

**BEFORE THE CODE ENFORCEMENT MAGISTRATE FOR THE
CITY OF FLAGLER BEACH, FLORIDA**

CITY OF FLAGLER BEACH,

Petitioner,

vs.

CASE NUMBER EEN 23-0011

BUTLER & BUTLER PROPERTIES, INC.

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS MATTER having come before the Code Enforcement Magistrate for the City of Flagler Beach, Florida for hearing and determination on August 23, 2023 after due notice to Respondent and the undersigned having received evidence and heard testimony under oath thereupon issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. The property subject to this proceeding is located at 3590 S Ocean Shore Blvd, Flagler Beach, FL 32136 and has Flagler County Tax Parcel ID 29-12-32-000-01032-0000 and more particularly described as:

MORNINGSIDE SUB DIV BL-3 LOT 23 OR BOOK 54 PG 50
OR 76 PG 521 OR BOOK 110 PAGE 126 & 127 OR 444 PG
1485(DC) OR 791 PG 693 OR 1793/1077 OR 1812/1422 OR
1823/195 OR 2088/118 OR 2264/707

(the "Subject Property").

2. Butler & Butler Properties, Inc. is the record title owner of the Subject Property.

3. The undersigned has previously found Respondent in violation of Chapter 13 of the City of Flagler Beach Code of Ordinances as a result of the extremely dilapidated condition of the Subject Property.

4. Respondent's counsel appeared at the June hearing and presented a time frame for completing certain initial steps in order to ensure the safety and security of the Subject Property

as well as mitigate some of the impacts the condition of the Subject Property has on neighbors. Said steps were memorialized in the undersigned's Order entered June 18, 2023.

5. Respondent did not complete the mitigation measures contained in the June 18, 2023 Order.

6. Respondent appeared by its counsel and Molly Butler at the July hearing and explained unforeseen events had prevented Respondent from completing the mitigatory measures detailed in the June Order and the representatives restated their commitment to completing the mitigatory measures in a timely manner while Respondent continues to work towards a cure of the overall condition of the Subject Property.

7. During multiple hearings the concern related to the danger the condition of the Subject Property presents should a hurricane or strong storm cross the area was stressed upon Respondent's representatives.

8. Neighboring property owners have diligently and patiently attended each of the hearings and presented testimony as to impacts the condition of the Subject Property has on them.

9. As of the August 23, 2023 hearing, the interim mitigatory measures have not been completed and no progress appears to have been made toward the ultimate cure of the violations.

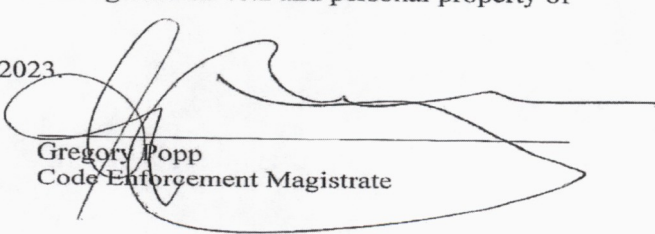
BASED UPON THE FOREGOING, IT IS ORDERED:

10. A Fine of \$250.00 per day is hereby imposed beginning on July 6, 2023 and continuing to run until compliance is achieved. As of August 23, 2023 the fines have accrued to \$12,250.00. The fines shall continue to accrue until the Respondent brings the Subject Property into compliance.

11. Upon recordation of a certified copy of this Order in the Official Records of Flagler County, Florida, this order shall constitute a lien against the real and personal property of Respondent.

ORDERED on this 26th day of August, 2023.




Gregory Popp
Code Enforcement Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon Respondent by Certified and Regular Mail to Respondent this 28 day of August, 2023 at the following addresses: 354 Marsh Point Circle Saint Augustine, Florida 32080 and Butler and Butler Properties, LLC c/o David Borack, P.O. Box 915498, Longwood, Florida 32791.



Bonnie Bramer

Bonnie Bramer,
Clerk to the Special Magistrate