

**NOTICE OF HEARING  
MUNICIPAL CODE ENFORCEMENT BOARD  
CITY OF CLEARWATER, FLORIDA  
Case 106-18**

**Certified Mail  
May 30, 2018**

Owner: **Tru 2005 RE I LLC  
c/o Toys R Us  
1 Geoffrey Way  
Wayne, NJ 07470-2035**

Violation Address: **26286 US Highway 19, Clearwater  
Village at Countryside, The Parcel 4 Replat Lot 2, Less Rd on E**

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, June 27, 2018, at 1:30 p.m.** there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, 3rd floor, City Hall at 112 South Osceola Avenue, Clearwater, Florida, concerning violation of Section **3-1502.I & 3-1806.Q.2** of the Clearwater City Community Development Code. (See attached Affidavit of Violation).

You are hereby ordered to appear before the Municipal Code Enforcement Board on that 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. Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Board. If you are absent and represented at the hearing, that person must present to the Board your letter stating your approval of such representation. 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 this meeting 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 for compliance set 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 purpose of this quasi-judicial Board of seven citizens is to quickly and fairly render decisions and facilitate enforcement of certain codes 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 meeting if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. Kindly refrain from electronic devices during the meeting.

**FLORIDA STATUTE 286.0105 STATES THAT ANY PERSON APPEALING A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS.**

S:\MCEB\2018 NOH\106-18, 26286 US Hwy 19.docx

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

**AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING**

City Case Number: BIZ2018-00140

NAME OF VIOLATOR: TRU 2005 RE I LLC  
MAILING ADDRESS: C/O TOYS R US  
1 GEOFFREY WAY  
WAYNE, NJ 07470-2035

VIOLATION ADDRESS: 26286 US HIGHWAY 19

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

PARCEL #: 31-28-16-94143-000-0020

DATE OF INSPECTION: 5/15/2018 12:27:00 PM

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

3-1502.I. - \*\*SIGN MAINTENANCE\*\* \* All signs shall be maintained in good condition in the form in which the signs were originally approved, free of mildew, rust, loose material, including peeling or fading paint or materials. Any loose, broken, peeling or faded parts of the sign shall be promptly repaired, painted or replaced.


3-1806.Q.2. \*\* MAINTENANCE OF SIGNS \*\* A sign shall be maintained in a state of good repair.

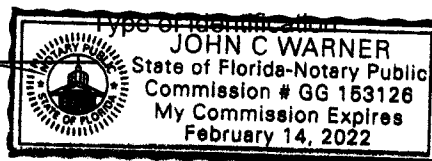
  
Daniel Knight

STATE OF FLORIDA  
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me on this 17th day of May, 2018, by Daniel Knight.

☒ PERSONALLY KNOWN TO ME  
☐ PRODUCED AS IDENTIFICATION

  
(Notary Signature)




Name of Notary (typed, printed, stamped)

FILED THIS 30<sup>th</sup> DAY OF May, 20 18

MCEB CASE NO.

106-18

  
Secretary, Municipal Code Enforcement Board



# 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

TRU 2005 RE I LLC  
C/O TOYS R US  
1 GEOFFREY WAY  
WAYNE, NJ 07470-2035

BIZ2018-00140

ADDRESS OR LOCATION OF VIOLATION: **26286 US HIGHWAY 19**

LEGAL DESCRIPTION: VILLAGE AT COUNTRYSIDE, THE PARCEL 4 REPLAT LOT  
2, LESS RD ON E

DATE OF INSPECTION: 3/2/2018

PARCEL: 31-28-16-94143-000-0020

Section of City Code Violated:

3-1502.I. - **\*\*SIGN MAINTENANCE\*\*** All signs shall be maintained in good condition in the form in which the signs were originally approved, free of mildew, rust, loose material, including peeling or fading paint or materials. Any loose, broken, peeling or faded parts of the sign shall be promptly repaired, painted or replaced.

3-1806.Q.2. **\*\* MAINTENANCE OF SIGNS \*\*** A sign shall be maintained in a state of good repair.

Specifically: All signs and sign structures shall be maintained in a good condition free of any damage, rust, mold, mildew, discoloration, fading and/or peeling paint/elements. At the property the "Toys-R-Us" freestanding sign near US Highway 19 is in need of maintenance. The sign structure appears to be rusted and discolored with faded and peeling paint. Compliance can be met by repairing the sign so that it is in a good condition free of any damage, rust, discoloration, fading and/or peeling paint/elements. To avoid fines starting at \$143.00 or having this case brought in front of the Municipal Code Enforcement Board please meet compliance by the compliance date. If you have any questions or require more time to meet compliance please contact me directly. Thank you.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 4/9/2018. 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: Daniel Knight  
Inspector Phone: 727-562-4732

Date Printed: 3/7/2018

CC: 26286 US Highway 19

NOV\_PropOwn

2. Any portion of a lot not covered by a building or structure or otherwise devoted to parking, a service drive or a walkway shall be landscaped with grass or other appropriate ground cover and shall be maintained in a neat and orderly manner.
3. All landscape materials, including turf, shrubs, and trees, whether required or optional, shall be maintained in a healthy live condition so as to present a neat and attractive appearance and so as to discourage the accumulation of trash or debris and/or infestation by pests.
4. No yard, landscape area or growth of landscape material shall encroach upon the public right-of-way so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way.
5. No yard shall be used for dumping or accumulation of any garbage, rubbish, dead animals, trash, waste vegetable or animal matter of any kind or construction debris.

I. *Signs.* All signs shall be maintained in good condition in the form in which the signs were originally approved, free of mildew, rust, loose material, including peeling or fading paint or materials. Any loose, broken, peeling or faded parts of the sign shall be promptly repaired, painted or replaced.

J. *Vacant parcels.*

1. Vacant parcels of land shall be properly maintained consistent with section 3-1502 H and be free of weeds, litter, rubble or debris.
2. Erosion and sedimentation mitigation measures may be required if it is determined that runoff from a vacant parcel causes harm to adjacent property, city drainage systems or navigable waters which receive the runoff.
3. No temporary or permanent storage of materials or equipment shall be allowed on any vacant parcel except in compliance with the regulations for the use of

such property as set forth under Article 2 and Article 3 Division 9 of this Development Code.

K. *Public rights-of-way and sidewalks and parking surfaces.*

1. Public rights-of-way and sidewalks adjoining an improved parcel of land which, because of its location and character, is used as if it were appurtenant to or an extension of the parcel of land, shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep such rights-of-way and sidewalks clear of litter, trash, debris, equipment, weeds, trees, shrubs and other vegetation and refuse and provide a height clearance of at least eight feet from the sidewalk pavement measured vertically from the pavement surface, unless an exception has been granted by the urban forester for protected trees. All unpaved areas shall be landscaped with grass or other ground cover and such areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.
2. No person shall erect, place or locate any structure, display materials, merchandise, or similar objects within the limits of any street right-of-way unless specifically permitted pursuant to the provisions of this Development Code.
3. No trash receptacles, newspaper racks or other dispensing machines shall be located in a public right-of-way unless specifically authorized by the city and other applicable agencies.
4. Parking lot and driveway surfaces shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep such surface free of pot holes, litter, trash, debris, equipment, weeds, dead vegetation and refuse and shall promptly repair cracked or heaved parking lot surfaces.

no case shall the cumulative area of all window signs on any façade exceed 50 square feet. No sign permit is required.

P. *Safety and Warning Signs.*

Safety or warning signs which do not exceed six (6) square feet of total sign face area per sign are allowed on any parcel. No sign permit is required.

Q. *Maintenance of Sign Location and Sign.*

1. Weeds and grass shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.

2. A sign shall be maintained in a state of good repair.

## Exhibit A

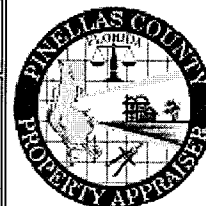
[Interactive Map of this parcel](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Contact Us](#) [WM](#)

# 31-28-16-94143-000-0020

## Compact Property Record Card

Tax Estimator **Updated May 16, 2018** [Email](#) [Print](#) [Radius Search](#) [FEMA/WLM](#)

Ownership/Mailing Address <a href="#">Change</a> Mailing Address	Site Address
TRU 2005 RE I LLC C/O TOYS R US 1 GEOFFREY WAY WAYNE NJ 07470-2035	26286 US HIGHWAY 19 N CLEARWATER



Property Use: 1423 (Supermarket & Superstore - free standing (Albertsons, Publix)) Living Units: 0

[\[click here to hide\]](#) Legal Description

VILLAGE AT COUNTRYSIDE, THE PARCEL 4 REPLAT LOT 2, LESS RD ON E



### File for Homestead Exemption

### 2018 Parcel Use

Exemption	2018	2019	
Homestead:	No	No	
Government:	No	No	Homestead Use Percentage: 0.00%
Institutional:	No	No	Non-Homestead Use Percentage: 100.00%
Historic:	No	No	Classified Agricultural: No

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

Most Recent Recording	Sales Comparison	Census Tract	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Plat Book/Page
14898/2488	<a href="#">Sales Query</a>	121030269131	NON EVAC	92/90

### 2017 Final Value Information

Year	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	\$3,400,000	\$3,400,000	\$3,400,000	\$3,400,000	\$3,400,000

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

Year	Homestead Exemption	Just/Market Value	Assessed Value/ SOH Cap	County Taxable Value	School Taxable Value	Municipal Taxable Value
2017	No	\$3,400,000	\$3,400,000	\$3,400,000	\$3,400,000	\$3,400,000
2016	No	\$3,200,000	\$3,200,000	\$3,200,000	\$3,200,000	\$3,200,000

7016 3010 0000 8831 6428

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

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

**OFFICIAL USE**

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$	
Total Postage and Fees	
\$	
Sent To	
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

Postmark  
Here

**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:

Tru 2005 RE 1 LLC  
 C/O Toys R Us  
 1 Geoffrey Way  
 Wayne, NJ 07470  
 REF: 26280 US HWY 19



9590 9402 2656 6336 6306 40

2. Article Number (Transfer from service label)

7016 3010 0000 8831 6428

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

1 GEOFFREY WAY  
 WAYNE, NJ 07502

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 checked="" 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 (over \$500)               |   |

Domestic Return Receipt