

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 39-21**

Certified Mail
March 19, 2021

Owner: **Anthony Dax Procissi**
Kathryn Ducharme
1874 N Washington Ave
Clearwater, FL 33755-1861

Violation Address: **1874 N Washington Ave**
03-29-15-88128-003-0090

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, April 28, 2021, at 1:30 p.m.** there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, Clearwater Main Library at 100 North Osceola Avenue, Clearwater, Florida, concerning violation of Section(s) **1-104, 3-2302, 3-2303 & 3-919** of the Clearwater City Code. (See attached Affidavit(s) of Violation).

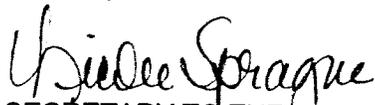
You are hereby ordered to appear before the Municipal Code Enforcement Board on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the Board. If you are absent but represented at the hearing, your representative must present to the Board your letter authorizing your representative to speak on your behalf. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Board making a determination. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violations should you be found to be in violation of the City Code.

The case shall be presented to the Board even if the violations described in the attached Affidavit(s) of Violation are corrected prior to the Board hearing.

Should you be found in violation of the City Code, the Municipal Code Enforcement Board has the power by law to levy fines of up to \$250 a day per violation against you and your property for every day each violation continues beyond the date set for compliance in an Order of the Board.

If you wish to have any witnesses subpoenaed, please contact the Secretary of the Municipal Code Enforcement Board within five (5) days at 727-562-4097. If you have any questions regarding the cited violations or if the violations are corrected prior to the hearing, please contact the Inspector whose name appears on the Affidavit(s) of Violation.

Sincerely,



SECRETARY TO THE MUNICIPAL CODE ENFORCEMENT BOARD

The Municipal Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1979, and Ordinance 2169-80 of the City of Clearwater.

The City of Clearwater strongly supports and fully complies with the Americans with Disabilities Act (ADA). Please advise us at least 48 hours prior to the hearing if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. **Kindly refrain from private conversations, cellular phone use, etc. that distract meeting participants.**

Any party may appeal a final order of this Board by filing an appeal with the Circuit Court within 30 days of entry of the order. Appellants need a record of proceedings; a verbatim record of testimony and evidence that is the basis for the appeal may be required. F.S. § 286.0105, CDC Sec 7-104

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

City Case Number: BIZ2020-00492

NAME OF VIOLATOR: ANTHONY DAX PROCISSI
MAILING ADDRESS: KATHRYN DUCHARME
1874 N WASHINGTON AVE
CLEARWATER, FL 33755-1861

VIOLATION ADDRESS: 1874 N WASHINGTON AVE

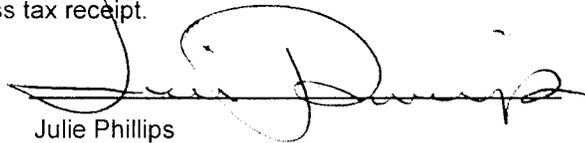
LEGAL DESCRIPTION OF PROPERTY: See "Exhibit "A", Pinellas County Property Records Printout, attached, for legal description

PARCEL #: 03-29-15-88128-003-0090

DATE OF INSPECTION: 2/3/2021 4:08:00 PM

SECTION(S) OF THE CITY CODE WHICH HAVE BEEN VIOLATED: CODE SECTION VIOLATED

3-2302. - **RESIDENTIAL RENTAL BUSINESS TAX RECEIPT** A business tax receipt shall be required for all rentals as set forth in Section 3-2301. Business tax procedures and requirements shall be as set forth in Code of Ordinances Chapter 29. The fee charged for such business tax shall be as set forth in Code of Ordinances Appendix A, Division XVIII. Property described in this notice is being rented without a business tax receipt.


Julie Phillips

STATE OF FLORIDA
COUNTY OF PINELLAS

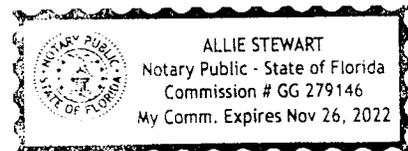
SWORN AND SUBSCRIBED before me by means of X physical presence or _____ online notarization on this 23th day of February, 2021, by Julie Phillips.

PERSONALLY KNOWN TO ME

PRODUCED AS IDENTIFICATION

Allie Stewart Type of Identification
(Notary Signature)

Allie Stewart



Name of Notary (typed, printed, stamped)

FILED THIS 23rd DAY OF February, 2021

MCEB CASE NO 39.21

Wendee Sprague
Secretary, Municipal Code Enforcement Board

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA
AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

NAME OF VIOLATOR: ANTHONY DAX PROCISSI
MAILING ADDRESS: KATHRYN DUCHARME
1874 N WASHINGTON AVE
CLEARWATER, FL 33755-1861

CITY CASE#: CDC2020-02660

VIOLATION ADDRESS: 1874 N WASHINGTON AVE
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 12/11/2020

LEGAL DESCRIPTION OF PROPERTY: SUNSET POINT 2ND ADD BLK C, LOT 9 & S 4.5FT OF LOT 8

PARCEL #: 03-29-15-88128-003-0090

DATE OF INSPECTION: 12/11/2020 10:42:00 AM

SECTION(S) OF THE CITY CODE WHICH HAVE BEEN VIOLATED: CODE SECTION VIOLATED

1-104.B. - ****DEVELOPMENT CODE VIOLATION**** No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

8-102 - ****RESIDENTIAL USE****

A residential use means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.

3-919. - ****PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT**** Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less shall include but not be limited to one or more of the following:

(1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act and 509 (Public Lodging Establishments)

(2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use.

(3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or

(4) Use of an agent or other third person to make reservations or booking arrangements.

SPECIFICALLY,

We have received complaints that this property is being illegally rented out and/or advertised as being available for less than the 31 day or one calendar month requirement whichever is less. This was verified on the internet and is a violation of the City of Clearwater ordinance prohibiting short term rentals. Please bring your property and all advertising for your property into compliance by the compliance date to avoid further action. If you have any questions feel free to contact me directly. Thank you!

A violation exists and a request for hearing is being made.

Julie Phillips
Julie Phillips

SWORN AND SUBSCRIBED before me by means of X physical presence or _____ online notarization on this 23th day of February, 2021, by Julie Phillips.

STATE OF FLORIDA
COUNTY OF PINELLAS

- PERSONALLY KNOWN TO ME
 PRODUCED AS IDENTIFICATION

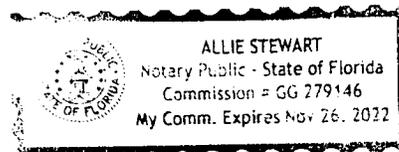
Allie Stewart

Type of Identification

(Notary Signature)

Allie Stewart

Name of Notary (typed, printed, stamped)



FILED THIS 23rd DAY OF February, 2021

MCEB CASE NO. 39-21

Whitney Sprague

Secretary, Municipal Code Enforcement Board

Section 1-104. - Jurisdiction and applicability.

- A. This Development Code shall govern the development and use of land and structures within the corporate limits of the city.
- B. No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

Section 3-919. - Prima facie evidence of certain uses in residential zoning district.

Prima facie evidence of certain uses located in any residential zoning district, consisting of rentals for periods of less than 31 days or one calendar month, whichever is less, and advertising or holding out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less, shall include but not be limited to one or more of the following:

- (1) Registration or licensing for short-term or transient rental use by the state under Florida Statutes, Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments);
- (2) Advertising or holding out a dwelling unit for tourist housing or vacation rental use;
- (3) Reservations, booking arrangements or more than one signed lease, sublease, assignment or any other occupancy agreement for compensation, trade, or other legal consideration addressing or overlapping any period of less than 31 days or one calendar month, whichever is less; or
- (4) Use of an agent or other third person to make reservations or booking arrangements.

(Ord. No. 7105-03, § 1, 4-17-03; Ord. No. 8042-09, § 3, 6-4-09)

Residential use means a permanent place of residence for a family. A residential use located on residentially zoned property shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less. A residential use located on residentially zoned property shall not include an interval ownership, a fractional ownership, or a timesharing unit.



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4720 FAX (727) 562-4735

Notice of Violation

ANTHONY DAX PROCISSI
KATHRYN DUCHARME
1874 N WASHINGTON AVE
CLEARWATER, FL 33755-1861

BIZ2020-00492

ADDRESS OR LOCATION OF VIOLATION: **1874 N WASHINGTON AVE**

LEGAL DESCRIPTION: SUNSET POINT 2ND ADD BLK C, LOT 9 & S 4.5FT OF LOT
8

DATE OF INSPECTION: 12/11/2020

PARCEL: 03-29-15-88128-003-0090

Section of City Code Violated:

3-2302. - **RESIDENTIAL RENTAL BUSINESS TAX RECEIPT** A business tax receipt shall be required for all rentals as set forth in Section 3-2301. Business tax procedures and requirements shall be as set forth in Code of Ordinances Chapter 29. The fee charged for such business tax shall be as set forth in Code of Ordinances Appendix A, Division XVIII. Property described in this notice is being rented without a business tax receipt.

Specifically: A search of public records has found this non-homesteaded property to be a possible rental. All rental properties inside the city limits of Clearwater are required to obtain a Residential Rental Business Tax Receipt. To comply with City Code, please complete and return the enclosed application by the correction date. Once received, an email will be sent out to you with a link to pay for the license. All residential rental properties over 5 units that are contiguous are required to obtain a state license through the Department of Business and Professional Regulations. For more information or questions, please contact us at 727-562-4005. We are open Monday-Friday from 8:00 A.M. to 5:00 P.M.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 1/11/2021. FAILURE TO CORRECT THE ABOVE LISTED VIOLATION BY THE DATE INDICATED, OR RECURRENCE OF THE VIOLATION AFTER CORRECTION, WILL RESULT IN A LEGAL ACTION BY THE CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER OR BY THE PINELLAS COUNTY COURT. SUCH ACTION MAY RESULT IN A FINE. THE ALLEGED VIOLATOR MAY BE LIABLE FOR THE REASONABLE COSTS OF THE INVESTIGATION, PROSECUTION AND THE ADMINISTRATIVE HEARING SHOULD THIS PERSON BE FOUND GUILTY OF THE VIOLATION.

Inspector: Julie Phillips
Inspector Phone: 562-4730

Date Printed: 12/11/2020

NOV_PropOwn



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4720 FAX (727) 562-4735

Notice of Violation

ANTHONY DAX PROCISSI
KATHRYN DUCHARME
1874 N WASHINGTON AVE
CLEARWATER, FL 33755-1861

CDC2020-02660

ADDRESS OR LOCATION OF VIOLATION: **1874 N WASHINGTON AVE**

LEGAL DESCRIPTION: SUNSET POINT 2ND ADD BLK C, LOT 9 & S 4.5FT OF LOT
8

DATE OF INSPECTION: 12/11/2020

PARCEL: 03-29-15-88128-003-0090

Section of City Code Violated:

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3-919. - ****PRIMA FACIE EVIDENCE OF CERTAIN USES IN RESIDENTIAL ZONING DISTRICT****

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Specifically: We have received complaints that this property is being illegally rented out and/or advertised as being available for less than the 31 day or one calendar month requirement whichever is less. This was verified on the internet and is a violation of the City of Clearwater ordinance prohibiting short term rentals. Please bring your property and all advertising for your property into compliance by the compliance date to avoid further action. If you have any questions feel free to contact me directly. Thank you!

NOV_PropOwn



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748

MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756

TELEPHONE (727) 562-4720 FAX (727) 562-4735

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A handwritten signature in black ink, appearing to read "Julie Phillips", is written over a horizontal line.

Inspector: Julie Phillips
Inspector Phone: 562-4730

Date Printed: 12/11/2020

Exhibit A

[Interactive Map of this parcel](#)

[Sales Query](#)

[Back to Query Results](#)

[New Search](#)

[Tax Collector Home Page](#)

[Contact Us](#)

03-29-15-88128-003-0090

Compact Property Record Card

[Tax Estimator](#)

Updated February 23, 2021

[Email Print](#)

[Radius Search](#)

[FEMA W/LM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
PROCISSI, ANTHONY DAX DUCHARME, KATHRYN 1874 N WASHINGTON AVE CLEARWATER FL 33755-1861	1874 N WASHINGTON AVE CLEARWATER



Property Use: 0110 (Single Family Home)

Current Tax District: CLEARWATER (CW)

Total Living: SF: 1,010 Total Gross SF: 1,273 Total Living Units: 1

[click here to hide] **Legal Description**

SUNSET POINT 2ND ADD BLK C, LOT 9 & S 4.5FT OF LOT 8

Tax Estimator <input type="checkbox"/> File for Homestead Exemption			2021 Parcel Use	
Exemption	2021	2022		
Homestead:	No	No	Homestead Use Percentage: 0.00%	
Government:	No	No	Non-Homestead Use Percentage: 100.00%	
Institutional:	No	No	Classified Agricultural: No	
Historic:	No	No		

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone	Flood Zone	Plat Book/Page
			(NOT the same as a FEMA Flood Zone)	(NOT the same as your evacuation zone)	
212010978 <input checked="" type="checkbox"/>	\$154,100 Sales Query	121030261022	D	Compare Preliminary to Current FEMA Maps	8/14

2020 Interim Value Information

Year	Just Market Value	Assessed Value / Non-IX Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2020	\$130,313	\$104,234	\$104,234	\$130,313	\$104,234

[click here to hide] Value History as Certified (yellow indicates correction on file)

Year	Homestead Exemption	Just Market Value	Assessed Value	County Taxable Value	School Taxable Value	Municipal Taxable Value
2019	No	\$94,758	\$94,758	\$94,758	\$94,758	\$94,758
2018	No	\$98,706	\$98,706	\$98,706	\$98,706	\$98,706
2017	No	\$98,857	\$98,857	\$98,857	\$98,857	\$98,857
2016	No	\$91,314	\$91,314	\$91,314	\$91,314	\$91,314
2015	No	\$75,664	\$71,117	\$71,117	\$75,664	\$71,117
2014	No	\$70,451	\$64,652	\$64,652	\$70,451	\$64,652
2013	No	\$58,775	\$58,775	\$58,775	\$58,775	\$58,775
2012	No	\$65,813	\$65,813	\$65,813	\$65,813	\$65,813
2011	Yes	\$63,157	\$63,157	\$25,000	\$38,157	\$25,000
2010	Yes	\$85,722	\$66,628	\$25,000	\$41,628	\$25,000
2009	Yes	\$101,051	\$64,876	\$25,000	\$39,876	\$25,000
2008	Yes	\$108,600	\$64,811	\$25,000	\$39,811	\$25,000
2007	Yes	\$135,700	\$62,923	\$37,923	N/A	\$37,923
2006	Yes	\$118,100	\$61,388	\$36,388	N/A	\$36,388
2005	Yes	\$99,000	\$59,600	\$34,600	N/A	\$34,600
2004	Yes	\$78,600	\$57,900	\$32,900	N/A	\$32,900
2003	Yes	\$68,000	\$56,800	\$31,800	N/A	\$31,800
2002	Yes	\$61,700	\$55,500	\$30,500	N/A	\$30,500
2001	Yes	\$54,700	\$54,700	\$29,700	N/A	\$29,700
2000	No	\$43,000	\$43,000	\$43,000	N/A	\$43,000
1999	No	\$36,800	\$36,800	\$36,800	N/A	\$36,800
1998	No	\$36,800	\$36,800	\$36,800	N/A	\$36,800
1997	No	\$36,400	\$36,400	\$36,400	N/A	\$36,400
1996	No	\$34,900	\$34,900	\$34,900	N/A	\$34,900

2020 Tax Information

View Tax History	Tax District: CW
2020 Final Millage Rate	20.5868
Do not rely on current taxes as an estimate following a change in ownership. A significant change in taxable value may occur after a transfer due to a loss of exemptions, reset of the Save Our Homes or 10% Cap, and/or market conditions. Please use our new Tax Estimator to estimate taxes under new ownership.	

Ranked Sales (What are Ranked Sales?) [See all transactions](#)

Sale Date	Book/Page	Price	Q/U	V/I
02 Apr 2020	20967 / 2008 <input checked="" type="checkbox"/>	\$171,000	Q	I
15 May 2015	18784 / 2477 <input checked="" type="checkbox"/>	\$70,000	U	I
29 Jan 2015	18666 / 0713 <input checked="" type="checkbox"/>	\$197,100	U	I
10 Mar 2000	10838 / 2522 <input checked="" type="checkbox"/>	\$63,000	Q	I
23 Oct 1995	09141 / 1253 <input checked="" type="checkbox"/>	\$39,900	Q	I
06 Apr 1993	08229 / 1036 <input checked="" type="checkbox"/>	\$14,300	U	I

2020 Land Information

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

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

OFFICIAL USE

7019 2970 0001 6083 6854

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (<i>check box, add fee as appropriate</i>)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To <u>1874 N. Washington Ave</u> Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
Anthony Dax Procissi
Kathryn Ducharme
1874 N Washington Ave
Clearwater FL 33755-1861



9590 9402 5668 9308 0317 62

2. Article Number (*Transfer from service label*)
 7019 2970 0001 6083 6854

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent
 Addressee

B. Received by (*Printed Name*) [Signature] C. Date of Delivery 8/5/15

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

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

7019 2970 0001 6083 6854

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)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark
Here

Postage	\$
Total Postage and Fees	\$

Sent To 1874 N. Washington Ave
Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

USPS TRACKING #

9590 9402 5668 9308 0317 62



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

Received by
J.P.
Planning & Development
City of Clearwater

• Sender: Please print your name, address, and ZIP+4® in this box•

CITY OF CLEARWATER
CODE COMPLIANCE
POST OFFICE BOX 4748
CLEARWATER, FL 33758-4748

INITIALS: J. Phillips

