registered Agent for
OPEN DOORS 4U INVESTMENTS LLC
5290 GOLDEN GATE PKWY
NAPLES, FL 34116,

Respondent.

SITE ADDRESS: 8000 LAGOON RD
PARCEL STRAP NO: 034724W3001020150

Case Number:	20240453
Certified Mail:	958907105270647393
Regular Mail	

NOTICE OF CODE ENFORCEMENT HEARING

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D. Batt

Code Enforcement Officer
Town of Fort Myers Beach

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Property Address and Owner:

Hearing Date: October 3, 2024

Case Number: 20240524
Violation: Green water and debris in pool
Code Section: LDC Sec. 6-1 - Adoption of IPMC
Section 303.1 Swimming pools
Code Officer: D. Batt

Subject:

Green water and debris in pool

Code Section:

LDC Sec. 6-1 - Adoption of International Property Maintenance Code, Section 303.1 Swimming pools

Reference Number:

20240524

Strap Number:

29-46-24-W3-0080F.0040

Officer:

D. Batt

Narrative:

4501 Estero Blvd., Oceanic Blue Retreats, LLC

Case Number: 20240524
Violation: Green water and debris in pool
Code Section: LDC Sec. 6-1 - Adoption of IPMC,
Section 303.1 Swimming pools
Code Officer: D. Batt

Attachments:

1. EXHIBIT A- Establishment of Ownership
2. EXHIBIT B- Photos of Initial Site Inspection
3. EXHIBIT C- Notice of Violation and Service
4. EXHIBIT D- Affidavit of Non Compliance
5. EXHIBIT E- Referenced Town of Fort Myers Beach Code of Ordinances
6. EXHIBIT F- Notice of Hearing

Town Recommendations:

The Town of Fort Myers Beach requests that an order be issued finding a violation of LDC Sec. 6-1 - Adoption of International Property Maintenance Code, Section 303.1 Swimming pools, including an order to correct the above listed violation(s) and/or the imposition of an administrative fee of \$250.00 to cover costs in bringing this matter before the Special Magistrate, a fine not to exceed \$250.00 for each day each violation continues past the date for compliance, and for such other and further relief as is consistent with the powers of the Special Magistrate.

Town Approvals:

Thomas Yozzo, Compliance & Securities Manager

nancy stuparich, Town Attorney

Date: September 18, 2024

Date: September 20, 2024

EXHIBIT A

Prepared By:
Thomas E. Moorey, Esq.
1430 Royal Palm Sq. Blvd., #105
Fort Myers, FL 33919

ACTUAL CONSIDERATION: \$615,000.00

Parcel ID Number: 29-46-24-W3-0080F.0040

WARRANTY DEED

This Indenture, made this 23 day of January, 2015, Between

KING EQUITY PARTNERS, LLC, a Florida limited liability company, Grantor, and

OCEANIC BLUE RETREATS, LLC, a Florida limited liability company, Grantee, whose address is: 3431 Pine Ridge Rd., Ste. 101, Naples, FL 34109

WITNESSETH that the Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of LEE, State of Florida, to wit:

Lots 4 and 5, Block F, HYDE PARK, according to the map or plat thereof as recorded in Plat Book 7, Page 20, of the Public Records of Lee County, Florida.

Subject to taxes accruing subsequent to Dec. 31, 2014; covenants, restrictions and easements common to the subject property; oil and gas mineral interests, if any, however, this reference thereto shall not operate to reimpose same.

Together with all tenements, hereditaments and appurtenances thereto or in anywise appertaining.

To have and to hold the same in fee simple forever, and the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; and that the Grantor hereby fully warrants the title to said land and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the Grantor has hereunto set his hand and seal the day and year first above written.

Warranty Deed
Page 2 of 2

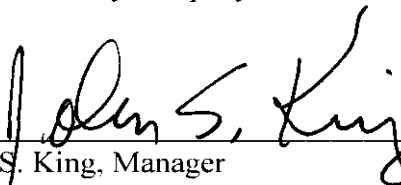
Signed, sealed and delivered in our presence:

KING EQUITY PARTNERS, LLC, a Florida
limited liability company

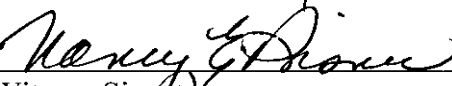


Witness Signature
THOMAS E. MOOREY

Witness Printed Name

BY: 

John S. King, Manager
189 Coconut Dr.
Fort Myers Beach, FL 33931

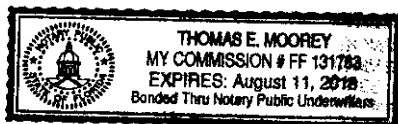


Witness Signature
NANCY E. RISNER

Witness Printed Name

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of Dec.,
2014, by John S. King, as Manager of King Equity Partners, L.L.C., on behalf of the company, who
is personally known to me or who provided _____ as
identification.





NOTARY PUBLIC
My Commission Expires:



Lee County Tax Collector

Noelle Branning

2023 Paid Real Estate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
29-46-24-W3-0080F.0040
Alternate Key:
2100536039
Millage Code:
032

Site Address / Legal Description:
4501 ESTERO BLVD

HYDE PARK BLK F PB 7 PG 20 LOTS 4 + 5

Exemptions/Values:

Assessed Value 584,076

* See message below

OCEANIC BLUE RETREATS LLC
3431 PINE RIDGE RD STE 101
NAPLES, FL 34109

Paid 11/10/2023 EEX-00-01664885 \$7,741.43

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	584.076	0	584.076	2,197.47
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	584.076	0	584.076	1,313.00
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	584.076	0	584.076	1,858.53
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	584.076	0	584.076	578.24
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	584.076	0	584.076	55.37
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	584.076	0	584.076	19.10
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	584.076	0	584.076	59.93
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.9851	584.076	0	584.076	1,743.53
FORT MYERS BEACH MOSQUITO	239-463-6350	0.1123	584.076	0	584.076	65.59
FORT MYERS BEACH LIBRARY	239-463-9691	0.2355	584.076	0	584.076	137.55
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	584.076	0	584.076	12.67
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	584.076	0	584.076	23.01

Non-Ad Valorem Assessments Levying Authority

Telephone Rate Amount

2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$8,063.99

2023 Paid Real Estate

Tax Notice

Account: 29-46-24-W3-0080F.0040
Site Address: 4501 ESTERO BLVD,
FORT MYERS BEACH,
33931
Alternate Key: 2100536039

* If the address below is not correct, visit LeePA.org to update your address.
OCEANIC BLUE RETREATS LLC
3431 PINE RIDGE RD STE 101
NAPLES, FL 34109

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

PAY ONLY ONE AMOUNT

If Received By: Nov 30, 2023
Amount Due: \$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

Return with payment

Paid 11/10/2023 EEX-00-01664885 \$7,741.43



IMPORTANT INSTRUCTIONS AND INFORMATION - PLEASE READ

Ad Valorem Taxes cover the period January 1 through December 31 of the tax year indicated on the front of this notice. Tax notices are mailed on or about November 1 and become delinquent April 1. Failure to receive a tax notice does not extend discounts or excuse taxpayers' responsibilities to pay taxes and applicable penalties for late payments. Installment tax notices are mailed in June, September, December and March. Installment payment discounts are: June (6%), September (4.5%) and December (3%).

Governmental Office Responsibilities



Lee County Tax Collector

The Tax Collector prints, mails, and collects payments based on the tax rolls certified by the Property Appraiser and Levying Authorities.

Contact the Tax Collector to:

- Pay your current or delinquent property taxes
- Learn about Partial Payment, Installment Payment, and Homestead Tax Deferral plans
- Print your tax bills and receipts

Phone: 239-533-6000 • Website: LeeTC.com



Lee County Property Appraiser

The Property Appraiser values properties and prepares and certifies the tax roll which includes assessed values, exemptions, legal description, assessed owner(s) name and mailing address.

Contact the Property Appraiser to:

- Ask questions about the assessed value or exemption of your property
- Change your mailing address
- File or check on Homestead and other exemptions

Phone: 239-533-6100 • Website: LeePA.org



Lee County Levying Authorities

Lee County Levying Authorities establish millage rates and assessments based on revenue needed for operating expenses.

Call your Levying Authority with direct questions regarding services provided or rates charged.

A list of Levying Authorities and phone numbers may appear on the front of this notice or can be found on your property tax bill.

Visit LeeTC.com/property-taxes for instructions on viewing your bill.

Discounts

The amounts indicated on the front of this notice represent the total taxes and assessments due (if applicable) less discounts allowed for early payment. When the discount period ends on a weekend or holiday, the discount is extended to the next business day. Taxes are due by March 31 of each year.

4% if paid in **NOVEMBER**

3% if paid in **DECEMBER**

2% if paid in **JANUARY**

1% if paid in **FEBRUARY**

Delinquent Taxes

Payment of delinquent taxes must be made in certified U.S. funds drawn on a U.S. bank. The amount due is determined by the date payment is received. Failure to pay delinquent taxes could result in the loss of your property. On April 1 the following charges are imposed by Florida Law:

Real Estate: 3% minimum interest and advertising costs. A tax certificate sale is held on or before June 1 resulting in additional charges.

Tangible Personal Property: 18% interest annually, cost of advertising, and fees. Tax warrants will be issued on all unpaid personal property taxes on or about June 1.

Property Sold: forward this notice to the new owner(s).

Payment Options

 **PAY ONLINE**



Visit LeeTC.com

Other ways to pay:

 **Mail:** Check or money order.

 **Phone:** 239.533.6000.

 **In Person:** Cash, check, money order, debit card (PIN required), and all major credit cards.

Note: A convenience fee is charged when using a credit or debit card and is subject to service provider rates which may vary. No portion of this fee is retained by the Tax Collector's office.

Note: If using your bank's online bill pay, make sure you allow for processing time so payment arrives by the received date listed on the front of this notice.

Confirm Payment

Confirm receipt of your payment online at our official website LeeTC.com. Your taxes are not considered paid until your payment clears our bank and is applied to your tax account.

Have you met Edison?

Edison is our automated chatbot that can answer many of your questions relating to property taxes and much more. Available 24/7, you can find Edison at the bottom of our website, LeeTC.com.



NOTICE: Pursuant to Florida Statute 590.125(5), be advised that the Florida Forest Service may be performing prescribed burning and/or other treatments in a project area that includes your property in Lee County, Florida. These efforts are to reduce fuel loads and threat of wildfires. These projects are planned to occur from the date of this notice until the same date the following year. This service is provided at no cost to the affected landowner(s). Contact the Florida Forest Service if you have questions regarding this service at: 10941 Palm Beach Blvd., Fort Myers, FL 33905, or 239.690.8001.

Our Mission: Deliver 5-Star service quickly and efficiently through an organizational culture that values customers, team, and community.



Property Data

STRAP: 29-46-24-W3-0080F.0040 Folio ID: 10229946

[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)

Generated on 9/17/2024 9:29 AM

[Owner Of Record - Sole Owner](#) [\[Change Mailing Address\]](#)



OCEANIC BLUE RETREATS LLC
3431 PINE RIDGE RD STE 101
NAPLES FL 34109

[Site Address](#)

Site Address maintained by [E911 Program Addressing](#)

4501 ESTERO BLVD
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



HYDE PARK BLK F PB 7 PG 20 LOTS 4 + 5

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 7 and 20 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms 0
1st Year Building on Tax Roll N/A
Historic Designation No

Township	Range	Section	Block	Lot
46	24E	29	0080F	0040
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.43777	-81.92236		

[View Parcel on Google Maps](#)

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)



[\[Pictometry Aerial Viewer\]](#)

Image of Structure



Property Values / Exemptions / TRIM Notices

Generated on 9/17/2024 9:29 AM

No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2024 / Additional Info	2024 (TRIM)	692,580	692,580	692,580	642,484	0	0	642,484
2023 / Additional Info	2023 (Final Value)	584,076	584,076	584,076	584,076	0	0	584,076
2022 / Additional Info	2022 (Final Value)	742,100	461,720	742,100	742,100	0	0	742,100
2021 / Additional Info	2021 (Final Value)	717,270	461,720	717,270	717,270	0	0	717,270
2020 / Additional Info	2020 (Final Value)	655,871	404,390	655,871	655,871	0	0	655,871
2019 / Additional Info	2019 (Final Value)	659,393	404,390	659,393	659,393	0	0	659,393
2018 / Additional Info	2018 (Final Value)	654,784	404,390	654,784	654,784	0	0	654,784
2017 / Additional Info	2017 (Final Value)	615,435	404,390	615,435	586,866	0	0	586,866
2016	2016 (Final Value)	511,385	404,390	511,385	511,385	0	0	511,385
2015	2015 (Final Value)	509,790	404,390	509,790	290,657	0	0	290,657
2014	2014 (Final Value)	264,234	171,346	264,234	264,234	0	0	264,234

2013	2013 (Final Value)	281,164	231,080	281,164	281,164	0	0	281,164
2012	2012 (Final Value)	226,875	143,997	226,875	226,875	0	0	226,875
2011	2011 (Final Value)	246,356	231,080	246,356	246,356	0	0	246,356
2010	2010 (Final Value)	286,727	190,524	286,727	286,727	0	0	286,727
	2009 (Final Value)	349,810	238,350	349,810	349,810	0	0	349,810
	2008 (Final Value)	468,000	354,650	468,000	468,000	0	0	468,000
	2007 (Final Value)	655,200	581,080	0	655,200	0	0	655,200
	2006 (Final Value)	717,600	581,080	0	717,600	0	0	717,600
	2005 (Final Value)	415,060	297,500	0	369,350	25,500	0	343,850
	2004 (Final Value)	370,310	280,500	0	334,370	25,500	0	308,870
	2003 (Final Value)	343,530	195,500	0	312,530	25,500	0	287,030
	2002 (Final Value)	187,170	93,500	0	187,170	25,500	0	161,670
	2001 (Final Value)	186,560	93,500	0	186,560	25,500	0	161,060
	2000 (Final Value)	138,490	72,000	0	138,490	25,500	0	112,990
	1999 (Final Value)	138,490	72,000	0	138,490	25,500	0	112,990
	1998 (Final Value)	133,110	72,000	0	133,110	25,500	0	107,610
	1997 (Final Value)	149,880	72,000	0	144,370	25,500	0	118,870
	1996 (Final Value)	140,620	63,010	0	140,620	25,500	0	115,120
	1995 (Final Value)	148,320	63,010	0	148,320	25,500	0	122,820
	1994 (Final Value)	130,040	51,010	0	130,040	25,500	0	104,540
	1993 (Final Value)	129,580	51,110	0	129,580	25,500	0	104,080
	1992 (Final Value)	123,640	51,210	0	123,640	25,500	0	98,140

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)) . For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\)\(a\)](#)). The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.
(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current Working Values)

Generated on 9/17/2024 9:29 AM

Land
Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
1000	Commercial, Vacant	11543.00	Square Feet



Property Details (2024 TRIM)



Generated on 9/17/2024 9:29 AM

Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
1000	Commercial, Vacant	11543.00	Square Feet

Taxing Authorities

Generated on 9/17/2024 9:29 AM

TOWN OF FT MYERS BEACH / 032

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
GREEN CORRIDOR PACE / 363	Special District	
SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions ⓘ

Generated on 9/17/2024 9:29 AM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
615,000.00	01/23/2015	2015000015699	01		I

345,000.00	09/18/2012	2012000206380	01	
895,000.00	04/15/2005	4686/668	06	
100.00	02/24/2005	4686/667	03	
0.00	10/28/1994	2669/3261	03	
153,000.00	05/01/1983	1672/2456	01	

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **7** and **20** for the book and page numbers and **Plats Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

Generated on 9/17/2024 9:29 AM

Permit Number	Permit Type	Date
FNC17-0041	Fence	05/26/2017
ELE16-0318	Electric	12/02/2016
POL15-0044	Pool & Spa	11/22/2016
BLD15-0178	Building Remodel / Repair	01/19/2016
COM15-0289	Building Addition	12/17/2015
BLD15-0046	Building Window / Door Replacement	03/10/2015
ROF2001-03281	Roof	12/12/2001
ROF2001-02545	Roof	11/02/2001
198902627	Fence	03/08/1989

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.
Note: The Lee County Property Appraiser’s Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History

Generated on 9/17/2024 9:29 AM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
29-46-24-08-0000F.0040	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data

Generated on 9/17/2024 9:29 AM

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	M - Multi-Family Category		0	0.00
Collection Days				
Garbage	Recycling	Horticulture		
Thursday	Thursday	Thursday		

Flood and Storm Information

Generated on 9/17/2024 9:29 AM

	Flood Insurance	Find my flood zone		
Community	Panel	Version	Date	Evacuation Zone
071C	0558	G	11/17/2022	A

Generated on 9/17/2024 9:29 AM



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

Detail by Entity Name

Florida Limited Liability Company
OCEANIC BLUE RETREATS, LLC

Filing Information

Document Number L14000166074
FEI/EIN Number N/A
Date Filed 10/24/2014
Effective Date 10/23/2014
State FL
Status ACTIVE

Principal Address

3431 PINE RIDGE ROAD
SUITE 101
NAPLES,, FL 34109

Changed: 04/30/2015

Mailing Address

3431 PINE RIDGE ROAD
SUITE 101
NAPLES, FL 34109

Changed: 04/30/2015

Registered Agent Name & Address

PARRISH, JON D, ESQ
3431 PINE RIDGE ROAD
SUITE 101
NAPLES, FLORIDA, FL 34109

Authorized Person(s) Detail

Name & Address

Title MGR

PARRISH, JON D, ESQ.
3431 PINE RIDGE ROAD, SUITE 101
NAPLES, FL 34109

Title Manager

NATALIE, PEYSINA
3431 PINE RIDGE ROAD
SUITE 101
NAPLES,, FL 34109

Annual Reports

Report Year	Filed Date
2022	02/15/2022
2023	01/25/2023
2024	01/29/2024

Document Images

01/29/2024 -- ANNUAL REPORT	View image in PDF format
01/25/2023 -- ANNUAL REPORT	View image in PDF format
02/15/2022 -- ANNUAL REPORT	View image in PDF format
01/23/2021 -- ANNUAL REPORT	View image in PDF format
02/10/2020 -- ANNUAL REPORT	View image in PDF format
03/01/2019 -- ANNUAL REPORT	View image in PDF format
01/11/2018 -- ANNUAL REPORT	View image in PDF format
02/24/2017 -- ANNUAL REPORT	View image in PDF format
04/12/2016 -- ANNUAL REPORT	View image in PDF format
04/30/2015 -- ANNUAL REPORT	View image in PDF format
10/24/2014 -- Florida Limited Liability	View image in PDF format

EXHIBIT B

May 29, 2024 at 10:00:46 AM
Town of Fort Myers Beach



EXHIBIT C



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931

Phone: (239) 765-0202 Fax: (239) 765-0909

05/31/2024

CASE NUMBER:	20240524
CERTIFIED MAIL:	9589071052700636646723

OCEANIC BLUE RETREATS LLC
3431 PINE RIDGE RD STE 101
NAPLES, FL 34109

SITE ADDRESS: 4501 ESTERO BLVD
PARCEL STRAP NO: 294624W30080F0040

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **05/30/2024** by Town of Fort Myers Beach Code Enforcement Officer **Randy Sobel** indicates that the following items are in violation:

green water and debris in pool

These items are a violation of the following Town Codes:

Sec. 6-1. - Adoption of International Property Maintenance Code.; 303.1 Swimming pools Swimming pools shall be maintained in a clean, and sanitary condition and in good repair.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. cleaning and maintaining pool water or remove all water.. You are hereby directed to bring these violations into compliance within 30 Days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at (239) 765-0202 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Randy Sobel
Code Enforcement Officer
Town of Fort Myers Beach

9589 0710 5270 0636 6467 23

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

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Sent To
 Street and Apt. No., or PO Box No.
 City, State, ZIP+4®

Postmark Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



FORT MYERS BEACH • ESTERO ISLAND
2525 Estero Boulevard
Fort Myers Beach, FL 33931

CERTIFIED MAIL®



9589 0710 5270 0636 6467 23

FT MYERS FL 339
31 MAY 2024PM 1:11

FIRST-CLASS

US POSTAGE PAID PITNEY BOWES
ZIP 33931 **\$ 008.69⁰**
02 7H 0006188942 MAY 31 2024

Town of Fort Myers Beach

JUL 22 2024

Received by:

OCEANIC BLUE RETREATS LLC
3431 PINE
NAP

NIXIE 33913 07/19/2024

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNCLAIMED
SORT IN MANUAL ONLY NO AUTOMATION
BC: 56998999955

-- 9333120017901142

-- 933302051022000000

5510423000

May 31, 2024 at 10:39:39 AM
Town of Fort Myers Beach



5/31/24, 8:11 AM

lworq.net/iworq/0_Pages/popupEditLetterPrint.php?sid=YX5664QXCFFC6MVMNMG2P16Q1400&id=5276183&k=2951&letterlin...



Town of Fort Myers Beach
CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

05/31/2024

CASE NUMBER:	20240524
CERTIFIED MAIL:	9589071052700636646723

OCEANIC BLUE RETREATS LLC
3431 PINE RIDGE RD STE 101
NAPLES, FL 34109

SITE ADDRESS: **4501 ESTERO BLVD**
PARCEL STRAP NO: **294624W30080F0040**

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **05/30/2024** by Town of Fort Myers Beach Code Enforcement Officer **Randy Sobel** indicates that the following items are in violation:

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COMPLIANCE:

The following action is needed to bring the violation(s) into compliance, cleaning and maintaining pool water or remove all water.. You are hereby directed to bring these violations into compliance within 30 Days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at (239) 765-0202 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

STAPLES



WELCOME
TOWN

PLEASE
RECEPTION
ENTERING...

THANK

- (a) All notices required by this article will be provided to the alleged violator by: (i) certified mail, return receipt requested, subject to the provisions of subsection (b) below; or (ii) by hand delivery by the sheriff or other law enforcement officer, code enforcement officer, or other person designated by the director; or (iii) by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or (iv) in the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) If notice is sent via certified mail, return receipt requested, to the owner of the property in question at the address listed in the Lee County Tax Collector's Office for tax notices, and at any other address provided to the town by such owner, and is returned as unclaimed or refused, notice may be provided by posting as described in subsections (c)(1) and (2) below, and by first class mail directed to the addresses furnished to the town, with a properly executed proof of mailing or affidavit confirming the first class mailing.
- (c) In addition to provision of notice as set forth in subsection (a), notice may also be served by publication or posting, as follows:
 - (1) Such notice will be published once during each week for four consecutive weeks (four publications being sufficient) in a Lee County newspaper of general circulation. The newspaper must meet the requirements prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication must be made in accordance with F.S. §§ 50.041 and 50.051.
 - (2) In lieu of publication as described in subsection (c)(1) above, such notice may be posted for at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which must be the property upon which the violation is alleged to exist and the other must be at Town Hall for the Town of Fort Myers Beach. Proof of posting must be by affidavit of the person posting the notice. The affidavit must include a copy of the notice posted and the date and places of its posting.
 - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a) above.
- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsections (a) and (b), together with proof of publication or posting as provided in subsection (c), will be sufficient to show the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

EXHIBIT D



09/17/2024

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

OCEANIC BLUE RETREATS LLC

Respondent.

Site Address: 4501 ESTERO BLVD
Parcel Strap No.: 294624W30080F0040

Case Number: 20240524

Certified Mail:

Regular Mail:

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer D. Batt, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, D. Batt, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. On 05/29/2024, OCEANIC BLUE RETREATS LLC (property owner) was observed by Officer Randy Sobel in violation of Section 6-1. Adoption of International Property Maintenance Code, Section 303.1 Swimming Pools of the Town of Fort Myers Beach Code of Ordinances, green water and debris in pool, at the property located at 4501 ESTERO BLVD, Fort Myers Beach, FL 33931 ("Subject Property"). I have full access to all of Officer Sobel's records.

3. A Notice of Violation was issued on 05/31/2024, and sent certified mail to the address of record, 3431 PINE RIDGE RD STE 101, NAPLES, FL 34109, posted to the violation property located at 4501 ESTERO BLVD, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. OCEANIC BLUE RETREATS LLC was/were given 30 Days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 07/01/2024.

5. I performed an inspection of the Subject Property on 09/16/2024, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any progress made towards compliance at 4501 ESTERO BLVD, Fort Myers Beach, FL 33931.

6. I have attached Exhibit A, which are photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 09/16/2024. These photographs have not been altered in any way.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate that and an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) and/or the imposition of an administrative fine not to exceed \$250.00 for each day each violation continues past the date for compliance or \$500.00 for each day each violation was repeated, and for such other and further relief as is consistent with the powers of the Special Magistrate.

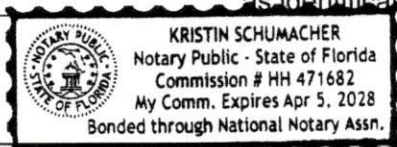
FURTHER AFFIANT SAYETH NAUGHT.



Signature of Affiant

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was certified and subscribed before me by means of ☒ physical presence OR ☐ online notarization, this 17th day of September, 2024 by D. Batt, ☒ who is personally known to me OR ☐ who has produced _____ as identification.



(SEAL)



Notary Public Signature

My Commission Expires: April 5, 2028



EXHIBIT E

Sec. 6-1. Adoption of International Property Maintenance Code.

Except as amended or modified in the sections below, the 2018 edition of the International Property Maintenance Code, published by the International Code Council, is hereby adopted as the Town of Fort Myers Beach Property Maintenance Code and shall be the governing law with respect to all structures and premises in the Town of Fort Myers Beach. A complete copy of this code shall be maintained on file in the office of the town clerk.

International Property Maintenance Code

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

EXHIBIT F



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

09/17/2024

TOWN OF FORT MYERS BEACH,
Petitioner,

Case Number:	20240524
Certified Mail:	9589071052700636647508
Regular Mail	

vs.

OCEANIC BLUE RETREATS LLC
3431 PINE RIDGE RD STE 101
NAPLES, FL 34109,
Respondent.

SITE ADDRESS: 4501 ESTERO BLVD
PARCEL STRAP NO: 294624W30080F0040

NOTICE OF CODE ENFORCEMENT HEARING

YOU ARE HEREBY NOTIFIED that, pursuant to Chapter 162, Florida Statutes and Chapter 2, Article V of the Town of Fort Myers Beach Land Development Code, the undersigned Code Enforcement Officer has documented that (an) uncorrected violation(s) of one or more codes of the Town of Fort Myers Beach, as described in the **NOTICE OF VIOLATION / NOTICE OF HEARING**, previously provided to you (a copy of which is enclosed herewith), exists on the above-described property. A hearing before the Town's Code Enforcement Special Magistrate concerning the violation(s) has, therefore, been scheduled for **10/03/2024 at 9:00 AM** in the Council Chambers at Town Hall, located at 2731 Oak St., Fort Myers Beach, Florida.

A copy of the evidentiary case file and all materials provided by the Town to the Special Magistrate in relation to this hearing can be viewed and accessed in advance of the hearing at the link below:

<http://www.fortmyersbeachfl.gov/209/Meetings-Agendas>

NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU. If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take any other action(s) that may affect your rights. If you believe you have come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be performed to determine compliance.

D. Batt

Code Enforcement Officer
Town of Fort Myers Beach

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH, 2525 ESTERO BLVD. FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE MAY NEED TO ENSURE AT THEIR OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE BY A COURT REPORTER UPON WHICH THE APPEAL IS TO BE BASED.

Property Address and Owner:

Hearing Date: October 3, 2024

Case Number: 20240666
Violation: The overgrowth of grass and/or weeds
in excess of 12 inches.
Code Section: LDC Sec. 6-2 - Amendments,
(w) Section 302.4- Weeds
Code Officer: D. Batt

Subject:

The overgrowth of grass and/or weeds in excess of 12 inches.

Code Section:

LDC Sec. 6-2 - Amendments, (w) Section 302.4- Weeds

Reference Number:

20240666

Strap Number:

19-46-24-W4-0100E.0020

Officer:

D. Batt

Narrative:

290 Pearl St., Island Bay Marina, L.C.

Case Number: 20240666
Violation: The overgrowth of grass and/or weeds
in excess of 12 inches.
Code Section: LDC Sec. 6-2 - Amendments,
(w) Section 302.4- Weeds
Code Officer: D. Batt

Attachments:

1. EXHIBIT A- Establishment of Ownership
2. EXHIBIT B- Photos of Initial Site Inspection
3. EXHIBIT C- Notice of Violation and Service
4. EXHIBIT D- Affidavit of Non Compliance
5. EXHIBIT E- Referenced Town of Fort Myers Beach Code of Ordinances
6. EXHIBIT F- Notice of Hearing

Town Recommendations:

The Town of Fort Myers Beach, requests that an order be issued finding a violation of LDC Sec. 6-2 - Amendments, (w) Section 302.4- Weeds, including an order to correct the above listed violation(s) and/or the imposition of an administrative fee of \$250.00 to cover costs in bringing this matter before the Special Magistrate, a fine not to exceed \$250.00 for each day each violation continues past the date for compliance, and for such other and further relief as is consistent with the powers of the Special Magistrate.

Town Approvals:

Thomas Yozzo, Compliance & Securities Manager

nancy stuparich, Town Attorney

Date: September 18, 2024

Date: September 20, 2024

EXHIBIT A

WARRANTY DEED

THIS INDENTURE, made this 27th day of June, 2007, between JEANNE S. MOON, a married individual, joined by Tracy Moon, her husband, party of the first part, and ISLAND BAY MARINA, L.C., at 290 Pearl Street, Fort Myers Beach, Florida 33931, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS and other good and valuable considerations, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED

STRAP NO. 19-46-24-W4-0100E.0020
19-46-24-W4-00409.0000

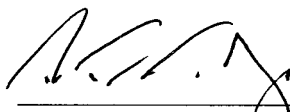
This conveyance is subject to:

1. Zoning and building ordinances and other governmental regulations.
2. Taxes and assessments for the year 2007 and subsequent years.
3. All easements, restrictions, limitations of record and all matters of survey.

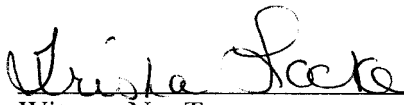
And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, Sealed and Delivered in Our Presence


Witness No. One
Robert E. Tardif Jr


Jeanne S. Moon


Witness No. Two

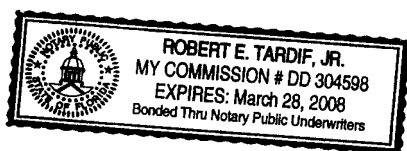

Tracy Moon

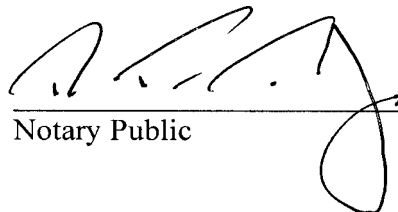
Acknowledgement

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 27th day of June, 2007, by Jeanne S. Moon and Tracy Moon, husband and wife, who are personally known to me or who produced the following identification _____ and who did not take an oath.




Notary Public

The South 80 feet of Lot 1, and all of Lot 2, Block "E", of that certain subdivision known as W. W. WATSONS SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 5, Page 67.

ALSO:

From the Southeast corner of Lot 19 of T. P. HILL'S SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 3, Page 84, thence North along the East line of said Lot 19 a distance of 1381.2 feet to the point of beginning of the land herein described; thence continue North along the East line of Lot 19 a distance of 156.3 feet, more or less, to the shores of Ostego Bay; thence Westerly along the shore of Ostego Bay a distance of 10 feet; thence South and parallel to the East line of said Lot 19 on a line that is 10 feet West of said East line for a distance of 156.35 feet; thence Easterly a distance of 10 feet, to the Point of Beginning.

ALSO:

From the Southeast corner of Lot 19 of T. P. HILL'S SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 3, at Page 84, thence North along the East line of said Lot 19 a distance of 1270.2 feet to the point of beginning of the land herein described; thence West 80.92 feet to the Easterly side of Pearl Street; thence North along the Easterly side of Pearl Street 283.12 feet, more or less, to the shore of Ostego Bay; thence Easterly along the shore of Ostego Bay 71.76 feet, more or less, to the Northwest corner of a ten foot strip of land described above; thence South along the West line of said ten foot strip 156.3 feet, more or less, to the Southwest corner of said ten foot strip; thence Easterly along the South line of said ten foot strip to the East line of said Lot 19 of T. P. HILL'S SUBDIVISION; thence South 111 feet, more or less, to the Point of Beginning of the lands herein described.

EXHIBIT A



CHARLIE GREEN LEE CTY FL
92 OCT -1 PM 4:22



Lee County Tax Collector

Noelle Branning

2023 Paid Real Estate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
19-46-24-W4-00409.000A
Alternate Key:
2100387357
Millage Code:
032

Site Address / Legal Description:
ISLAND BAY MARINA HDR

HEADER PARCEL FOR RENTAL PARK
ASSESSED UNDER 19-46-24-W4-00409.0000

Exemptions/Values:

Assessed Value 0

* See message below

ISLAND BAY MARINA LC
C/O JEANNE S MOON
290 PEARL ST
FORT MYERS BEACH, FL 33931

Ad Valorem Taxes Levying Authority	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	0	0	0	0.00
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	0	0	0	0.00
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	0	0	0	0.00
TOWN OF FORT MYERS BEACH	239-765-0202	0.9900	0	0	0	0.00
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	0	0	0	0.00
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	0	0	0	0.00
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	0	0	0	0.00
FORT MYERS BEACH FIRE CONTROL DISTRICT	239-590-4200	2.9851	0	0	0	0.00
FORT MYERS BEACH MOSQUITO	239-463-6350	0.1123	0	0	0	0.00
FORT MYERS BEACH LIBRARY	239-463-9691	0.2355	0	0	0	0.00
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	0	0	0	0.00
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	0	0	0	0.00

Non-Ad Valorem Assessments Levying Authority

Telephone	Rate	Amount
-----------	------	--------

2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$0.00

2023 Paid Real Estate

Tax Notice

Account: 19-46-24-W4-00409.000A
Site Address: ISLAND BAY MARINA HDR,
FORT MYERS BEACH,
33931
Alternate Key: 2100387357

* If the address below is not correct, visit LeePA.org to update your address.
ISLAND BAY MARINA LC
C/O JEANNE S MOON
290 PEARL ST
FORT MYERS BEACH, FL 33931

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

PAY ONLY ONE AMOUNT

If Received By: Sep 30, 2024
Amount Due: \$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

Return with payment



IMPORTANT INSTRUCTIONS AND INFORMATION - PLEASE READ

Ad Valorem Taxes cover the period January 1 through December 31 of the tax year indicated on the front of this notice. Tax notices are mailed on or about November 1 and become delinquent April 1. Failure to receive a tax notice does not extend discounts or excuse taxpayers' responsibilities to pay taxes and applicable penalties for late payments. Installment tax notices are mailed in June, September, December and March. Installment payment discounts are: June (6%), September (4.5%) and December (3%).

Governmental Office Responsibilities



Lee County Tax Collector

The Tax Collector prints, mails, and collects payments based on the tax rolls certified by the Property Appraiser and Levying Authorities.

Contact the Tax Collector to:

- Pay your current or delinquent property taxes
- Learn about Partial Payment, Installment Payment, and Homestead Tax Deferral plans
- Print your tax bills and receipts

Phone: 239-533-6000 • Website: LeeTC.com



Lee County Property Appraiser

The Property Appraiser values properties and prepares and certifies the tax roll which includes assessed values, exemptions, legal description, assessed owner(s) name and mailing address.

Contact the Property Appraiser to:

- Ask questions about the assessed value or exemption of your property
- Change your mailing address
- File or check on Homestead and other exemptions

Phone: 239-533-6100 • Website: LeePA.org



Lee County Levying Authorities

Lee County Levying Authorities establish millage rates and assessments based on revenue needed for operating expenses.

Call your Levying Authority with direct questions regarding services provided or rates charged.

A list of Levying Authorities and phone numbers may appear on the front of this notice or can be found on your property tax bill.

Visit LeeTC.com/property-taxes for instructions on viewing your bill.

Discounts

The amounts indicated on the front of this notice represent the total taxes and assessments due (if applicable) less discounts allowed for early payment. When the discount period ends on a weekend or holiday, the discount is extended to the next business day. Taxes are due by March 31 of each year.

4% if paid in **NOVEMBER**

3% if paid in **DECEMBER**

2% if paid in **JANUARY**

1% if paid in **FEBRUARY**

Delinquent Taxes

Payment of delinquent taxes must be made in certified U.S. funds drawn on a U.S. bank. The amount due is determined by the date payment is received. Failure to pay delinquent taxes could result in the loss of your property. On April 1 the following charges are imposed by Florida Law:

Real Estate: 3% minimum interest and advertising costs. A tax certificate sale is held on or before June 1 resulting in additional charges.

Tangible Personal Property: 18% interest annually, cost of advertising, and fees. Tax warrants will be issued on all unpaid personal property taxes on or about June 1.

Property Sold: forward this notice to the new owner(s).

Payment Options

 **PAY ONLINE**



Visit LeeTC.com

Other ways to pay:

 **Mail:** Check or money order.

 **Phone:** 239.533.6000.

 **In Person:** Cash, check, money order, debit card (PIN required), and all major credit cards.

Note: A convenience fee is charged when using a credit or debit card and is subject to service provider rates which may vary. No portion of this fee is retained by the Tax Collector's office.

Note: If using your bank's online bill pay, make sure you allow for processing time so payment arrives by the received date listed on the front of this notice.

Confirm Payment

Confirm receipt of your payment online at our official website LeeTC.com. Your taxes are not considered paid until your payment clears our bank and is applied to your tax account.

Have you met Edison?

Edison is our automated chatbot that can answer many of your questions relating to property taxes and much more. Available 24/7, you can find Edison at the bottom of our website, LeeTC.com.



NOTICE: Pursuant to Florida Statute 590.125(5), be advised that the Florida Forest Service may be performing prescribed burning and/or other treatments in a project area that includes your property in Lee County, Florida. These efforts are to reduce fuel loads and threat of wildfires. These projects are planned to occur from the date of this notice until the same date the following year. This service is provided at no cost to the affected landowner(s). Contact the Florida Forest Service if you have questions regarding this service at: 10941 Palm Beach Blvd., Fort Myers, FL 33905, or 239.690.8001.

Our Mission: Deliver 5-Star service quickly and efficiently through an organizational culture that values customers, team, and community.



Property Data

STRAP: 19-46-24-W4-0100E.0020 Folio ID: 10228326

[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)

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Owner Of Record

[\[Change Mailing Address\]](#)

ISLAND BAY MARINA LC
106 JASON LN
CUMMING GA 30040



Site Address

Site Address maintained by [E911 Program Addressing](#)

290 PEARL ST
FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



WATSONS W.W.SUBD. BLK.E PB 5 PG 67 LOT 2 + S 80 FT LOT 1

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 5 and 67 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms 0 / 5.0
1st Year Building on Tax Roll 1952
Historic Designation No

Township	Range	Section	Block	Lot
46	24E	19		
Municipality	Latitude	Longitude		
Town of Fort Myers Beach	26.45387	-81.94569		

[View Parcel on Google Maps](#)

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)



[\[Pictometry Aerial Viewer \]](#)

Image of Structure



◀ Photo Date January of 2024 ▶ ☐ View other photos

Last Inspection Date: 08/01/2024

Property Values / Exemptions / TRIM Notices

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No existing exemptions found for this property.

TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2024 / Additional Info	2024 (TRIM)	698,509	698,499	698,509	569,885	0	0	569,885
2023 / Additional Info	2023 (Final Value)	698,509	698,499	698,509	518,077	0	0	518,077
2022 / Additional Info	2022 (Final Value)	470,979	330,181	470,979	470,979	0	0	470,979
2021 / Additional Info	2021 (Final Value)	468,541	342,224	468,541	468,541	0	0	468,541
2020 / Additional Info	2020 (Final Value)	467,949	343,742	467,949	467,949	0	0	467,949
2019 / Additional Info	2019 (Final Value)	469,186	344,836	469,186	469,186	0	0	469,186
2018 / Additional Info	2018 (Final Value)	477,465	354,826	477,465	477,465	0	0	477,465
2017 / Additional Info	2017 (Final Value)	473,693	350,552	473,693	473,693	0	0	473,693
2016	2016 (Final Value)	810,056	602,394	810,056	511,244	0	0	511,244
2015	2015 (Final Value)	464,767	346,774	464,767	464,767	0	0	464,767
2014	2014 (Final Value)	464,713	345,631	464,713	464,713	0	0	464,713

2013	2013 (Final Value)	431,036	314,996	431,036	423,034	0	0	423,034
2012	2012 (Final Value)	384,576	274,836	384,576	384,576	0	0	384,576
2011	2011 (Final Value)	388,098	270,483	388,098	388,098	0	0	388,098
2010	2010 (Final Value)	449,493	338,690	449,493	449,493	0	0	449,493
	2009 (Final Value)	703,790	662,700	703,790	703,790	0	0	703,790
	2008 (Final Value)	752,100	722,970	752,100	752,100	0	0	752,100
	2007 (Final Value)	811,200	722,970	0	811,200	0	0	811,200
	2006 (Final Value)	918,930	717,930	0	918,930	0	0	918,930
	2005 (Final Value)	682,390	552,250	0	682,390	0	0	682,390
	2004 (Final Value)	379,460	265,080	0	379,460	0	0	379,460
	2003 (Final Value)	376,900	265,080	0	376,900	0	0	376,900
	2002 (Final Value)	244,610	132,540	0	244,610	0	0	244,610
	2001 (Final Value)	239,460	140,820	0	239,460	0	0	239,460
	2000 (Final Value)	230,420	123,280	0	230,420	0	0	230,420
	1999 (Final Value)	230,770	123,280	0	230,770	0	0	230,770
	1998 (Final Value)	214,880	123,280	0	214,880	0	0	214,880
	1997 (Final Value)	210,180	118,280	0	210,180	0	0	210,180
	1996 (Final Value)	210,490	118,280	0	210,490	0	0	210,490
	1995 (Final Value)	210,200	83,280	0	210,200	0	0	210,200
	1994 (Final Value)	244,860	83,650	0	244,860	0	0	244,860
	1993 (Final Value)	245,590	83,650	0	245,590	0	0	245,590
	1992 (Final Value)	247,920	83,650	0	247,920	0	0	247,920

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)) . For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\)\(a\)](#)). The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.
(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current Working Values)

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Land

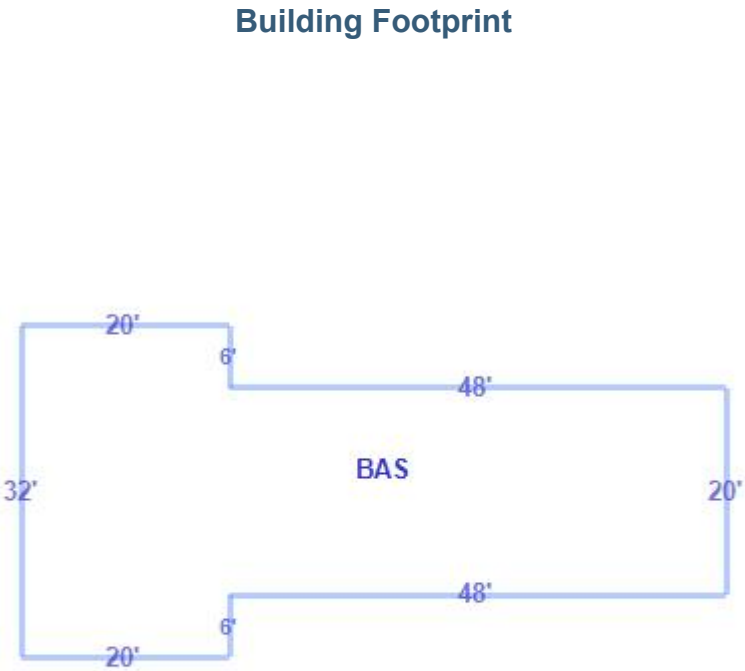
Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
800	Multi-Family, Less than 10 Units	11151.00	Square Feet

Land Features			
Description		Year Added	Units
PAVEMENT - CONCRETE		1952	2,100
Buildings			
Building 1 of 1			
Building Characteristics			
Improvement Type	Model Type	Stories	Living Units
22 - Multiple Residence	3 - MULTIPLE RES/HOTEL	1.0	5
Bedrooms	Bathrooms	Year Built	Effective Year Built
0	5.0	1952	1986
Building Subareas			
Description		Heated / Under Air	Area (Sq Ft)
BAS - BASE		Y	1,600



Photo Date: January of 2024



 Property Details (2024 TRIM)

Generated on 9/17/2024 8:12 AM

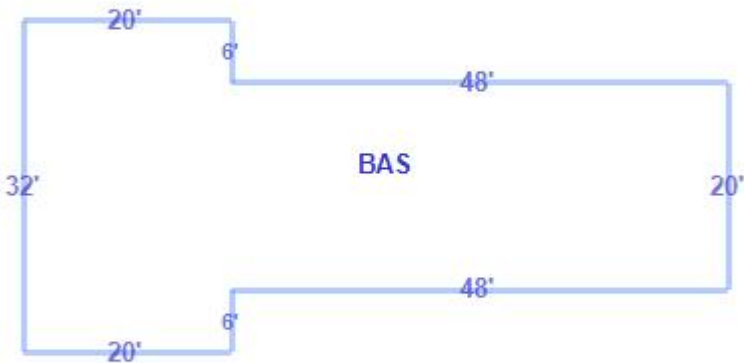
Land			
Land Tracts			
Use Code	Use Code Description	Number of Units	Unit of Measure
800	Multi-Family, Less than 10 Units	11151.00	Square Feet
Land Features			
Description		Year Added	Units
PAVEMENT - CONCRETE		1952	2,100
Buildings			
Building 1 of 1			
Building Characteristics			
Improvement Type	Model Type	Stories	Living Units
22 - Multiple Residence	3 - MULTIPLE RES/HOTEL	1.0	5
Bedrooms	Bathrooms	Year Built	Effective Year Built
0	5.0	1952	1986
Building Subareas			
Description		Heated / Under Air	Area (Sq Ft)
BAS - BASE		Y	1,600

Building Front Photo



Photo Date: January of 2024

Building Footprint



Taxing Authorities

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TOWN OF FT MYERS BEACH / 032

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
FORT MYERS BEACH FIRE CONTROL DIST / 032	Independent District	FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931
FORT MYERS BEACH MOSQUITO CONTROL / 035	Independent District	FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837
FORT MYERS BEACH PUBLIC LIBRARY DIST / 033	Independent District	FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
TOWN OF FORT MYERS BEACH FLORIDA / 118	Municipal	TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
GREEN CORRIDOR PACE / 363	Special District	

SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions ⓘ

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Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
353,300.00	06/27/2007	2007000228391	03	There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 19-46-24-W4-00409.0000	
450,000.00	09/01/1992	2331/637	02		
286,300.00	08/17/1992	2323/148	02		

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **5** and **67** for the book and page numbers and **Plats Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

Generated on 9/17/2024 8:12 AM

Permit Number	Permit Type	Date
235628	Electric	09/19/2023
211334	Roof	08/10/2021
PLB17-0194	Plumbing	08/24/2017
ROF16-0107	Roof	10/11/2016
COM08-0096	Roof	12/18/2008

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History ⓘ

Generated on 9/17/2024 8:12 AM

Prior STRAP	Prior Folio ID	Renumber Reason	Renumber Date
19-46-24-10-0000E.0020	N/A	Reserved for Renumber ONLY	01/12/1995

Solid Waste (Garbage) Roll Data

Generated on 9/17/2024 8:12 AM

Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
001 - Service Area 1	M - Multi-Family Category		10	154.65
	Collection Days			
Garbage	Recycling			Horticulture
Thursday	Thursday			Thursday

Flood and Storm Information

Generated on 9/17/2024 8:12 AM

Community	Flood Insurance	Find my flood zone		Evacuation Zone
	Panel	Version	Date	
071C	0554	G	11/17/2022	A

Generated on 9/17/2024 8:12 AM



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

Detail by Entity Name

Florida Limited Liability Company
ISLAND BAY MARINA, L.C.

Filing Information

Document Number	L92000000014
FEI/EIN Number	65-0380356
Date Filed	11/03/1992
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	06/22/2023
Event Effective Date	NONE

Principal Address

290 PEARL ST.
FORT MYERS BEACH, FL 33931

Changed: 09/29/1993

Mailing Address

106 Jason Lane
Cumming, GA 30040

Changed: 02/20/2023

Registered Agent Name & Address

MOON, TRACY L, JR.
290 PEARL STREET
FORT MYERS BEACH, FL 33931

Name Changed: 09/19/2016

Address Changed: 09/29/1993

Authorized Person(s) Detail

Name & Address

Title MGR

MOON, TRACY L, JR.
106 Jason Lane
Cumming, GA 30040

Annual Reports

Report Year	Filed Date
2023	02/17/2023
2023	02/20/2023
2024	02/23/2024

Document Images

02/23/2024 -- ANNUAL REPORT	View image in PDF format
06/22/2023 -- LC Amendment	View image in PDF format
02/20/2023 -- AMENDED ANNUAL REPORT	View image in PDF format
02/17/2023 -- ANNUAL REPORT	View image in PDF format
01/31/2022 -- ANNUAL REPORT	View image in PDF format
02/01/2021 -- ANNUAL REPORT	View image in PDF format
01/16/2020 -- ANNUAL REPORT	View image in PDF format
02/08/2019 -- ANNUAL REPORT	View image in PDF format
03/13/2018 -- ANNUAL REPORT	View image in PDF format
03/22/2017 -- ANNUAL REPORT	View image in PDF format
09/19/2016 -- LC Amendment	View image in PDF format
03/15/2016 -- ANNUAL REPORT	View image in PDF format
03/26/2015 -- ANNUAL REPORT	View image in PDF format
01/15/2014 -- ANNUAL REPORT	View image in PDF format
05/02/2013 -- REINSTATEMENT	View image in PDF format
06/25/2009 -- ANNUAL REPORT	View image in PDF format
02/08/2008 -- ANNUAL REPORT	View image in PDF format
07/19/2007 -- ANNUAL REPORT	View image in PDF format
01/27/2006 -- ANNUAL REPORT	View image in PDF format
02/10/2005 -- ANNUAL REPORT	View image in PDF format
02/11/2004 -- ANNUAL REPORT	View image in PDF format
02/10/2003 -- LIMITED LIABILITY CORPORATION	View image in PDF format
01/11/2002 -- ANNUAL REPORT	View image in PDF format
01/17/2001 -- ANNUAL REPORT	View image in PDF format
01/12/2000 -- ANNUAL REPORT	View image in PDF format
03/10/1999 -- ANNUAL REPORT	View image in PDF format
03/09/1998 -- ANNUAL REPORT	View image in PDF format
03/14/1997 -- ANNUAL REPORT	View image in PDF format

EXHIBIT B



*Jul 20, 2024 at 7:33:08 AM
Town of Fort Myers Beach*



*Jul 20, 2024 at 7:33:31 AM
Town of Fort Myers Beach*



*Jul 20, 2024 at 7:33:06 AM
Town of Fort Myers Beach*



*Jul 20, 2024 at 7:33:11 AM
Town of Fort Myers Beach*

EXHIBIT C



Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931

Phone: (239) 765-0202 Fax: (239) 765-0909

07/20/2024

CASE NUMBER:	20240666
CERTIFIED MAIL:	9589071052700636647119
REGULAR MAIL:	

ISLAND BAY MARINA LC
106 JASON LN
CUMMING, GA 30040

SITE ADDRESS: 290 PEARL ST
PARCEL STRAP NO: 194624W40100E0020

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **07/20/2024** by Town of Fort Myers Beach Code Enforcement Officer **D. Batt** indicates that the following items are in violation:

The overgrowth of grass and/or weeds in excess of 12 inches.

These items are a violation of the following Town Codes:

Sec. 6-2. - Amendments. (Weeds) (w) Section 302.4 Weeds, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Mow and maintain grass and/or weeds below 12 inches in height..

You are hereby directed to bring these violations into compliance within 30-days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if, one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at #239-922-4049 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

D. Batt
Code Enforcement Officer
Town of Fort Myers Beach

9589 0710 5270 0636 6471 19

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$
Town of Fort Myers Beach	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$ JUL 20 2024
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Sent by: 	
Postage	\$
Total Postage and Fees	\$ 20240666
290 Pearl St	
Sent To	
Island Bay Marina LC	
Street and Apt. No., or PO Box No.	
106 Jason Ln	
City, State, ZIP+4®	
Cumming, GA 30040	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ 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.		A. Signature X  ☐ Agent ☐ Addressee	
1. Article Addressed to: Island Bay Marina LC 106 Jason Ln Cumming, GA 30040		B. Received by (Printed Name) J. Moon	C. Date of Delivery 7-29-24
2. Article Number (Transfer from service label) 9589 0710 5270 0636 6471 19		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 20240606 290 Pearl St	
9590 9402 7722 2152 7828 43		3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Signature Confirmation Restricted Delivery Mail Mail Restricted Delivery (over \$500)	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt	





Town of Fort Myers Beach

CODE COMPLIANCE

2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202Jul 20, 2024 at 9:02:22 AM
Town of Fort Myers Beach

07/20/2024

CASE NUMBER:	20240666
CERTIFIED MAIL:	9589071052700636647119
REGULAR MAIL:	

ISLAND BAY MARINA LC
106 JASON LN
CUMMING, GA 30040SITE ADDRESS: 290 PEARL ST
PARCEL STRAP NO: 194624W40100E0020**NOTICE OF VIOLATION**

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **07/20/2024** by Town of Fort Myers Beach Code Enforcement Officer **D. Batt** indicates that the following items are in violation:

The overgrowth of grass and/or weeds in excess of 12 inches.

These items are a violation of the following Town Codes:

Sec. 6-2. - Amendments. (Weeds) (w) Section 302.4 Weeds, is hereby amended to read as follows:
All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. Mow and maintain grass and/or weeds below 12 inches in height..

You are hereby directed to bring these violations into compliance within 30-days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

- (a) All notices required by this article will be provided to the alleged violator by: (i) certified mail, return receipt requested, subject to the provisions of subsection (b) below; or (ii) by hand delivery by the sheriff or other law enforcement officer, code enforcement officer, or other person designated by the director; or (iii) by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or (iv) in the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) If notice is sent via certified mail, return receipt requested, to the owner of the property in question at the address listed in the Lee County Tax Collector's Office for tax notices, and at any other address provided to the town by such owner, and is returned as unclaimed or refused, notice may be provided by posting as described in subsections (c)(1) and (2) below, and by first class mail directed to the addresses furnished to the town, with a properly executed proof of mailing or affidavit confirming the first class mailing.
- (c) In addition to provision of notice as set forth in subsection (a), notice may also be served by publication or posting, as follows:
 - (1) Such notice will be published once during each week for four consecutive weeks (four publications being sufficient) in a Lee County newspaper of general circulation. The newspaper must meet the requirements prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication must be made in accordance with F.S. §§ 50.041 and 50.051.
 - (2) In lieu of publication as described in subsection (c)(1) above, such notice may be posted for at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which must be the property upon which the violation is alleged to exist and the other must be at Town Hall for the Town of Fort Myers Beach. Proof of posting must be by affidavit of the person posting the notice. The affidavit must include a copy of the notice posted and the date and places of its posting.
 - (3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a) above.
- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsections (a) and (b), together with proof of publication or posting as provided in subsection (c), will be sufficient to show the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

EXHIBIT D



09/17/2024

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

ISLAND BAY MARINA LC

Respondent.

Site Address: 290 PEARL ST
Parcel Strap No.: 194624W40100E0020

Case Number: 20240666

Certified Mail:

Regular Mail:

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)

COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer D. Batt, Code Enforcement Officer for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, D. Batt, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. On 07/20/2024, ISLAND BAY MARINA LC (property owner) was observed by Terri Weich in violation of Section 6-2- Amendments; (w) Section 302.4- Weeds of the Town of Fort Myers Beach Code of Ordinances, the overgrowth of grass and/or weeds in excess of 12 inches., at the property located at 290 PEARL ST, Fort Myers Beach, FL 33931 ("Subject Property"). I have full access to all of Officer Weich's records.

3. A Notice of Violation was issued on 07/20/2024, and sent certified mail to the address of record, 106 JASON LN, CUMMING, GA 30040, posted to the violation property located at 290 PEARL ST, Fort Myers Beach, FL 33931, and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931.

4. ISLAND BAY MARINA LC was/were given 30-days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 08/28/2024.

5. I performed an inspection of the Subject Property on 09/16/2024, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any progress made towards compliance at 290 PEARL ST, Fort Myers Beach, FL 33931.

6. I have attached Exhibit A, which are photographs of the Subject Property, which I personally

took, and which fairly represent the violation on the Subject Property I personally observed on 09/16/2024. These photographs have not been altered in any way.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate that and an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) and/or the imposition of an administrative fine not to exceed \$250.00 for each day each violation continues past the date for compliance or \$500.00 for each day each violation was repeated, and for such other and further relief as is consistent with the powers of the Special Magistrate.

FURTHER AFFIANT SAYETH NAUGHT.

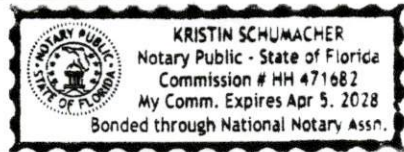
[Signature]

Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was certified and subscribed before me by means of ✓ physical presence OR online notarization, this 17th day of September, 2024 by D Batt, ✓ who is personally known to me OR who has produced as identification.

(SEAL)



Kristin Schumacher

Notary Public Signature

My Commission Expires: Apr. 5, 2028



EXHIBIT E

Sec. 6-2. - Amendments.

The 2018 Edition of the International Property Maintenance Code is hereby amended as follows:

- (a) Wherever the term "code official" appears in the International Property Maintenance Code, that term shall be interpreted to mean the Director of the Department or Community Development or his or her designee. Wherever the term "department" appears in this code, it shall be interpreted to mean the Department of Community Development. Wherever the terms "International Building Code" or "International Existing Building Code" appear in this code, the term "Florida Building Code" shall be substituted for such terms.
- (b) Section 101.1 Title, is amended to read as follows:

These regulations shall be known as the Property Maintenance Code of the Town of Fort Myers Beach, Florida, hereinafter referred to as "this code."
- (c) *Section 102.3 Application of other codes*, is amended to read as follows:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Florida Building Code, as amended.
- (d) *Section 102.6 Historic Buildings*, is amended to read as follows:

The provisions of this code shall not be mandatory for existing buildings or structures formally or officially designated as historic buildings by either the federal government, the state, or the Town, provided such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare.
- (e) *Section 102.7 Referenced codes and standards*, is amended to read as follows:

The codes and standards referenced in this code shall be the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code. Where there are differences between provisions of this code, the Florida Building Code and any other code or standard contained in Articles II, III and IV in Chapter 6 of the Land Development Code, the Florida Building Code, the Florida Fire Prevention Code, the Life Safety Code, and any other code or standard contained in Articles II, III, and IV in Chapter 6 of the Land Development Code shall prevail.
- (f) *Section 103 Department of Property Maintenance Inspection* is hereby deleted in its entirety.
- (g) *Section 104.4 Right of Entry* is hereby deleted in its entirety.
- (h) Section 106.3 Prosecution of Violation, is hereby amended to read as follows:

Any person who fails to comply with a notice of violation or order served in accordance with Section 107 shall be adjudicated in accordance with the provisions of Chapter 162 of the Florida Statutes or any other method allowed by Florida law, or as provided in the codes and ordinances of the Town of Fort Myers.

- (i) *Section 107.2 Form*, is hereby amended to read as follows:

The notice prescribed in Section 107.1 shall comply with the requirements of F.S. ch. 162.

- (j) *Section 107.3 Method of Service*, is hereby amended to read as follows:

All notices shall be deemed to have been properly served if the service requirements contained in F.S. ch. 162 have been met.

- (k) *Section 107.5 Penalties*, is hereby amended to read as follows:

Penalties for noncompliance with orders and notices shall be as set forth in F.S. ch. 162, and the codes and ordinances of the Town of Fort Myers Beach.

- (l) *Section 107.6 Transfer of Ownership*, is hereby amended to read as follows:

If the owner of property that is subject to a code enforcement proceeding before the special magistrate, or court transfers ownership of such property between the time the notice of violation was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.
- (5) A failure to make the disclosures described in paragraphs (1), (2), and (3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

- (m) *Section 108.2 Closing of vacant structures*, is hereby amended to read as follows:

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for closing or securing the premises fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(n) *Section 108.7 Record*, is hereby amended to read as follows:

The code official shall prepare a report on an unsafe condition. In addition, a written notice of the unsafe condition shall be recorded in the public records for Lee County. The notice shall state the occupancy of the structure and the nature of the unsafe condition.

(o) *Section 109.5 Costs of emergency repairs*, is hereby amended to read as follows:

Costs incurred in the performance of emergency work shall be paid by the Town. All costs incurred by the Town in the performance of emergency work shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or person creating the need for emergency repairs fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(p) *Section 109.6 Hearing*, is hereby amended to read as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon appeal to the Town Council, be afforded a hearing as described in this code.

(q) *Section 110.1 General*, is hereby amended to read as follows:

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove

such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction in accordance with the Florida Building Code, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official.

(r) *Section 110.3 Failure to comply*, is hereby amended as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the Town shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate for said costs. In the event the owner or person creating the need for demolition and removal fails and refuses to pay or reimburse the Town for the costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(s) *Section 111.1 Application for appeal*, is hereby amended to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued pursuant to this code shall have the right to appeal to the Town Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served on the affected person or from the date of posting on the property. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. This section shall not apply to orders issued by the Town special magistrate in connection with a code enforcement special magistrate hearing.

(t) *Sections 111.2 through Section 111.8* are hereby deleted in their entirety.

(u) *Section 112.4 Failure to comply*, is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a code violation and shall be subject to a fine as determined by the Town special magistrate.

(v) *Section 302.3 Sidewalks and driveways*, is hereby amended to read as follows:

Section 302.3. Sidewalks, driveways and rights-of-way. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Trees and shrubs shall be maintained to provide for horizontal clearance of at least three (3) feet from and vertical clearance of at least eight (8) feet above any sidewalk, bike path, or street right-of-way. Unpaved areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

(w) *Section 302.4 Weeds*, is hereby amended to read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers and gardens and native beach vegetation such as sea oats. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation and having been given a reasonable time to cut and destroy the weeds, any duly authorized employee of the Town or contractor hired by the Town shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. All costs incurred by the Town to cut and destroy the weeds shall be a lien upon such real estate for said costs. The lien shall be superior to all other liens and encumbrances, including prior recorded mortgage or judgments and only inferior to liens for taxes. In the event the owner or agent fails and refuses to pay or reimburse the Town for its costs, the Town may foreclose said lien in accordance with the law applicable to the foreclosure of such liens and the Town shall be entitled to recover its reasonable attorney's fees and costs incurred in such foreclosure action.

(x) *Section 302.8 Motor Vehicles*, is hereby amended to read as follows:

Section 302.8 Motor Vehicles and Boats. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle or boat shall be parked, kept or stored on any premises, and no vehicle or boat shall at any time be in a state of major disassemble, disrepair, or in the process of being stripped or dismantled. Painting of vehicles or boats is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle or boat of any type is permitted to undergo major overhaul, including body or hull work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(y) A new *Section 302.10* is hereby added as follows:

Section 302.10 Exterior Storage.

1. No temporary or permanent storage of materials or equipment is permitted on any vacant parcel, unless in conjunction with an active building permit or where such storage is specifically permitted by Chapter 34 of the Land Development Code.
2. Equipment, materials, and furnishings not designed for use outdoors, such as automotive parts and tires, building materials, and interior furniture, may not be stored outdoors.

(z) *Section 303.2 Enclosures*, is hereby amended to read as follows:

Public swimming pools, hot tubs and spas shall include all safety features specified by F.S. § 514.0315, including any subsequent amendments thereto. Residential swimming pools shall be maintained in compliance with the State Residential Swimming Pool Safety Act, as contained in F.S. ch. 515.

(aa) A new *Section 303.3* is hereby added as follows:

Section 303.3 Disposal of swimming pool water. Prior to disposing of any swimming pool water, chlorine and bromine levels must be reduced by not adding chlorine or bromine for a least five (5) days or until levels are below 0.1 mg per liter. One of the following methods of disposal shall be utilized:

1. Discharge of the water into roadside swales to allow for percolation of the water into the ground without any runoff to canals, beaches, wetlands, other tidal waters, or onto adjoining properties. This shall be the preferred method of disposal.
2. Discharge of the water into the sanitary sewer system operated by Lee County Utilities is also permitted, but is not the preferred method.

Under no circumstances shall any swimming pool water be discharged either directly or indirectly onto the beach, or into canals, wetlands, or any other tidal waters.

(bb) *Section 304.3 Premises Identification*, is hereby amended to read as follows:

All buildings shall have address numbers that have been assigned by Lee County placed in a position to be plainly legible and visible by emergency personnel from the street or road fronting the property. All address numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches high. Numbers on all commercial, institutional, or multifamily buildings that are set back more than 50 feet from the street shall be at least eight inches high.

(cc) *Section 304.14 Insect screens*, is hereby amended to read as follows:

Every window in a residential structure that is capable of being opened and every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be

supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Screens shall not, however, be required where other approved means, such as air curtains or insect repellent fans, are employed.

(dd) A new *Section 308.4* is hereby added as follows:

308.4 Additional Regulations for Rubbish and Garbage Containers.

1. Rubbish and Garbage containers shall not be moved to the street more than 24 hours prior to scheduled curbside collection, nor remain there more than 24 hours after scheduled collection.
2. Each refuse container that is not movable shall be opaquely screened from view from streets and adjoining properties and such screening shall be of sufficient height to entirely screen the container. Screening may be achieved by landscaping, wall, or opaque fencing provided the wall or fence does not exceed the maximum height permitted for the property.
3. Any rubbish or garbage container not located within a roofed enclosure must have a cover or lid that renders the interior of the container inaccessible to animals.

(ee) *Section 402.2 Common halls and stairways*, is hereby amended to read as follows:

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads, provided, however, that during Sea turtle nesting season (May 1 through October 31), the provisions of Chapter 14, Article II of the Fort Myers Beach Land Development Code shall supersede the foregoing requirements.

(ff) *Section 507 Storm Drainage*, is hereby amended to read as follows:

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Point sources of stormwater discharge from private property directly onto the beach are prohibited. This prohibition includes drainage collected from parking lots or other paved surfaces and stormwater from roofs of buildings.

(gg) A new *Section 602.7* is hereby added as follows:

Section 602.7 Screening of Mechanical Equipment. Any new mechanical equipment placed on a roof shall be screened from view from ground level of adjoining properties and public rights-of-way. When mechanical equipment is being replaced on a roof of a building that is not undergoing structural alterations, such equipment shall be screened to the same standard using non-structural materials such as ornamental latticework.

(hh) *Section 701.1 Scope*, is hereby amended to read as follows:

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. All references to the "International Fire Code" in this Chapter 7 shall be replaced with the "Florida Fire Prevention Code."

(Ord. No. 13-01, § 2, 1-22-2013; Ord. No. 21-01, § 2(Exh. A), 3-15-2021)

EXHIBIT F



Town of Fort Myers Beach
NOTICE OF CODE ENFORCEMENT HEARING
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

09/17/2024

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

ISLAND BAY MARINA LC
106 JASON LN
CUMMING, GA 30040,
Respondent.

Case Number:	20240666
Certified Mail:	9589071052700636647492
Regular Mail	

SITE ADDRESS: **290 PEARL ST**
PARCEL STRAP NO: **194624W40100E0020**

NOTICE OF CODE ENFORCEMENT HEARING

YOU ARE HEREBY NOTIFIED that, pursuant to Chapter 162, Florida Statutes and Chapter 2, Article V of the Town of Fort Myers Beach Land Development Code, the undersigned Code Enforcement Officer has documented that (an) uncorrected violation(s) of one or more codes of the Town of Fort Myers Beach, as described in the **NOTICE OF VIOLATION / NOTICE OF HEARING**, previously provided to you (a copy of which is enclosed herewith), exists on the above-described property. A hearing before the Town's Code Enforcement Special Magistrate concerning the violation(s) has, therefore, been scheduled for **10/03/2024 at 9:00 AM** in the Council Chambers at Town Hall, located at 2731 Oak St., Fort Myers Beach, Florida.

A copy of the evidentiary case file and all materials provided by the Town to the Special Magistrate in relation to this hearing can be viewed and accessed in advance of the hearing at the link below:

<http://www.fortmyersbeachfl.gov/209/Meetings-Agendas>

NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU. If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take any other action(s) that may affect your rights. If you believe you have come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be performed to determine compliance.

D. Batt

Code Enforcement Officer
Town of Fort Myers Beach

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH, 2525 ESTERO BLVD. FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE MAY NEED TO ENSURE AT THEIR OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE BY A COURT REPORTER UPON WHICH THE APPEAL IS TO BE BASED.