



Notice of Violation

Case No.: **TCE241912**

Property Address/Parcel ID: **2740 West Tharpe Street /Parcel ID: 212133 0001**

Owner(s): **CHASE'S RUN CONDO OWNERS
1882 CAPITAL CIR NE STE 106
TALLAHASSEE FL 32308**

Issued Date: **10/11/2024**

The property referenced above was inspected by a Code Inspector and the following violations were identified. The corrective action is also set out below. The property must be brought into compliance to avoid further enforcement action.

- A. Initial Inspection Date: **08/14/2024**
- B. Violation(s):

Land Development Code

- 1** TLDC Chapter 5 Section 141 – Violations (f) Operation and maintenance of stormwater management facilities

- C. Corrective Actions Required:

- 1**
1. Please mow and remove any volunteer vegetation. This includes invasive vegetation such as the tall woody stemmed weeds, etc. Ground cover vegetation must be kept at a height no greater than six (6) inches. Clippings must be removed after mowing to prevent the development of algae within the facility and to maintain the design capacity.
 2. Please note additional comments may be forthcoming pending a re-inspection of the facility.
 3. Please repair the gate to the fence surrounding the pond. Currently the gate and the fence cannot be secured.
 4. Restore the facility to its original approved designed condition. For design plans you may contact our Records Management Division at 850-891-7001 (option 3) or https://www.talgov.com/growth/gm_records

D. Deadline for Corrective Action: 30 days from receipt of this notice

E. Required Inspection

If you bring the property into compliance, you must obtain an inspection to verify the corrective action. Call 850-891-8858 to obtain an inspection.

F. Failure to Comply:

If you fail to correct the violation(s) by or before the deadline, this case will be presented to the Environmental Board or Code Magistrate. If the Board finds the property in violation, it may assess fines or order other remedies to cure the violations.

G. Questions or for Information

Contact Sherri Warburton (850) 694-8504; Sherri.Warburton@talgov.com



Notice of Violation

Case No.: **TCE242229**

Property Address/Parcel ID: **2810 SHARER RD /Parcel ID: 2114260000010**

Owner(s): **2810 HERITAGE PLAZA LLC/ BY HERITAGE PLAZA MANAGEMENT LLC**

Issued Date: **02/07/2025**

The property referenced above was inspected by a Code Inspector and the following violations were identified. The corrective action is also set out below. The property must be brought into compliance to avoid further enforcement action.

A. Initial Inspection Date: **09/19/2024**

B. Violation(s):

Tallahassee Land Development Code

TLDC Chapter 5 Section 141 – Violations (f) Operation and maintenance of stormwater management facilities

C. Corrective Actions Required:

1. The stormwater grate in the access road next to the facility is severely damaged. Repair grate immediately as it is a safety hazard.
2. A significant sediment accumulation is present at the southern end of the facility, reducing design capacity. To restore proper function, remove the excess sediment and return the bottom to its original elevation.
3. Remove all woody-stemmed weeds and associated roots. Additionally, remove invasive trees such as mimosas and willows.
4. Remove all leaf litter, deadfall, trash, and vegetative debris from the stormwater management facility.
5. Restore the facility to its original approved designed condition. For design plans you may contact our Records Management Division at 850-891-7001(Option 3) or https://www.talgov.com/growth/gm_records.
6. The referenced Operating Permit (OP) has expired and must be renewed as per Section 5-86 (g)(1) of the Tallahassee Land Development Code. Please complete the attached OP Renewal Information Sheet and return it, along with payment of the fee as per the instructions. Once received, the OP will be renewed for the next (3) year cycle.

D. Deadline for Corrective Action: 30 days from receipt of this notice

E. Required Inspection

If you bring the property into compliance, you must obtain an inspection to verify the corrective action. Call 850-891-8858 to obtain an inspection.

F. Failure to Comply:

If you fail to correct the violation(s) by or before the deadline, this case will be presented to the Environmental Board or Code Magistrate. If the Board or Magistrate finds the property in violation, fines may be assessed and other remedies to cure the violations may be ordered.

G. Questions or for Information

Contact Sherri Warburton (850) 694-8504 or (850) 891-8858; Sherri.Warburton@talgov.com



Notice of Violation

Case No.: **TCE250045**
Property Address/Parcel ID: **1555 DELANEY DR /Parcel ID: 1109202090000**
Owner(s): **Owl Woodlake, LLC, f/k/a TCB Tallahassee Woodlake LLC**
Issued Date: **04/01/2025**

The property referenced above was inspected by a Code Inspector and the following violations were identified. The corrective action is also set out below. The property must be brought into compliance to avoid further enforcement action.

- A. Initial Inspection Date: **01/08/2025**
B. Violation(s):
Tallahassee Land Development Code

TLDC Chapter 5 Section 141 – Violations (f) Operation and maintenance of stormwater management facilities

- C. Corrective Actions Required:
1. Remove all accumulated debris, including sediment, leaf litter, deadfall, trash, and vegetative material, from the stormwater management facility. This includes clearing sediment buildup from the bottom of the concrete flumes, influent pipes, riprap/energy dissipaters, and adjacent facility areas. Additionally, remove all woody stemmed weeds, their roots, and any invasive trees (e.g., mimosas, willows) from the facility.
 2. Restore the facility to its original approved designed condition. For design plans you may contact our Records Management Division at <https://www.talgov.com/growth/growth-recordrequest.aspx>.
- D. Deadline for Corrective Action: 30 days from receipt of this notice
- E. Required Inspection
If you bring the property into compliance, you must obtain an inspection to verify the corrective action. Call 850-891-8858 to obtain an inspection.
- F. Failure to Comply:
If you fail to correct the violation(s) by or before the deadline, this case will be presented to the Environmental Board or Code Magistrate. If the Board or Magistrate finds the property in violation, fines may be assessed and other remedies to cure the violations may be ordered.
- G. Questions or for Information
Contact Sherri Warburton (850) 694-8504 or (850) 891-8858; Sherri.Warburton@talgov.com



Notice of Violation

Case No.: **TCE250484**
Property Address/Parcel ID: **GOLDEN PARK LN /Parcel ID: 211427 0001**
Owner(s): **Charleston Square II C/O Golden Park Homeowners Association, Inc.**
Issued Date: **04/02/2025**

The property referenced above was inspected by a Code Inspector and the following violations were identified. The corrective action is also set out below. The property must be brought into compliance to avoid further enforcement action.

- A. Initial Inspection Date: **03/03/2025**
B. Violation(s):
Tallahassee Land Development Code

TLDC Chapter 5 Section 141 – Violations (f) Operation and maintenance of stormwater management facilities

- C. Corrective Actions Required:

Repair pump associated with stormwater management facility. Pump is responsibility of homeowners association.

- D. Deadline for Corrective Action: 30 days from receipt of this notice

- E. Required Inspection

If you bring the property into compliance, you must obtain an inspection to verify the corrective action. Call 850-891-8858 to obtain an inspection.

- F. Failure to Comply:

If you fail to correct the violation(s) by or before the deadline, this case will be presented to the Environmental Board or Code Magistrate. If the Board or Magistrate finds the property in violation, fines may be assessed and other remedies to cure the violations may be ordered.

- G. Questions or for Information

Contact Sherri Warburton (850) 694-8504 or (850) 891-8858; Sherri.Warburton@talgov.com



Notice of Violation

Case No.: **TCE250513**
Property Address/Parcel ID: **2100 FLEISCHMANN RD /Parcel ID: 1115206090000**
Owner(s): **FIRST FRANKLIN ADVISORS LLC**
Issued Date: **05/16/2025**

The property referenced above was inspected by a Code Inspector and the following violations were identified. The corrective action is also set out below. The property must be brought into compliance to avoid further enforcement action.

- A. Initial Inspection Date: **03/18/2025**
B. Violation(s):
Tallahassee Land Development Code

TLDC Chapter 5 Section 141 – Violations (b) Requirements of approved permit. Close out documents not received for TEM200029.

- C. Corrective Actions Required:

Provide and submit closeout documents for environmental permit TEM200029 to Michelle Humowiecki, michelle.humowiecki@talgov.com

- D. Deadline for Corrective Action: 30 days from receipt of this notice

- E. Required Inspection

If you bring the property into compliance, you must obtain an inspection to verify the corrective action. Call 850-891-8858 to obtain an inspection.

- F. Failure to Comply:

If you fail to correct the violation(s) by or before the deadline, this case will be presented to the Environmental Board or Code Magistrate. If the Board or Magistrate finds the property in violation, fines may be assessed and other remedies to cure the violations may be ordered.

- G. Questions or for Information

Contact Ray Wilkinson (850) 445-8763 or (850) 891-8858; Ray.Wilkinson@talgov.com



May 5, 2025
Bayport Realty LLC
8 Laurel Cir.
Malvern, PA 19355

Re: **Notice of Violation: Unpermitted Development Activity TCE250516**
Tax/parcel I.D. #: 3108200040000 Property
Location: 2895 S. Blair Stone Rd.
Project Name: **Montego Bay Townhomes**
Environmental Permit No. **TEM190114**

Dear Property Owner:

You are hereby notified that this property is in violation of the Tallahassee Land Development code as further described below.

The Tallahassee Land Development Code (TLDC) section 5-56 requires an environmental management permit (EMP) prior to engaging in any development activity. The EMP for this site expired on 11/14/2021 and development activity is occurring on site.

TLDC section 5-81(a)(1)(a) requires the beneficial functioning of wetlands as natural storage and filtration of surface water runoff shall be protected and shall be enhanced where functional degradation has occurred. Construction debris and trash are present within the wetlands and stream area. Also, there is a required restoration plan shown on the prior approved EMP and that landscaping work hasn't been completed.

TLDC section 5-81(b) requires a conservation easement for the regulated wetlands onsite within 30 days of construction commencement. A conservation easement package for this project hasn't been received.

TLDC section 5-88 requires sediment and erosion control measures to be installed and maintained in good working order throughout construction. This site is lacking effective erosion and sediment controls.

TLDC section 6-62(4) requires no fill to be placed in a regulated 100-year floodplain. The prior approved EMP requires construction of two compensating floodplain volume areas needed to comply, listed as Pond 1 and Pond 2, which have not been constructed.

The following corrective actions are required:

1. Obtain a new EMP (standard form) for this project.
2. Remove construction debris, trash, etc. from the stream and wetlands on this site and properly dispose of said materials.
3. Replant the required landscape materials from the restoration plan to resolve the tree debits from prior tree removals.
4. Submit for review the conservation easement package with survey sketch/legal description, and easement information sheet for this project.
5. Install and maintain effective erosion and sediment control measures on site.
6. Construct compensating floodplain volume ponds 1 and 2.

In order to avoid further enforcement action, complete the required corrective actions within 60 days of receipt of this notice. If you fail to correct the violation(s) by or before the sixty-day deadline, this case may be presented to the Environmental Board or magistrate. If the Board or magistrate finds the property in violation, fines may be assessed and other remedies to cure the violations may be ordered.

Upon complying with this Notice, call Michelle Humowiecki at 850-891-7015 to request an inspection of the Property and verify compliance.

Once a new permit is obtained and the permitted site and landscaping work are completed, there are additional permit close-out requirements listed below for future reference:

TLDC section 5-58 requires a stormwater facility operating permit before a stormwater facility is utilized. There is a facility required near each the north and south property lines that will require such permit.

TLDC section 5-63 requires the permittee's certifying engineer to prepare and submit a report with record drawings, entitled stormwater management plan compliance report, to confirm substantial permit compliance and note all significant variations.

Additionally, TLDC section 5-64 requires the permittee's landscape representative to prepare and submit a landscaping and urban forest compliance report, to certify and confirm substantial permit compliance and note all significant variations.

Thank you for your immediate attention to this matter. Please feel free to contact me at the number listed below if you have any questions.

Sincerely,

Michelle Humowiecki

Michelle Humowiecki, P.E.
Manager, Land Use and Environmental Services
Growth Management Department
(850) 891-7015

Attachments: Conservation easement information sheet, conservation easement document.
cc: Bayport Realty, LLC., c/o George Tsunis Registered Agent

CONSERVATION EASEMENTS. Chapter 5, Environmental Management, City of Tallahassee Land Development Code requires the applicant to record a conservation easement for all Environmentally Sensitive Land Features (conservation and preservation areas) identified in the Natural Features Inventory (NFI).

DRAINAGE EASEMENTS. The Land Development Code requires that a drainage easement for certain on-site areas of a development be done to ensure that such areas will be available for the conveyance of stormwater runoff. Drainage easements are not typically placed over conservation or preservation areas.

RECORDING EASEMENTS. All easements must be reviewed & approved by the City Attorney's office. Submit all required signed easements to the Growth Management Department (GMD) no later than thirty (30) days after the commencement of site work authorized by an Environmental Management Permit. All required easements must be recorded in the Public Records of Leon County, Florida prior to the performance of a final inspection and issuance of a Notice of Completion by the City of Tallahassee. Failure to submit or record the required easement in accordance with GMD procedures may result in the issuance of a Notice of Violation and/or Stop Work Order. Copies of standard easements acceptable to the City of Tallahassee can be found on our website at www.talgov.com/growth or are available at our office. Any proposed revisions to the standard conservation easements must be reviewed and approved by the City Attorney's office.

MANAGEMENT PLANS. There are 2 types of management plans that may accompany a conservation easement. Both must be reviewed & approved by the GMD during the Environmental Impact Analysis (EIA).

Vegetation Management Plans are required to selectively remove or manage vegetation in any conservation area. The purpose of a management plan is to allow selective use of the conservation area, while at the same time protecting the overall purpose of the conservation area (easement). Conservation easements for the various conservation and preservation areas are split into two categories; those that are to remain undisturbed and those that have approved management plans. While all conservation easements allow the removal of invasive noxious vegetation, management plans can also provide an opportunity for the passive recreational use of the conservation area. Mulched, walking paths or hiking trails and picnic tables are examples of common management plan activities.

A **Habitat Conservation/Management Plan** is required for development activity that affects listed species. The specific parameters of a habitat conservation or management plan are reviewed by the Senior Environmental Biologist and approved by the GMD during the EIA.

INSTRUCTIONS

Complete the following information and attach a signed Affidavit of Ownership or a current title opinion, along with a legal description and survey of the easement property, and **return to the appropriate LUES review team Environmental Inspector, Growth Management Department, Land Use and Environmental Services Division (LUES), 300 South Adams Street, Box B-28, Tallahassee, Florida 32301.** The LUES review team and Senior Environmental Biologist will review the documents; and, if complete, forward them to the City Attorney's office.

Upon receiving the requested information and documents, the City Attorney's office will prepare an easement document (an original of the sample document attached for your easement type) and forward it to you for execution. Please be advised that your signature must be witnessed and notarized. After you have executed this document, please return it to the City Attorney's office, or if you would prefer, you may schedule an appointment to execute the document at the City Attorney's office, where a notary and witnesses are readily accessible.

If you have any questions, please call a LUES review team member or Senior Environmental Biologist at (850) 891-7001, option 4, or Lou Norvell, Assistant City Attorney, at (850) 891-8554.

PLEASE COMPLETE

Required Attachments:

☐ Affidavit of Ownership or Current Title Opinion ☐ Legal Description ☐ Survey of the Easement Property

Type of Easement: (Check One) ☐ Conservation ☐ Drainage

Will a Management Plan be included? ☐ Yes If yes, attach approved management plan. ☐ No

Conservation or Preservation Areas to be included in the Easement (Easement Title)? (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Wetlands, Watercourse or Waterbody | <input type="checkbox"/> Karst Features (Sink Holes) |
| <input type="checkbox"/> Floodplain | <input type="checkbox"/> Floodway |
| <input type="checkbox"/> Severe Grades | <input type="checkbox"/> Significant Grades |
| <input type="checkbox"/> Native Forest | <input type="checkbox"/> High Quality Successional Forest |
| <input type="checkbox"/> Areas of Environmental Significance (Archaeological or Historical Areas) | |
| <input type="checkbox"/> Listed Species Habitat (Habitat of Endangered or Threatened Species or Species of Special Concern) | |
| <input type="checkbox"/> Special Development Zone <input type="checkbox"/> Zone A <input type="checkbox"/> Zone B | |
| <input type="checkbox"/> 100 year Storm Event Flood Exclusion Zone | |
| <input type="checkbox"/> Canopy Road Protection Zone Name of Canopy Road _____ | |
| <input type="checkbox"/> Other _____ | |

Sometimes conservation and preservation areas overlap and the conservation easement may be combined to encompass some or all of the features. For example, the easement may be classified as "Wetland and Undisturbed Floodplain Conservation Easement", "Significant and Severe Grade Conservation Easement," or a broad classification, such as "Environmentally Sensitive Area Conservation Easement," may be used. When a broad classification is used, the easement sketch must show all feature boundaries. For example, the sketch must show both the wetland and floodplain boundaries. When the outermost feature boundary serves as the easement boundary, the easement title must include all of the conservation and preservation areas placed within the easement.

Parcel/Project Information

Parcel ID #: _____

Location Address: _____

Name of Project: _____

Ownership Information

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone #: _____

Owner's Name: _____ (Only if different from Applicant's)

Owner's Address: _____

Owner's Phone #: _____

Corporate or Partnership Information

Officer or General Partner (Name): _____

Title: _____

Address: _____

Phone #: _____

This Instrument To Be Returned to
Louis Norvell
Assistant City Attorney
City of Tallahassee
300 South Adams Street, Box A-5
Tallahassee, FL 32301

Parcel No. _____

(Insert Title Here – based on Information Sheet)

CONSERVATION EASEMENT

☐ With or ☐ Without A Management Plan

(Project Name)

This conservation easement is given this _____ day of _____, 20____, by _____, a _____, whose address is _____, (“Grantor”) to the CITY OF TALLAHASSEE, 300 South Adams Street, Tallahassee, Florida 32301 (“Grantee”).

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in the City of Tallahassee, Leon County, Florida, hereinafter referred to as the "Property" more specifically described in Composite Exhibit "A" attached hereto and incorporated herein by this reference and has the full right and authority to grant this easement; and

WHEREAS, Chapter 5 - Environmental Management, of the City of Tallahassee Land Development Code, as amended, requires a conservation easement for certain on-site areas of a development to ensure that such areas will be protected and preserved; and

WHEREAS, the Grantor is agreeable to and desirous of granting and securing the enforcement of a perpetual conservation easement as defined in Section 704.06, Florida Statutes (2001), over the Property.

NOW THEREFORE, the Grantor for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to them in hand paid by the Grantee, the receipt whereof is hereby acknowledged, hereby grants, creates and establishes a perpetual conservation easement upon the Property described in Composite Exhibit "A," which shall run with the land and be binding on the Grantor, its heirs, successors and assigns. Grantor acknowledges that this conservation easement is conveyed in connection with approval of a land development project known as _____.

The scope, nature and character of this conservation easement shall be as follows:

1. It is the purpose and intent of this conservation easement to provide:
 - a. A conservation area consisting of the lands described in Composite Exhibit "A" where the processes of natural vegetation succession are allowed to proceed ☐ with an approved management plan on file in the City of Tallahassee’s Growth

☐ With or ☐ Without A Management Plan)

Management Department or ☐ without a management plan to produce a natural community consisting of trees, shrubs, understory vegetation, and other herbaceous vegetation with the land left undisturbed;

- b. When Wetlands, Floodplain, Floodways or Flood Exclusion Zone Area exist as part of the conservation easement; to allow the Grantee to periodically inundate the portion of the property identified as wetlands, floodplain, floodway or flood exclusion zone on the attached Exhibit "A" Map with surface waters and flood waters as each may occur; and
- c. When Wetlands are identified on the Exhibit "A" Map, to ensure that the portions of the property identified as wetlands will be retained and maintained forever in their existing, natural, vegetative, and hydrologic condition.

2. Except for such specific activities as authorized by the City of Tallahassee, the following activities are prohibited on the property subject to this conservation easement:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on, under, or above the ground;
- b. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials;
- c. Removal or destruction of trees, shrubs, groundcover or other vegetation; with the exception of noxious or invasive plants, such as, poison ivy, briars, thorny vines, etc and as may be required to maintain the conservation area in accordance with its management plan;
- d. Excavation, dredging, or removing loam, peat, gravel, soil, rock or other material substance in such manner as to affect or disturb the surface of the ground;
- e. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation; and
- g. Acts or uses detrimental to the preservation of any features or aspects of the Property having historical or archaeological significance.

3. Grantor reserves to itself, its heirs, successors or assigns all rights as owner of the Property including the right to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this conservation easement.

4. No right of access by the general public to any portion of the Property is conveyed by this conservation easement.

5. Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep and maintenance of the Property and does hereby indemnify and hold Grantee harmless therefrom.

☐ With or ☐ Without A Management Plan)

6. Grantor agrees to pay any and all real property taxes and assessments levied by competent authority on the Property.

7. Grantor intends that any cost incurred by Grantee in enforcing, judicially or otherwise, the terms and restrictions of this conservation easement against Grantor, its heirs, successors, personal representatives or assigns, including without limitation, costs of suit, attorneys' fees and any costs of restoration necessitated by the violation of the terms of this conservation easement by Grantor, its heirs, successors, personal representatives or assigns, be borne by and recoverable against Grantor, its heirs, successors, personal representatives or assigns.

8. Grantor intends that enforcement of the terms and provisions of the conservation easement shall be at the discretion of Grantee and that any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, its heirs, successors, personal representatives or assigns shall not be deemed or constructed to be a waiver of Grantee's rights hereunder in the event of a subsequent breach.

9. Grantee agrees that it will hold this conservation easement exclusively for conservation purposes and that it will not assign its rights and obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws and committed to holding this conservation easement exclusively for conservation purposes.

10. If any provision of this conservation easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this conservation easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

11. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

12. Grantor agrees that the terms, conditions, restrictions and purposes of this conservation easement shall be recorded in the Official Records of Leon County, Florida, and shall be included in any subsequent deed or other legal instrument by which the Grantor divests itself of any interest in the Property; and shall run with the land and be binding on the Grantor, its successors, and assigns.

13. This Conservation Easement shall not be amended, waived or discharged, except by instrument in writing executed by Grantor and Grantee (or their respective successors and assigns) and which written document shall be recorded in the public records of Leon County, Florida.

14. The City, pursuant to the Environmental Management Ordinance and other applicable provisions of the City Code and Florida Statutes, shall enforce the terms of this conservation easement.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed by this conservation easement shall be binding

Conservation Easement

(Insert Title)

☐ With or ☐ Without A Management Plan)

not only upon Grantor but also on its agents, personal representatives, heirs, assigns and all other successors to it in interest and shall continue as a servitude running in perpetuity with the Property.

Signed, sealed and delivered in the presence of:

1st Witness

Witness Print Name

2nd Witness

Witness Print Name

By:

Title:

STATE OF FLORIDA

COUNTY OF LEON

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, as _____, ☐ who is known to me personally or, ☐ who produced _____ as identification.

Notary Public State of Florida

Approved as to form:

Print Name

Title