



ATTORNEYS & COUNSELORS AT LAW EST. 1884

One Tampa City Center, Suite 2000
201 N. Franklin Street
P.O. Box 1531 (33601)
Tampa, FL 33602
813.273.4200 Fax: 813.273.4396

WWW.MFMLEGAL.COM
EMAIL: INFO@MFMLEGAL.COM

625 Court Street, Suite 200
P.O. Box 1669 (33757)
Clearwater, FL 33756
727.441.8966 Fax: 727.442.8470

June 21, 2018

Mr. Terry Teunis
City of Clearwater Code Compliance Manager
100 S. Myrtle Ave., Second Floor
Clearwater, FL 33756
Terry.teunis@myclearwater.com

RE: Municipal Code Enforcement Lien 145-17
Municipal Lien Reduction Request

Dear Mr. Teunis:

I have the pleasure of representing Pelican Walk Plaza Investors, LLC regarding Code Enforcement Board Lien Number 145-17. A copy of the lien is enclosed for your reference. Pursuant to Article, IX, Section 4, City of Clearwater Municipal Code Enforcement Board Regulations, please consider this correspondence as a formal request for reconsideration and reduction of the fine and lien imposed in this case.

My client is the owner and landlord of the subject property. As an initial matter, my client was not aware of the October 25, 2017 Municipal Code Enforcement Board hearing and as such, was unaware that any fines were accruing against the property. Two Affidavits of Non-Compliance addressed to my client and mailed to 1995 Ridge Rd. S., Largo, FL 33778 are enclosed for your reference. As reflected on the Florida Secretary of State's Division of Corporations web site, my client moved to 10225 Ulmerton Rd., Suite 10A, Largo, FL 33771 in 2016. On March 30, 2017, my client filed its Annual Report with the Division of Corporations and updated its registered business address to 10225 Ulmerton Rd., Suite 10A, Largo, FL 33771. My client was unaware of the October 25, 2017 MCEB hearing because the Affidavits of Non-Compliance and notice of the hearing were sent to the wrong address. Had my client been aware of the hearing at which the fines were levied it would have immediately engaged the undersigned as legal counsel and I would have worked with the Code Compliance officers and staff to rectify the violations and obtain compliance in lieu of the fines. Because my client did not have notice of the October 25,

2017 MCEB meeting at which the fines were ordered, the MCEB should reduce the amount of the lien to administrative costs only as the subject property is now in compliance.

My client and I did not become aware of the existence of the lien or the accrued fines until Thursday April 12, 2018. Since then we have worked diligently with the Code Compliance officers and staff to obtain compliance from numerous tenants at the property. The violations stem from unpermitted or improper signage placed on the property by numerous tenants. The vast majority of the violations related to unpermitted or improper A-Frame/Sandwich Board signs and banner signs. This property is a unique two-story retail parcel with numerous commercial tenants on the first and second floors. The tenants are a mix of retail, restaurants, cafes, bars, and other commercial uses including a flight simulator center and an "escape room" experience. The parcel serves the tourism industry on Clearwater Beach. Pursuant to their leases the tenants agreed that all signage erected on the property will be approved by landlord in writing; shall comply with all applicable codes, ordinances, and other governmental requirements; and shall be approved by the proper governmental authority having jurisdiction thereover. The tenants also agreed that they will comply with all laws, rules, regulations, ordinances, or order of federal, state, county, and municipal authorities having jurisdiction, and with any lawful direction of any public officer or officers, which shall impose any duty upon landlord or tenants with respect to the Demised Premises, or the use or occupation thereof.

It is important to note that some of the tenants previously received permits for the signs that are subject to some of the violations. A permit issued to the Sharmaines Salon for a sidewalk sign is attached hereto for your reference. It appears that some of the tenants were previously issued permits for signage that they should not have been issued and as such there was significant confusion amongst the tenants regarding what signage was permitted by the City and what is allowed per Code. Over the last two months my client and I have met with Manager Teunis, Inspector Knight, and Attorney Fuino several times to address all of the violations and to compel compliance from numerous tenants. Some tenants were recalcitrant and difficult and my client exercised options in those tenants' leases by putting them on notice of their breach of the leases and potential eviction. Eventually, after several meetings on site and at the Municipal Services Building we were able to work with Inspector Knight to obtain Affidavits of Compliance as of June 20, 2018.

Pursuant to Article, IX, Section 4, of the City of Clearwater Municipal Code Enforcement Board Regulations, the factors supporting a lien reduction request include whether the property has been brought into compliance, if extreme and undue hardship is shown related to the payment of the lien, if code violations exist on other properties owned by the owner, and if the lien would hinder a potential sale and/or redevelopment potential of the property. In this case all of these factors weigh in favor of reducing the lien to administrative costs incurred by the City. My client, the landlord is a responsible property owner and had written leases in place whereby the tenants agreed not to undertake any unpermitted and unauthorized improvements to the property, not to erect unpermitted and unauthorized signage on the property, and to comply with all municipal ordinances and directions and orders of municipal officers. As soon as the landlord became aware of the lien and the tenants' non-compliance the landlord through legal counsel worked

June 21, 2018

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professionally and diligently with City staff to compel the tenants to bring the property into compliance. The property has been brought into compliance largely due to the persistent efforts of the landlord, the undersigned, and Inspector Knight to communicate and work with the tenants to effectuate compliance. There are no other code violations on any of the landlord's numerous properties in Clearwater. The landlord has a history as a responsible and responsive property owner and it would be inequitable to use the lien to punish the landlord for the tenants' non-compliance with the lease. As an example, the landlord has submitted the subject property to a Condominium Association that the City is a member of for the purpose of allowing the development of the new North Beach Parking Garage. My client's cooperation in the development of the parking garage was instrumental in bringing over 650 new public parking spaces to Clearwater Beach and fulfilling a key strategy of *Beach by Design* for the City and the citizens. Finally, the \$36,600 lien is hampering the sale of the property. The property is currently under contract for sale with a closing scheduled on July 20, 2018. If the MCEB does not reduce the lien to administrative costs the sale of the property will be hindered and will not close.

Reducing the lien to administrative costs is appropriate in this case where the landlord did not have notice of the October 25, 2017 MCEB hearing and has proactively worked with the City to bring the property into compliance upon learning of the lien. Thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Aungst, Jr.", written in a cursive style.

Brian J. Aungst, Jr.

Encl.

cc: Mr. Michael Fuino, Esq., Assistant City Attorney
Mr. Danny Knight, Code Compliance Inspector

CITY OF CLEARWATER, FLORIDA
Dept of Official Records and Legislative Services ASSESSMENT/SERVICES
MASTER DATA

4/12/2018

CITY CLERK'S OFFICE ASSESSMENT/SERVICES

Lien: 145-17		Owner: PELICAN WALK PLAZA INVESTORS LLC,
Account:		1995 RIDGE RD S
		LARGO, FL 33778-1230
Lien Amount: \$0.00	Fee: \$0.00	
Recorded: 1/3/2018		
OR Book: 19896	Page: 2593	
Status: Active	as of 12/20/2017	Property: 483 MANDALAY AVE
Rate: 0.00000 /day		Parcel: 08-29-15-60417-000-0100
Term:		Project: CODE ENFORCEMENT
Statement: YES	Resolution:	Legal: NORTH BEACH PLAZA CONDO UNIT RUA
Code Enf Complied:		Satisfied:
OR Book:		OR Book:
Mail Undeliverable:		Page:

Notes: 3/29/2018 3:41 PM entered by Nicole.Sprague
3/28/18 - MCEB ORDERED LIENS TO STOP ACCRUING, CODE COMPLIANCE WILL PURSUE
OTHER AVENUE OF ENFORCEMENT.

Calc Start: 11/26/2017

Payments posted through: 4/12/2018

Principal Due:	\$0.00
Int/Penalty Due:	\$36,600.00
Fee Due:	_____
Total Due:	\$36,600.00

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida
Petitioner

MCEB Case Number: 145-17

City Case Number: BIZ2017-00445

vs.

RECEIVED

PELICAN WALK PLAZA INVESTORS
LLC
1995 RIDGE RD S
LARGO, FL 33778-1230
Respondent

DEC 06 2017

OFFICIAL RECORDS AND
LEGISLATIVE SRVCS DEPT.

Re: 483 MANDALAY AVE

I, Daniel Knight, have personally examined the property described in the Municipal Code Enforcement Board Order dated October 25, 2017 in the above mentioned case, and find that as of November 30, 2017 said property is NOT in compliance with

3-1806.A. - TEMPORARY SIGNS** Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

TABLE 3-1806.1a. - **CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS** Please see the enclosed copy of Table 3-1806.1a.

This shall result in a fine to run daily until the violator notifies the Code Compliance Division. After notification from the violator, the inspector will complete an inspection to determine compliance and the fine shall cease upon the date of the inspection in which compliance is achieved.



Daniel Knight

STATE OF FLORIDA
COUNTY OF PINELLAS

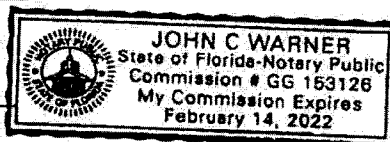
SWORN AND SUBSCRIBED before me on this 1st day of December, 2017, by Daniel Knight.

- ☒ PERSONALLY KNOWN TO ME
☐ PRODUCED AS IDENTIFICATION

Type of Identification


(Notary Signature)

Name of Notary (typed, printed, stamped)



MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF NON - COMPLIANCE

City of Clearwater, Florida
Petitioner

MCEB Case Number: 145-17

City Case Number: BIZ2017-00446

vs.

PELICAN WALK PLAZA INVESTORS
LLC
1995 RIDGE RD S
LARGO, FL 33778-1230
Respondent

RECEIVED
DEC 05 2017

OFFICIAL RECORDS AND
LEGISLATIVE SRVCS DEPT.

Re: 483 MANDALAY AVE

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3-1807.B.3.a. - ****ATTACHED SIGNS IN NON-RESIDENTIAL DISTRICTS**** One attached sign shall be permitted for each building structure. For any building structure with multiple business tenants on the ground floor, one attached sign may be permitted per business establishment with a principal exterior entrance. The area of an attached sign face shall not exceed 24 square feet in total sign face area; or 3% of primary façade not to exceed 36 square feet in total sign face area.

4-1002. - ****SIGNAGE WITHOUT PERMITS**** Signage has been located, placed, erected, constructed, altered or extended without a permit.

3-1804. - ****PROHIBITED SIGNAGE**** Signage exists which is prohibited by the Sign Code.

3-1804.S. - ****SIGNS ATTACHED TO TREES OR OTHER VEGETATION**** Signs attached to or placed on any tree or other vegetation are prohibited.

This shall result in a fine to run daily until the violator notifies the Code Compliance Division. After notification from the violator, the inspector will complete an inspection to determine compliance and the fine shall cease upon the date of the inspection in which compliance is achieved.


Daniel Knight

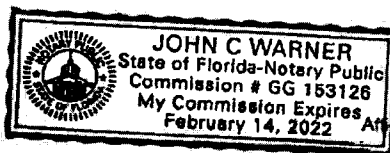
STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me on this 1st day of December, 2017, by Daniel Knight.

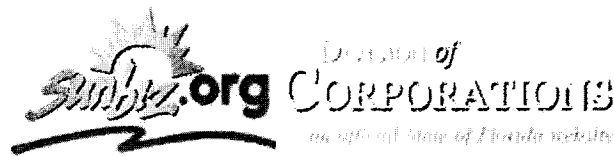
☒ PERSONALLY KNOWN TO ME
☐ PRODUCED AS IDENTIFICATION

Type of Identification


(Notary Signature)



Affidavit_NonCompl



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Limited Liability Company

PELICAN WALK PLAZA INVESTORS, LLC

Filing Information

Document Number L12000030562

FEI/EIN Number 45-4710708

Date Filed 03/02/2012

State FL

Status ACTIVE

Principal Address

10225 ULMERTON ROAD, SUITE 10A
LARGO, FL 33771

Changed: 03/30/2017

Mailing Address

10225 ULMERTON ROAD, SUITE 10A
LARGO, FL 33771

Changed: 03/30/2017

Registered Agent Name & Address

NASH, THOMAS CII
625 COURT ST
STE 200
CLEARWATER, FL 33756

Authorized Person(s) Detail

Name & Address

Title Managing Member

MALLAH, BENJAMIN
10225 ULMERTON ROAD, SUITE 10A
LARGO, FL 33771

Annual Reports

Report Year	Filed Date
2016	03/22/2016
2017	03/30/2017
2018	04/04/2018

2017 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L12000030562

Entity Name: PELICAN WALK PLAZA INVESTORS, LLC

Current Principal Place of Business:

10225 ULMERTON ROAD, SUITE 10A
LARGO, FL 33771

Current Mailing Address:

10225 ULMERTON ROAD, SUITE 10A
LARGO, FL 33771 US

FEI Number: 45-4710708

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

NASH, THOMAS CII
625 COURT ST
STE 200
CLEARWATER, FL 33756 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MANAGING MEMBER
Name MALLAH, BENJAMIN
Address 10225 ULMERTON ROAD, SUITE 10A
City-State-Zip: LARGO FL 33771

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: BENJAMIN MALLAH

MGMR

03/30/2017

Electronic Signature of Signing Authorized Person(s) Detail

Date



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT

POST OFFICE BOX 1748, CLEARWATER, FLORIDA 33758-4748

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

TELEPHONE (727) 562-4567 FAX (727) 562-4865

TEMPORARY USE PERMIT

MIS2017-03007

Sharmaines Sidewalk sign

483 MANDALAY AVE 206

**THIS PERMIT MUST BE POSTED
DURING OPERATION**

TEMPORARY USE TYPE

A Temporary Use permit allows for one, 12 square foot sign per street frontage.

The following are types of prohibited signage: Balloons, Cold Air Inflatables, Flags in excess of three per property, Streamers, Pennants, Portable signs, Sandwich board signs, Signs located on or in street right of ways, Signs displayed by a person either on a public right of way or visible from a public right of way, Vehicle signs and portable trailer signs, Signs attached to any tree or vegetation.

**ANY VIOLATION OF THIS SECTION MAY SUBJECT BOTH THE EVENT HOLDER AND THE
PROPERTY OWNER TO ENFORCEMENT ACTIONS.**

INCLUSIVE DATES

through

PERMITTED USE

sidewalk sign renewal good until 3.13.2018

SEE ATTACHED PLAN

ISSUE DATE

4/12/2018