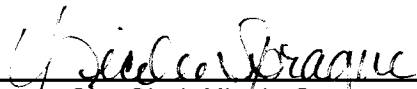


**MUNICIPAL CODE ENFORCEMENT BOARD OF THE
CITY OF CLEARWATER, FLORIDA
Case CW20-120161**

AFFIDAVIT OF MAILING

I, Nicole Sprague, Official Records and Legislative Staff for Clearwater, Florida, hereby deposes and says:

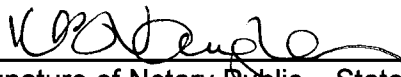
1. That pursuant to Florida Statute 162.12(1)(a), a NOTICE OF HEARING was sent by first class mail to Lisa Tilley, 1720 W Coral Terr, Ft. Myers, FL 33903 on December 15, 2020.



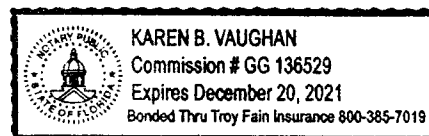
Deputy City Clerk Nicole Sprague

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of ✓ physical presence or online notarization, this 15th day of **December 2020** by **Deputy City Clerk Nicole Sprague** who is personally known to me and who did not take an oath.



Signature of Notary Public – State of Florida
(seal below)



**NOTICE OF HEARING
CIVIL CITATION
CITY OF CLEARWATER, FLORIDA**

Certified Mail
December 15, 2020

Owner: **Lisa Tilley**
1720 W Coral Terr.
Ft. Myers, FL 33903

Re: **CW20-120161**

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, January 20, 2021, at 1:00 p.m.** there will be a public hearing before the Special Magistrate in the Council Chambers, Clearwater Main Library at 100 North Osceola Avenue, Clearwater, Florida, concerning violation of Section(s) **33.055** of the Clearwater City Code. (See attached Civil Citation).

You are hereby ordered to appear before the Special Magistrate on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. If you are absent but represented at the hearing, your representative must present to the Special Magistrate 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 Special Magistrate 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 Special Magistrate even if the violations described in the attached Civil Citation are corrected prior to the appeal hearing.

Should you be found in violation of the City Code, the Special Magistrate has the power by law enter an order assessing a fine and all costs of towing and storing against you. Additionally, as provided in section 705.103(4), Florida Statutes, a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid.

If you wish to have any witnesses subpoenaed, please contact the Secretary of the Deputy City Clerk Nicole Sprague 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 Officer whose name appears on Civil Citation.

Sincerely,


DEPUTY CITY CLERK

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 Special Magistrate 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-



CITY OF CLEARWATER

Post Office Box 4748, Clearwater, Florida 33758-4748
CLEARWATER POLICE DEPARTMENT, 645 PIERCE STREET, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4242

PAGE DEPARTMENT

CIVIL CITATION

Issued Date: 11/18/2020 Time: 10:40 PM

Lisa Tilley
1720 W Coral Terr, Ft Myers, FL 33903
FL 2230RM

DATE VIOLATION OBSERVED: 9/3/2020 Time Violation Observed: 10:18 PM

Section of City Code Violated:

33.055. - Prohibited mooring, beaching or placing of vessels.

(2) It is unlawful for a person, firm, or corporation to store, leave, or abandon any derelict vessel in any navigable waters within the city. No vessel that is in an unregistered, derelict, wrecked, junked, or substantially dismantled condition shall be permitted to dock, moor, or tie up at any private seawall, dock, or moorage space within the city, except that such vessel may moor at licensed marine facilities for the purpose of repair.

DATE OF LAST INSPECTION: 11/18/2020 Civil Penalty Due after hearing: \$105.00

OFFICER: Sgt. Kasparek

CPD Derelict Vessel Case Number CW20-120161

Dear Lisa Tilley:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE PROPERTY (VESSEL) DESCRIBED HEREIN. The following property (vessel), to wit: 27' white sail boat, is unlawfully upon public property known as 91 Memorial Causeway and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice.

You have been identified as the last known owner or responsible party for the above described vessel, which the undersigned law enforcement officer of the Clearwater Police Department (CPD) has determined to be derelict as defined in section 823.11, Florida Statutes, which is a violation of City of Clearwater Code of Ordinances section 33.055.

The facts upon which CPD has made the determination that the vessel described above is derelict are as follows:

Said vessel was discovered aground the south side of the Memorial Causeway in the City of Clearwater. The vessel was resting atop sand and was not able to be assisted by tow. Contact was

made with the owner, Lisa Riley, via phone. Owner was made aware of the beaching of her vessel, came to the scene and met with officers to inspect the boat, and has allowed it to remain in it deplorable and deteriorating condition since September 7, 2020 with no other attempts to remedy the situation.

City of Clearwater Code of Ordinances section 33.055, along with sections 376.15 and 823.11, Florida Statutes, make it unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel on the public waters of the State.

Subsection 705.101(3), Florida Statutes, defines all derelict vessels as abandoned property.

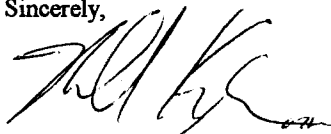
Sections 376.15, 705.103, and 823.11, Florida Statutes, authorize law enforcement to remove or cause to be removed any derelict vessel from the public waters of the State and to destroy it. All costs incurred by law enforcement or authorized agents in the removal of the derelict vessel are recoverable against the owner or responsible party thereof.

In accordance with the above legislative mandate, CPD hereby orders you as the last known owner or party responsible for this vessel to remove it from the public waters of the State immediately or to provide proof that legal transfer of the vessel's ownership occurred prior to the date of this notice.

Failure to do so will result in a hearing before a special magistrate pursuant to article 7 of the Clearwater Community Development Code, notice of hearing attached, at which hearing the City will seek to adjudicate a violation of City of Clearwater Code of Ordinances section 33.055. If the vessel is not removed from the public waters of the State, and you are found guilty of violating section 33.055, CPD intends to remove or cause the removal of this derelict vessel (if it has not already been removed), and the vessel will be destroyed.

The determination that this vessel is derelict may affect your interests. In addition to a fine, all costs of towing and storing will be assessed against you. As provided in section 705.103(4), Florida Statutes, a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid. If you choose not to attend the hearing, the City will proceed against you in your absence.

Sincerely,



Law Enforcement Officer Name: Sgt Nikole Kasparek

Law Enforcement Officer Telephone Number: 727-224-7214

Clearwater Police Department

Enclosures



"EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION EMPLOYER"