

MEMORANDUM

ROAD OPERATIONS DIVISION

*A division of the Public Works Department
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To: Robert Anderson, Employee Services Director

From: Ron Collodi, Code Enforcement Division Manager
Lori L. Koontz, Road Operations Division Manager 

Date: July 13, 2016

Subject: Obstruction in Right-of-Way – West First Avenue, Umatilla
Case #2016060299

On June 28, 2016, Jeff Johnson, Roads Superintendent, notified Ron Collodi, Code Enforcement Division Manager, that there were posts and timbers placed in the right-of-way of West First Avenue, a non-County maintained road with 50' in width publicly dedicated right-of-way. Mr. Johnson informed Mr. Collodi that Public Works would not approve the placement of any items along this roadway and a photo of the area of concern was provided (photo attached). Mr. Johnson was made aware of this issue by Randy Dean, Area Maintenance Supervisor. Prior to notifying Mr. Collodi, Mr. Johnson discussed the concern with Lori Koontz, Road Operations Division Manager, who conferred with Jim Stivender, Public Works Director. All Public Works employees involved agreed that the posts and timbers were obstructing the right-of-way and the items should be removed. The obstacles restricted the full usage of the 50' in width roadway that is for public use; furthermore, the obstacles could be considered a safety hazard should anyone come in contact with any of the items. The process that was followed was within the normal Departmental procedures for obstructions within the right-of-way and the actions taken were appropriate for this situation.

On June 28, 2016, Code Officer Mark Shepherd investigated the right-of-way issue provided by Public Works for railway ties and posts erected along the easement of West First Avenue, which is a violation of Section 9.04.03 of the Lake County Code. The owner responsible was contacted in person by Officer Shepherd and was advised that he could not obstruct the 50' right-of-way/easement and the railway ties and poles needed to be removed. In addition, Officer Shepherd consulted with Public Works staff who confirmed the violation and corrections necessary. The process he followed was within our normal procedures/process for enforcement.

Officer Shepherd issued the following notice of violation (NOV) on June 28, 2016:

IN ACCORDANCE WITH LAKE COUNTY CODE AND/OR LAND DEVELOPMENT REGULATIONS YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF SECTION(S) 9.04.03 Right-of-Way Provisions. C. Obstructions. It Shall be unlawful to cause to be created or constructed any Building, Structure, causeway or other obstruction (including but not limited to ditches) on the Right-of-Way of any public Road or Easement in Lake County, Florida, except Permitted activities.

On July 13, 2016, Officer Shepherd conducted a re-inspection and found the property to still be in violation and sent a code letter due to non-compliance, which stated:

"YOU ARE HEREBY NOTIFIED that an inspection of the above property disclosed that you have violated the code(s)/ordinance(s) of Lake County, Florida that are itemized and attached to this letter. Therefore you are directed to correct the violations within FOURTEEN (14) days from receipt of this letter, notice or posting. If you have any questions regarding this matter, we strongly recommend that you contact our office as soon as possible to avoid any further Code Enforcement action. Failure to comply with the code/ordinance requirements specified will result in the case being submitted to the Lake County, Florida Special Magistrate where fines may be assessed of up to \$1,000.00 per day for each violation that exists."

Please contact Mr. Collodi or Mrs. Koontz if additional information is needed.

:LLK

Attachment: Photo of obstruction in right-of-way of West First Avenue

Cc: Brian Sheahan, Community Safety & Compliance Director
Jim Stivender, Public Works Director
Jeff Johnson, Roads Superintendent
Mark Shepherd, Code Officer

