PERSSON & COHEN, P.A.
ATTORNEYS AND COUNSELORS AT LAW

David P. Persson
Andrew H. Cohen
Kelly M. Fernandez*
Maggie D. Mooney-Portale*
R. David Jackson
Regina A. Kardash
* Board Certified City, County and Local Government Law

Telephone (941) 306-4730
Facsimile (941) 306-4832
Email: kfernandez@swflgovlaw.com

Reply to: Lakewood Ranch

February 2, 2017

VIA CERTIFIED MAIL RETURN RECEIPT
REQUESTED AND REGULAR U.S. MAIL
Robert P. Watrous, Esq., R.A.
McLeod Land Services, Inc.
1 S. School Ave., Suite 500
Sarasota, FL 34237

Re: CEASE AND DESIST – 700 Gene Green Road, Nokomis, FL 34275

Dear Mr. Watrous:

The purpose of this letter is to demand that McLeod Land Services, Inc., the contractor associated with the above-referenced property, cease and desist from any further use of or construction activities at the above-referenced property until such time as the necessary approvals have been obtained from the City, as detailed below.

As a brief recap of the history of this matter, on November 10, 2016, City planning staff met with Mr. McLeod after receiving a citizen complaint regarding activity at the above-referenced property. Staff advised Mr. McLeod of the need for an approved site and development plan and that all operations and development had to cease until that and any required permits had been obtained. The City followed-up the meeting with a code enforcement Notice of Violation. The understanding was the code enforcement case would not proceed so long as progress was maintained towards obtaining full compliance.

On January 18, 2017, the City Engineering Department issued a stop work order related to the site preparation permit. Section 74-264 of the City of Venice Code of Ordinances requires all applicable state and federal permits to be obtained and provided to the City prior to the commencement of any construction activities. While no on-site

concrete crushing activity has been observed by City staff since January 18, 2017, electrical conduit has been observed being installed along Gene Green Road and heading north along the access easement to the subject property. The installation of infrastructure requires an approved construction plan that is consistent with the site and development plan. City staff has also noted that since visits to the property in November, there appears to be additional aggregate storage and equipment on site, as well as some grading.

Based on the foregoing, the City demands that McLeod Land Services, Inc. immediately cease and desist from any use and development activities at the above-referenced property, including storing additional aggregate or equipment at the site, until the following occur:

1) Obtain an approval for a site and development plan from the City Planning Commission for the specific use/development of the property (Section 86-49, City Code of Ordinances).
2) Obtain any other necessary permits consistent with the approved site and development plan (e.g., construction plans, building permits, tree removal permits, state permits, etc.).

Furthermore, the City also demands that McLeod Land Services, Inc. immediately cease and desist from conduit installation along Gene Green Road and north to the subject property until a construction plan permit from the City Engineering Department (Sections 86-49 and 86-50, City Code of Ordinances) is obtained consistent with an approved site and development plan.

As for the site preparation permit, should the permits identified below be obtained and provided to the City, McLeod Land Services, Inc. may proceed with work thereunder. Please note, however, that site preparation work is limited to vegetation removal, installing and maintaining site BMPs, minor grading and material storage.

1) Environmental Resource Permit, or "No Permit Required" documentation. Issued from SWFWMD or FDEP.
2) Air General Permit to Operate a Nonmetallic Mineral Processing Plant. Permit has been submitted, but not valid until Feb. 18, 2017.
3) NPDES Construction Generic Permit. Stormwater compliance permit from FDEP for Construction Activities.

Should any further activity inconsistent with this letter occur, the City intends to seek any and all relief allowed by law to enforce its Code of Ordinances. Thank you for your immediate attention to this matter. Please contact me with any questions.

Sincerely,

Kelly M. Fernandez

cc:
Tammy McLeod
Jeff Shrum, Development Services Director
Kathleen Weeden, City Engineer
Paul Iannelli, Code Enforcement Supervisor