



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/18/2018

Property Information	
Folio:	03-4119-007-3290
Property Address:	1450 BARACOA AVE Coral Gables, FL 33146-1908
Owner	STANDFORD PETER BIRNHOLZ TR STANDFORD P BIRNHOLZ (BEN)
Mailing Address	1450 BARACOA AVE CORAL GABLES, FL 33146-1908
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 1 / 1
Floors	1
Living Units	1
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	2,402 Sq.Ft
Lot Size	8,925 Sq.Ft
Year Built	1957



Assessment Information			
Year	2018	2017	2016
Land Value	\$479,284	\$442,509	\$402,281
Building Value	\$112,846	\$112,846	\$112,846
XF Value	\$1,210	\$1,210	\$1,210
Market Value	\$593,340	\$556,565	\$516,337
Assessed Value	\$249,700	\$244,565	\$239,535

Benefits Information				
Benefit	Type	2018	2017	2016
Save Our Homes Cap	Assessment Reduction	\$343,640	\$312,000	\$276,802
Homestead	Exemption	\$25,000	\$25,000	\$25,000
Second Homestead	Exemption	\$25,000	\$25,000	\$25,000
Senior Homestead	Exemption	\$50,000	\$50,000	\$50,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
CORAL GABLES RIVIERA SEC PT 5 PB 20-38 LOT 6 & W35FT OF LOT 7 BLK 79

Taxable Value Information			
	2018	2017	2016
County			
Exemption Value	\$100,000	\$100,000	\$100,000
Taxable Value	\$149,700	\$144,565	\$139,535
School Board			
Exemption Value	\$25,000	\$25,000	\$25,000
Taxable Value	\$224,700	\$219,565	\$214,535
City			
Exemption Value	\$100,000	\$100,000	\$100,000
Taxable Value	\$149,700	\$144,565	\$139,535
Regional			
Exemption Value	\$50,000	\$50,000	\$50,000
Taxable Value	\$199,700	\$194,565	\$189,535

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
08/01/2006	\$0	24789-0182	Sales which are disqualified as a result of examination of the deed

LOT SIZE IRREGULAR
COC 24789-0182 08 2006 5

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

1450 Baracoa Avenue – New mortgagee since the City served the notice

<u>Owner</u> Stanford Peter Birnholz, as Trustee 1450 Baracoa Ave Coral Gables FL 33146-1908	<u>Mortgagee (mortgage address)</u> U.S. Small Business Administration 2 North 20 St, Ste 320 Birmingham, AL 35203-4002
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1450 BARACOA AVENUE



Inspection performed by Claudio Ramos, Chief Building Inspector, on March 27, 2018 at 1450 Baracoa Avenue.

I observed a collapsing roof structure over the garage portion of the house. The exposed wood frame from the soffit area was rotten, with possible mold and termite damage. Rest of the house was not assessed, due to lack of accessibility. I consider this an unsafe structure.

CITY'S

EXHIBIT

2

1450 BARACOA AVENUE

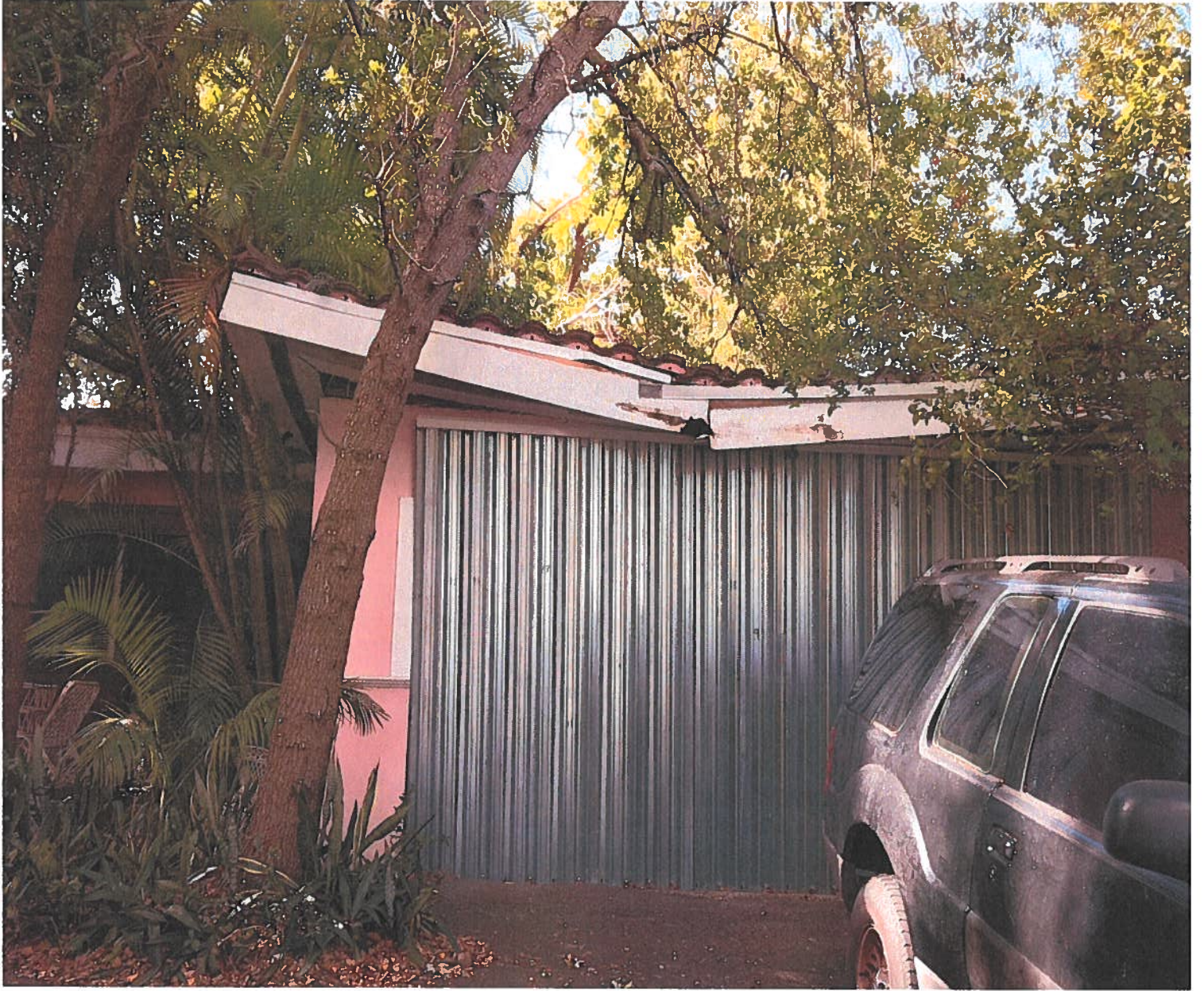


1450 BARACOA AVENUE















OCTOBER 18, 2018

1450 BARACOA AVENUE















The City of Coral Gables

Development Services Department
CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

October 23, 2018

Standford Peter Birnholz Tr
Stanford P. Birnholz (Ben)
1450 Baracoa Avenue
Coral Gables, Florida 33146-1908

Return Receipt Number:
7018 0680 0001 3977 2982

Re: Notice of Unsafe Structure and Notice to Vacate Single-family Home
("Structure")
Located At: 1450 Baracoa Avenue ("Property")
Folio No.: 03-4119-007-3290

Dear Mr. Birnholz:

After an inspection of the above referenced Property, the undersigned has decided to declare the Structure unsafe, as provided in Article III, Chapter 105 of the City of Coral Gables Code, entitled "Unsafe Structures." The Structure, whose the garage door, fascia and roof are in disrepair and whose roof is collapsing, is declared unsafe because it is in violation of the following subsections of Section 105-89 of the City Code:

- 1. (1) The structure or its electrical, gas, mechanical, or plumbing system is unsafe; dangerous; unsanitary; does not provide adequate egress; constitutes a fire or windstorm hazard; is otherwise dangerous to human life; by reason of illegal or improper use, occupancy or maintenance, constitutes a hazard to safety or health or public nuisance; or has been substantially damaged by the elements, fire, explosion, or otherwise.
2. (2) The structure constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
3. (10) A structure shall be presumed to be unsafe if one or more of the following criteria applies:
a. There is falling-away, hanging, or loose siding, blocks, bricks, or other building material.
b. The structure or its structural parts are deteriorated.
d. There is an unusual sagging or leaning out of plumb or square of the structure and such effect is caused by deterioration or over-stressing.
e. The structure is in violation of the minimum housing code of article V of this chapter. To wit: the garage door, fascia and roof are in disrepair and the roof is collapsing.

CITY'S Composite
EXHIBIT 3

1. The structure or part thereof meets any of the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the applicable codes following the expiration of a reasonable notice period.

The Structure is declared unsafe because it is in violation of the following Section 105-94 of the City Code as follows:

1. Abatement required. All unsafe structures or systems are hereby declared illegal and shall be vacated and the unsafe condition shall be abated by repair, rehabilitation or demolition. A permit shall be obtained to demolish the structure or, where specifically allowed by this section, to bring the structure into compliance with the applicable codes as provided herein.

Please be advised, due to the actual or immediate danger of failure or collapse of the Structure and pursuant to Section 105-97 of the City Code, that **all occupants must vacate the premises within thirty (30) days from the date of this Notice** ("Notice"). Upon expiration of this deadline, the City will post a Notice to Vacate and will submit a request to Florida Power & Light, without any further notice, to disconnect the power to the Structure. Please note that it shall be unlawful for any person, firm, or corporation or their agents to remove such Notice without written permission from the Building Official, or for any person to enter the Structure, except for the purpose of correcting the violation(s). The Building Official may also order that the Structure be boarded and secured to prevent further occupancy until the Required Action is completed. The Building Official may also order demolition of the Structure and the City may recover the costs incurred against the Property and the owner of record. You may appeal this decision to the City's Construction Regulation Board.

Your immediate cooperation in this matter is greatly appreciated.

Sincerely,



Manuel Z. Lopez, P.E.
Building Official

- c: Peter J. Iglesias, P.E., City Manager
Miriam Soler Ramos, Esq., B.C.S., City Attorney
Cristina M. Suarez, Deputy City Attorney & City Prosecutor
Suramy Cabrera, P.E., Development Services Department / Building Director
Construction Regulation Board File

CPA

New Jersey

birnholz@hotmail.com

phone

(305) 661-9391

STANDFORD P. BIRNHOLZ
ATTORNEY AT LAW
1450 BARACOA AVE.
CORAL GABLES, FLORIDA 33146-1908

11/20/18

Manuel Lopez
Development Services Department
Coral Gables, FL 33134

Re: Standford Birnholz
1450 Baracoa Avenue

Dear Mr. Lopez:

This letter is an appeal to the 10/23/18 notice to vacate my residence signed by you.

- (1) I request this order be rescinded or at least delayed until I can have an engineer and an architect inspect my property and present to the City appropriate drawings to secure the permits necessary to correct the damage inflicted by hurricane IRMA. I have been working on this problem with great diligence since 12/17/17 when I hired a contractor for a preliminary estimate of damages which I submitted to FEMA. On the same date I also applied for an SBA disaster loan; I was rejected at first; after much effort I was able to secure the government's approval; after much delay by the government, the paperwork was finally dated 11/2/18. Immediately after receipt of the closing documents from SBA I executed and returned the notarized documents on 11/15/18. The mortgage will be recorded as soon as I can get to the courthouse. These funds should cover everything the City finds wrong with my residence.
- (2) I believe the issue of safety is confined to my garage, where the roof collapsed. I do not go into my garage. If you can limit your order to the garage then I can continue to empty my house of 61 years of accumulated possessions and more important my office files, and records which I use daily in order to continue paying my bills. I have been consolidating everything for at least six months. Every Tuesday I place items on the swale for the bulk pickup.
- (3) To date after talking to over 50 contractors I have been unsuccessful in securing a written proposal, an estimate, a plan or a contract. I am still trying and have other people trying to help me. Today I spoke to several engineers that have done work in the City. I will have an appointment with one next week who is also associated with an architect, and between them I may be able to have plans drawn and presented to the City, and when approved have them hire a contractor that can do the job.

(4) I have kept the City apprised of my continuing efforts to secure a contractor to do this job. I contacted the City attorney during January of 2018 and advised that I had a garage roof problem and would keep her updated as to my progress in attending to this matter. Two days later I received a code enforcement notice that my garage roof and fascia were in disrepair. I called many roofers out of direct ads (home advisor, fix it, and others). Out of frustration I reached out to City officials in order to help me find a contractor that actually had a history of completing jobs in the City. Antonio Silio gave me the names of 12 roofers during March of 2018. I contacted everyone, including their general contractor referrals. From the 20 about 8 showed up at my house, none of who could coordinate the roofing and the general contracting and give me any form of proposal. Everybody seemed to have more work than they could handle. Members of the code enforcement board agreed that it was very hard to find contractors. Some others I called from the ads did not wish to work in the Gables. I even made a public records request to the state of Florida for a list of dual licensed contractors that did work in Dade County. They sent me a computer spread sheet with 396 name of qualifiers without the names of the businesses or the business addresses. I contacted the Gables IT department to try to cut it down. They sent me a revised list with 67 names of qualifiers in the nearby zip codes, but there was no way to find the businesses. I requested from Dacron Garcia in the City building department any names of businesses he could furnish me that held joint roofer and contractor licenses. George Pino in charge of the mobile permit department furnished me the names of three general contractors. Two came to my house with an architect and an engineer. I have yet to receive a proposal to fix my house. Nobody seems to be in a hurry. The same is true of another contractor I contacted who sent to my house on 11/5/18 an architect and a job foreman. On 11/8/18 I had a meeting at my request at their office with the owner of the firm. I requested proposals. On 11/16/18 I called and was advised my request was in their estimating department.

(5) Attached is a short chronological memo I made to myself when I attended the code enforcement board meeting on 10/17/18, which reflects some of my contacts with City officials during my attempts to secure a contractor to repair my roof. I have additional contacts with City officials and their recommended contractors since 10/15/18, but none of these contractors have given me a proposal, or a quote or a memo relative to my job to date. Therefore, I am going to pursue the engineer, architect route next week after the holiday. I would continue on this tract this week, except anybody who returns my calls are now out of town.

(6) There are several other personal problems I have that I hope you reconsider before you implement this vacancy order.

- a. I am 81 years old. I still work part time out of my house in order to meet my obligations, which I will not be able to handle if I am forced to move too soon before I leave my house at the time a contractor finally starts my job. It will be very difficult for me to pay rent before my job commences. My work will be severely restricted when I have to leave my house. I would like to keep that time out of my house to a minimum.

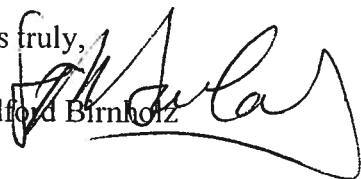
- b. I have a daughter on Social Security disability due to cancer. She lived 22 years in a rent controlled duplex in California. A developer purchased the property and evicted her on the theory that the property was going to be raised. I was in California three times this year relocating her temporarily. I am the only one who can support her, so I have to be able to work.
- c. I had an eye operation a month ago. It did not go too well. I need two more. I am so involved with my house and working I suspended all of my medical appointments.

Therefore, I am spread very thin, but I can continue to meet my obligations, especially now with the SBA loan which should be funded to some extent soon. From the above summary you can see that I am not dilatory with respect to my obligations to the City in attempting to fix my house. As I have enumerated I have been diligent in this regard and will continue to seek appropriate licensed contractors and see the repairs of my house to a conclusion. All of the City officials I have been in contact with have acknowledged to me that it is very difficult to get a contractor to work today.

I request the Board defer the notice to vacate until my fix up is approved by the City or you could limit the vacancy order to my garage.

Yours truly,

Standford Birnholz
Enc.



MEMO RE; CODE ENFORCEMENT BOARD MEETING 10/17/18

STAN BIRNHOLZ, 1450 BARACOA AVENUE, CORAL GABLES, FL

1. Hurricane IRMA 9/10/17
2. Contract with builder for purposes of loss damage report to apply for SBA disaster loan.
3. Proceeded with FEMA and SBA applications 12/17/17
4. Summons to appear 1/17/18, Code Enforcement Board for garage door. (From before Hurricane). My memo to City attorney 1/7/18 advising of hurricane damage to my roof. Then a new 1/12/18 notice of violation regarding my roof. 1/17/18
5. My 3/12/18 memo to the City attorney regarding the status of my efforts and the Continuing notices of violation and back and forth emails to and from Terri
- ~~6.~~ .Shepard regarding my efforts and my health problems. 3/12/18
7. During May and June of 2018 I contacted approximately 25 roofers and referred General Contractors, approximately 12 of which were furnished by Antonio Silio of Coral Gables. 5 & 6/18
8. SBA status change of loan application to: PROCESSING APPLICATION. 8/9/18
9. Request to City of CG if could get help from IT department to determine which dual Licensed Contractors out of the 396 qualifiers on the list submitted from the State of Florida in good standing in Coral Gables. 8/13/18
10. Request to Mark Herbert of Coral Gables IT department to make the list of 396 joint Licensee Qualifiers more manageable for me and to see if they can identify the businesses. 8/13/18
11. Reply by Mark Herbert attempting to help me in securing contractors for my Job 8/13/18
12. Notice from SBA that my disaster loan was APPROVED 8/23/18
13. Memo to City Attorney re: my efforts to find contractors that can fix my roof 8/23/18
14. Suggestion by City Attorney upon receipt of my loan approval by SBA to attend the September Code enforcement board meeting and to give them an update of what I have done and request an extension of time. 8/24/18
15. Name of roofer with joint licenses furnished by Antino Silio with Coral Gables. 8/24/18
16. SBA generated loss damage report 8/27/18
17. Response from Dayron Garcia to my request for contractors who work in Coral Gable 8/31/18
18. Names of three general contractors at my request that do work in Coral Gables, furnished by Jorge Pino, Gables mobile permit coordinator. 9/4/18
19. Appointment with Leonard McGuire of PGS construction referred by Mr. Silio .. 9/7/18
20. Appointment with Alberto Diaz from Gables construction referred by Mr. Silio 9/7/18
21. Tree service, Jame Jarquin, removed two trees from the front of my house to help clear roof. 9/25/18
22. Appointment with Cisca Construction (Brian) for roof estimates. He will make Appointments with appropriate licensed individuals. 10/15/18

BEFORE THE CONSTRUCTION REGULATION BOARD
FOR THE CITY OF CORAL GABLES

CITY OF CORAL GABLES,

Case No. 18-7217

Petitioner,

vs.

STANDFORD PETER BIRNHOLZ TR
STANDFORD P. BIRNHOLZ (BEN)
1450 Baracoa Avenue
Coral Gables, FL 33146-1908

Return receipt number:

7018 0680 0001 3977 2999

Respondent.

**NOTICE OF UNSAFE STRUCTURE VIOLATION
AND NOTICE OF HEARING**

Date: December 7, 2018

Re: The one-story single-family home ("Structure"), built in 1957, and located at 1450 Baracoa Avenue, Coral Gables, FL 33146-1908, legally described as: Lot 6 and West 35 feet of Lot 7, Block 79, of CORAL GABLES RIVIERA SECTION, PART 5, according to the Plat thereof, as recorded in Plat Book 20, at Page 38, of the Public Records of Miami-Dade County, Florida; and having folio number 03-4119-007-3290 ("Property").

The City of Coral Gables ("City") Building Official inspected the Structure on or about October 18, 2018, in accordance with Article III, Chapter 105 of the City Code, pertaining to unsafe structures. The Structure, whose the garage door, fascia and roof are in disrepair and whose roof is collapsing, was declared unsafe because it is in violation of the following subsections of Section 105-89 of the City Code:

1. **(1) The structure or its electrical, gas, mechanical, or plumbing system is unsafe; dangerous; unsanitary; does not provide adequate egress; constitutes a fire or windstorm hazard; is otherwise dangerous to human life; by reason of illegal or improper use, occupancy or maintenance, constitutes a hazard to safety or health or public nuisance; or has been substantially damaged by the elements, fire, explosion, or otherwise.**
2. **(2) The structure constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.**
3. **(10) A structure shall be presumed to be unsafe if one or more of the following criteria applies:**
 - a. **There is falling-away, hanging, or loose siding, blocks, bricks, or other building material.**
 - b. **The structure or its structural parts are deteriorated.**
 - d. **There is an unusual sagging or leaning out of plumb or square of the structure and such effect is caused by deterioration or over-stressing.**

- e. **The structure is in violation of the minimum housing code of article V of this chapter. To wit: the garage door, fascia and roof are in disrepair and the roof is collapsing.**
- l. **The structure or part thereof meets any of the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the applicable codes following the expiration of a reasonable notice period.**

As a result, on October 23, 2018, the Building Official ordered you to vacate the Structure by November 22, 2018 or the City would post a Notice to Vacate and submit a request to Florida Power & Light, without any further notice, to disconnect the power to the Structure. On November 20, 2018, you appealed the Notice to Vacate and requested additional time to comply. Note you must vacate the Structure, unless you submit and the Building Official accepts, a report from a licensed architect or engineer certifying that the Structure may be safely occupied while you perform any required repairs to the Development Services Department.

Moreover, on March 21, 2018, the City's Code Enforcement Board ("CEB") ordered you to correct the violations of the City's Minimum Housing Code by July 19, 2018. The CEB has since extended the deadline for compliance, while the City's Construction Regulation Board ("Board") hears this matter. In the meantime, by order of the Building Official, you must apply for and obtain the necessary permits to correct the above violations by repairing or demolishing the Structure no later than thirty (30) days from the date of this Notice. You must also pass final inspection on the permits no later than thirty (30) days from the date the City notifies you that the permit is ready. The Building Official's orders to vacate and to correct the violations are jointly referred to as "Required Action."

Therefore, this matter is set for hearing before the Board in the Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida 33134, on January 14, 2019, at 2:00 p.m.

You may appeal the decisions of the Building Official to the Board by appearing at the hearing. You have the right to be represented by an attorney and may present and question witnesses and evidence; however, formal rules of evidence shall not apply. Failure to appear at the hearing will result in the matter being heard in your absence. Please be advised that if someone other than an attorney will be attending the hearing on your behalf, he or she must provide a power of attorney from you at the time of the hearing. Requests for continuance must be made in writing to Belkys Garcia, Secretary to the Board, at City of Coral Gables, Development Services Department, 405 Biltmore Way, 3rd Floor, Coral Gables, FL 33134, bgarcia@coralgables.com, tel: (305) 460-5229. The Development Services Department's hours are Monday through Friday, 7:30 a.m. to 3:30 p.m., tel: (305) 460-5235.

If the Required Action is not completed before the above hearing date, the Building Official may order that the structure be vacated, boarded, secured, and posted (including but not limited to, requesting the electric utility to terminate service to the Structure) to prevent further occupancy until the Required Action is completed. The Building Official may also order demolition of the Structure and the City may recover the costs incurred against the Property and the Owner of record.

If the Property owner or other interested party does not take all Required Action or prevail at the hearing, the Construction Regulation Board may impose fines not to exceed \$250 for each day the violation continues past the date set for compliance and may also enter an order of demolition and assess all costs of the proceedings, in an amount not less than \$600, and the costs of demolition and other required action, for which the City shall have a lien against the Property owner and the Property.

Please govern yourself accordingly.


Belkys Garcia, Secretary to the Board

ADA NOTICES

Any person who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, must register with the City Clerk, prior to engaging in lobbying activities before the city staff, boards, committees and/or the City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Board, with respect to any matter considered at such hearing or meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based. Although a court reporter usually attends the hearing at the City's cost, the City is not required to provide a transcript of the hearing, which the Respondent may request at the Respondent's cost.

Any person who needs assistance in another language in order to speak during the public hearing or public comment portion of the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta, Esq., Director of Labor Relations and Risk Management (E-mail: relejabarrieta@coralgables.com, Telephone: 305-722-8686, TTY/TDD: 305-442-1600), at least three (3) business days before the meeting.

Any person with a disability requiring communication assistance (such as a sign language interpreter or other auxiliary aide or service) in order to attend or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta, Esq., Director of Labor Relations and Risk Management (E-mail: relejabarrieta@coralgables.com, Telephone: 305-722-8686, TTY/TDD: 305-442-1600), at least three (3) business days before the meeting.



CITY OF CORAL GABLES
DEVELOPMENT SERVICES DEPARTMENT
Affidavit of Posting

Case #: 18-7217

Title of Document Posted: Construction Regulation Board, Notice of Unsafe Structure Violation and Notice of Hearing

I, JORGE PINO, DO HEREBY SWEAR/AFFIRM THAT
THE AFOREMENTIONED NOTICE WAS PERSONALLY POSTED, BY ME, AT THE
ADDRESS OF 1450 BARABCOA AVENUE, ON 12-7-18
AT 9:15 AM.

JORGE PINO / 7698
Employee's Printed Name

[Signature]
Employee's Signature

STATE OF FLORIDA)
ss.
COUNTY OF MIAMI-DADE)

Sworn to (or affirmed) and subscribed before me this 7th day of December, in
the year 2018, by Jorge Pino who is personally known to
me.

My Commission Expires:



Belkys Garcia
Notary Public

1450 BARCOA AVENUE

1450

FIELD INSPECTION REPORT
FOR THE CITY OF CHARLOTTE

City of Charlotte - Office of the City Engineer
100 North Tryon Street
Charlotte, NC 28202
Phone: 704.336.2000
Fax: 704.336.2001
E-mail: ce@cityofcharlotte.org

Inspector: [Redacted]
Date: 12/07/2018

Project: [Redacted]
Structure Number: 7014 0140 0003 3977 2499

NOTICE OF UNSAFE STRUCTURE (NUST) AND NOTICE OF EJECTMENT

Date: December 7, 2018

Re: The structure, single family home (Structure) built in 1950 and located at 1450 Barcoa Avenue, Charlotte, NC 28202. The structure is located on the lot bounded by Barcoa Avenue to the north, [Redacted] Street to the south, [Redacted] Street to the east, and [Redacted] Street to the west. The structure is located in the City of Charlotte, North Carolina, and is subject to the provisions of the City of Charlotte Code of Ordinances, specifically Chapter 16A, Article 1, Section 16A-01, which requires that all structures in the City of Charlotte be maintained in a safe and sound condition.

The City of Charlotte ("City") is hereby notifying you that the structure is unsafe and is in violation of the City of Charlotte Code of Ordinances, specifically Chapter 16A, Article 1, Section 16A-01, which requires that all structures in the City of Charlotte be maintained in a safe and sound condition. The structure is unsafe because it is in violation of the City of Charlotte Code of Ordinances, specifically Chapter 16A, Article 1, Section 16A-01, which requires that all structures in the City of Charlotte be maintained in a safe and sound condition.

- (1) The presence of any electrical, gas, mechanical, or plumbing system in unsafe, dangerous, or hazardous condition; or
- (2) The structure is in such a state of disrepair, deterioration, or decay as to constitute a hazard to the public safety or health; or
- (3) The structure is in such a state of disrepair, deterioration, or decay as to constitute a hazard to the public safety or health; or
- (4) The structure is in such a state of disrepair, deterioration, or decay as to constitute a hazard to the public safety or health; or

The structure shall be deemed to be unsafe if one or more of the following criteria apply:

1. There is falling or off, sagging, or loose siding, sheetrock, lath, or other building material.
2. The structure or its exterior parts are damaged or decayed.
3. There is an unusual amount of water or other liquid on the exterior of the structure and such a flow is caused by defective or missing drainage.

12/07/2018 09:25



1450

12/07/2018 09:26









This instrument prepared by and
after recording return to:
Belkys Garcia
Secretary to the Construction
Regulation Board
Development Services Department
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134-5717

BEFORE THE CONSTRUCTION REGULATION BOARD
FOR THE CITY OF CORAL GABLES

CITY OF CORAL GABLES,

Case No. 18-7217

Petitioner,

vs.

STANDFORD PETER BIRNHOLZ TR
STANDFORD P. BIRNHOLZ (BEN)
1450 Baracoa Avenue
Coral Gables, FL 33146-1908

Respondent.

NOTICE OF ORDER DECLARING STRUCTURE UNSAFE

This cause was brought before the Construction Regulation Board ("Board") of the City of Coral Gables ("City"), on January 14, 2019, on the Notice of Unsafe Structure Violation and Notice of Hearing ("Notice"). The Board, having heard the arguments of the parties and having considered any evidence presented, hereby enters this Order Declaring Structure Unsafe ("Order") and finds, concludes, and orders as follows:

Findings of Fact

1. The City properly served all required notices on the owner, STANDFORD PETER BIRNHOLZ TR, STANDFORD P. BIRNHOLZ (BEN), and any lienholders of record for the structure located on the property at **1450 Baracoa Avenue** (the "Structure"), having folio number 03-4119-007-3290, and legally described as: Lot 6 & W35 feet of Lot 7, Block 79, of CORAL GABLES RIVIERA SECTION, PART 5, according to the Plat thereof, as recorded in Plat Book 20, at Page 38, of the Public Records of Miami-Dade County, Florida ("Property").

2. The Structure, whose the garage door, fascia and roof are in disrepair and whose roof is collapsing, was declared unsafe because it is in violation of the following subsections of Section 105-89 of the City Code:

(1) The structure or its electrical, gas, mechanical, or plumbing system is unsafe; dangerous; unsanitary; does not provide adequate egress; constitutes a fire or windstorm hazard; is otherwise dangerous to human life; by reason of illegal or improper use, occupancy or maintenance, constitutes a hazard to safety or health or public nuisance; or has been substantially damaged by the elements, fire, explosion, or otherwise.

(2) The structure constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(10) A structure shall be presumed to be unsafe if one or more of the following criteria applies:

- a. There is falling-away, hanging, or loose siding, blocks, bricks, or other building material.
- b. The structure or its structural parts are deteriorated.
- d. There is an unusual sagging or leaning out of plumb or square of the structure and such effect is caused by deterioration or over-stressing.
- e. The structure is in violation of the minimum housing code of article V of this chapter. To wit: the garage door, fascia and roof are in disrepair and the roof is collapsing.
- l. The structure or part thereof meets any of the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the applicable codes following the expiration of a reasonable notice period.

Order

3. It is, therefore, **ORDERED**: The Owner shall take the following Required Action:

a) The Owner must provide an engineer's report within seven (7) days of the date of the Hearing (i.e. by January 21, 2019), certifying that it is safe for all occupants to remain in the home from the date of the hearing and throughout the construction process. If the report is not submitted and approved by the Building Official by January 21, 2019, all occupants must vacate the premises within ten (10) days thereafter (i.e. by January 31, 2019). Power to the structure will be disconnected on February 1, 2019 and only reconnected for the purpose of construction and/or until compliance.

b) The Owner must apply for all necessary permits to correct all structural violations and all other applicable deficiencies or to demolish the structure within thirty (30) days of this Order. ("Permits"). The owner must complete all work and pass final inspection on the Permits within five (5) months of the date of this Order. If the Owner fails to timely apply for the Permits, the owner shall pay a fine of \$250 for each day the violation continues and until the property passes final inspection on the Permits.

4. *Request for compliance inspection.* It is the responsibility of the Owner to request an inspection of City records and of the Property, as applicable, to determine compliance with this Order and to notify the City of any compliance action taken.

5. *Payment of costs, fines, and demolition by City.* The Owner shall pay, within 7 days of the date of this Order, the City's administrative costs to date of \$600, in addition to the costs of recording this Order. If the Owner does not comply with any of the applicable deadlines above, the Building Official may immediately and without further order from this Board, order that the structure be vacated, boarded, secured, and posted (including, but not limited to, requesting the electric utility to terminate service to the Structure) to prevent further occupancy and the City may demolish the Structure. The City may sell as salvage or require the demolition contractor to dispose of the contents of the Structure. In addition, the Owner shall pay a fine of \$250 for each day the violation continues past the date set for compliance, for which the City shall have a lien against the Owner and the Property. The Board may also enter an order of demolition and assess all costs of the proceedings and demolition and other required action for which the City shall have a lien against the Owner and the Property.

6. *Lien for costs and notice to subsequent purchasers.* The City shall have a special assessment lien for its administrative costs, the costs of corrective action, and any fines imposed by the Board, including but not limited to, securing the Structure and demolition ("Costs"), against the real and personal property of the Owner, including the Property. The lien for Costs shall have equal dignity with a lien for taxes. In order to have this lien, the City shall record this Order and an affidavit for any additional Costs, as applicable. Once recorded in the Public Records of Miami-Dade County, Florida, a copy of this Order shall constitute notice

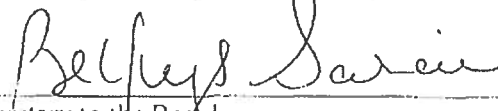
to any subsequent purchasers, successors in interest, or assigns, and the findings herein shall be binding upon the Owner and any subsequent purchasers, successors in interest or assigns.

7. *City's remedies are cumulative.* This Order notwithstanding, the City may enforce its code by any other lawful means.

8. **NOTICE:** If the Respondent does not comply with the terms of this Order, the City may issue a Notice of Non-Compliance ("Notice"). The Respondent may request an administrative hearing that shall be strictly limited to determining whether the Respondent complied with the terms of this Order. Requests for a hearing must be made in writing to Belkys Garcia, Secretary to the Board, at City of Coral Gables, Development Services Department, 405 Biltmore Way, 3rd Floor, Coral Gables, FL 33134-5717, bgarcia@coralgables.com, tel: (305) 460-5229. The Development Services Department's hours are Monday through Friday, 7:30 a.m. to 3:30 p.m. Failure to request an administrative hearing within twenty (20) days after service of the Notice shall constitute a waiver of the Respondent's right to the hearing. The Respondent shall be liable for the reasonable costs of the administrative hearing, if the Respondent does not prevail at the hearing.

DONE AND ORDERED at the City of Coral Gables, Miami-Dade County, Florida, on this 16th day of January, 2019.

CONSTRUCTION REGULATION BOARD
OF THE CITY OF CORAL GABLES


Secretary to the Board

Notice of Deadline to Appeal

PURSUANT TO SECTION 105-95(6) OF THE CITY CODE, AN APPEAL OF THIS ORDER MAY BE FILED IN THE CIRCUIT COURT IN MIAMI-DADE COUNTY, FLORIDA, WITHIN THIRTY (30) DAYS OF THE FILING OF THIS ORDER.

c:
U.S. Small Business Administration, 2 North 20th Street, Suite 320, Birmingham, Alabama 35203-4002



CFN 2006R0843519
OR Bk 24789 Pgs 0182 - 1837 (2pgs)
RECORDED 08/03/2006 15:50:16
DEED DOC TAX 0.60
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

QUITCLAIM DEED

(Space above this line reserved for recording office use only)

THIS QUITCLAIM DEED, made on August 2, 2006, between STANDFORD PETER BIRNHOLZ ("Grantor"), of Miami-Dade County, State of Florida whose address is 1450 Baracoa Avenue, Coral Gables, Miami-Dade County, State of Florida and STANDFORD PETER BIRNHOLZ, TRUSTEE, of the STANDFORD PETER BIRNHOLZ LIVING TRUST, ("Grantee"), *1450 BARACOA AVENUE, CORAL GABLES, FLORIDA 33146*
FOLIO 03 4119 007 3290

WITNESSETH, that Grantor, for and in consideration of the sum of \$1.00, and other good and valuable consideration in hand paid by Grantee, and receipt of which is acknowledged, quitclaim to Grantee and assigns forever, all of the estate, and interest of Grantor in the following described land situated in Miami-Dade County, Florida:

Lot 6 and the West 35 feet of lot 7, Block 79 of CORAL GABLES RIVERIA SECTION, PART FIVE, according to the plat thereof recorded in Plat Book 20 at Page 38 of the Public Records of Dade County, Florida, also known as 1450 Baracoa Avenue, Coral Gables, Florida.

GRANTOR: 

STANDFORD PETER BIRNHOLZ

Date: *8/2/06*

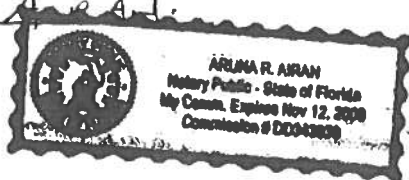
2-

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 2 day of August, 2006
by STANDFORD PETER BIRNHOLZ who is personally known to me or produced as identification

Aruma R. Arias

Notary Public -- State of Florida
Printed Name: ARUMA R. ARIAS
(Seal)



SIGNED IN OUR PRESENCE:

Amenopais Jack
Name: AMENOPAIIS JACK
Address: 6755 SW 88T ST
MIAMI, FL, 33156
Witness

Eduard R. Abella
Name: Eduard R Abella
Address: 214 Mendosa Ave
Coral Gables, Fl 33134
Witness

PREPARED BY:
Standford P. Birnholz, Esq.



CFN 20180710558
 OR BK 31229 Pgs 1180-1186 (7Pgs)
 RECORDED 11/21/2018 13:12:06
 MTG DOC TAX \$736.40
 HARVEY RUJIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

MAIL ANY NOTICE OF DEFAULT TO:
 U.S. SMALL BUSINESS ADMINISTRATION
 2 North 20th Street, Suite 320
 Birmingham, AL 35203

THIS INSTRUMENT PREPARED BY AND
 WHEN RECORDED MAIL TO:
 ANDREW NEUBAUER, Attorney
 U.S. SMALL BUSINESS ADMINISTRATION
 14925 Kingsport Road
 Fort Worth, TX 76155-2243
 (800) 366-6303

STANDFORD P. BIRNHOLZ ET AL
 Application: 1000761448/DLH2878797005

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**MORTGAGE
 (Direct)**

This mortgage made and entered into this 2nd day of November, 2018, by and between **Standford Peter Birnholz Living Trust, dated August 2, 2006, and Stanford P Birnholz, a single person, 1450 BARACOA AVE, CORAL GABLES, FL 33146** (hereinafter referred to as mortgagor) and the Administrator of the U.S. Small Business Administration, an agency of the Government of the United States of America (hereinafter referred to as mortgagee), who maintains an office and place of business at **2 North 20th Street, Suite 320, Birmingham, AL 35203**.

WITNESSETH, that for the consideration hereinafter stated, receipt of which is hereby acknowledged, the mortgagor does hereby mortgage, sell, grant, assign, and convey unto the mortgagee, his successors and assigns, all of the following described property situated and being in the County of **MIAMI-DADE**, State of Florida.

Described in Exhibit "A" attached hereto and made a part hereof.

It is hereby agreed between the parties hereto, that if the mortgagor, subsequent to the date of this mortgage, conveys, contracts, or attempts to sell the above described mortgaged property in any way or manner whatsoever, while said property is mortgaged to the mortgagee, and without the written consent of the mortgagee, then and in such event the whole sum of principal and interest of the debt secured by this mortgage shall, at the option of the mortgagee, become immediately due and payable, and this mortgage may be foreclosed at once if said debt is not paid in full.

"This transaction is exempt from the Florida Intangible Tax since a governmental agency is holder of the indebtedness."

Together with and including all buildings, all fixtures including but not limited to all plumbing, heating, lighting, ventilating, refrigerating, incinerating, air conditioning apparatus, and elevators (the mortgagor hereby declaring that it is intended that the items herein enumerated shall be deemed to have been

1000761448 / DLH 2878797005

IN WITNESS WHEREOF, the mortgagor has executed this instrument and the mortgagee has accepted delivery of this instrument as of the day and year aforesaid.

STATE OF FLORIDA)
COUNTY OF Miami-Dade)

Trust / Estate Execution:

STANDFORD PETER BIRNHOLZ LIVING TRUST DATED AUG 2, 2006

The foregoing instrument was acknowledged before me this 15th day of NOVEMBER, 2018, by STANDFORD P. BIRNHOLZ, TRUSTEE and STANDFORD P. BIRNHOLZ, INDIVIDUALLY, who is personally known to me or produced FL Drivers License as identification.

By: [Signature]
STANDFORD P. BIRNHOLZ, TRUSTEE

Individual Execution:

[Signature]
STANDFORD P. BIRNHOLZ, INDIVIDUALLY

[Signature]
Notary Public
BRENDA LOUARD
Notary Public Printed Name

My Commission Expires: 11-2-2022



1000761448 / DLH 2878797005

EXHIBIT "A"

THE FOLLOWING DESCRIBED LAND SITUATED IN THE CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA:

LOT 6 AND THE WEST 35 FEET OF LOT 7, BLOCK 79 OF CORAL GABLES RIVERIA SECTION, PART FIVE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 20 AT PAGE 38 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

More commonly known as: **1450 BARACOA AVENUE, CORAL GABLES, FL 33146**

1450 BARACOA AVE
January 11, 2019



















