

BEFORE THE SPECIAL MASTER OF DESOTO COUNTY

DESOTO COUNTY
Petitioner,

vs.

CASE NO. SM-CE 2023-057
CE 20-0186

AMERICAN HOLDING CO LLC
Respondents,

TO: AMERICAN HOLDING CO LLC
11167 BIG TREE RD
EAST AURORA, NY 14052

RE: NE HWY 17, ARCADIA FL 34266

33-36-25-0000-0030-0000

NOTICE OF MANDATORY IMPOSITION OF LIEN HEARING

You are hereby notified that the DeSoto County Development Department has filed an Affidavit of Non-Compliance, (copy attached) alleging that you have failed to comply with the order entitled FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER entered on December 12, 2023, and previously provided to you by mail.

The Special Master hearing has been set for May 22, 2025 at 11:00 am or as soon thereafter as this case may be heard, in Room 103, First Floor of the DeSoto County Administration Building, 201 East Oak Street, Arcadia, Florida 34266.

If you have cleared the violation by the time stated in the Final Order dated on December 22, 2023, AND have received written notification from the Director of the Department that all violations have been cleared, the hearing will be canceled, and you will not be required to appear.

IT IS YOUR RESPONSIBILITY TO CONTACT THE DESOTO COUNTY CODE ENFORCEMENT DIVISION TO ARRANGE FOR A REINSPECTION OF THE PROPERTY IN ORDER TO VERIFY THAT THE VIOLATIONS HAVE BEEN CORRECTED AND THAT THE PROPERTY HAS BEEN BROUGHT IN TO COMPLIANCE WITH THE APPLICABLE SECTIONS OF THE DESOTO COUNTY LAND DEVELOPMENT REGULATIONS.

Otherwise, you must be present at this hearing to avoid an order being entered against you solely on the evidence to be presented by the petitioner **AND A LIEN BEING RECORDED AGAINST YOUR PROPERTY.** Violations may be fined at the rate of \$250.00 per day of violation.

If the Affidavit of Violation charges you with a Repeat Violation, the matter may be presented to the Special Master even if the repeat violation has been corrected prior to the hearing. If a violation is found to be a repeat violation, the Special Master may increase the fine to \$500.00 for each day of the repeat violation.

In addition to any fines, the amount of the lien may include the costs incurred in prosecuting the case pursuant to Section 162.07(2), F.S., and the reasonable costs which are required to bring the property into compliance pursuant to Section 162.09(1), F.S.

If you have witnesses or other evidence bearing on this matter, you should bring them with you at the time of the hearing.

If you wish to have witnesses subpoenaed, see the Clerk at once at the DeSoto County Administration Building, 201 East Oak Street, Arcadia, Florida, for assistance.

If you wish, you may file an answer denying the allegations of the Affidavit of Violation or alleging substantial facts which would constitute an affirmative defense. Failure to answer shall constitute a denial of the allegations of the Affidavit of violation but shall bar the presentation of evidence of an affirmative defense.

If you decide to appeal any decision made by the Special Master, you will need a record of the proceedings, and, for such purpose, you 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.

You may come with or without an attorney.

Dated at Arcadia, DeSoto County, Florida, this _____ day of _____, 2025.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of this notice was mailed to the above Respondent as addressed by: (check one that applies) _____ Certified Mail, Return Receipt Requested/ or _____ Regular U.S. Mail on this _____ day of _____, 2025.

Valerie Vicente, County Attorney
Florida Bar Number 71010
201 East Oak Street, Suite 201
Arcadia, Florida 34266

BEFORE THE SPECIAL MASTER OF DESOTO COUNTY

DESOTO COUNTY
Petitioner,

vs.

CASE NO. SM-CE 2023-057
CE 20-0186

SCHIERRER, RUSS
Respondents,

_____/

TO: SCHIERRER, RUSS
11167 BIG TREE RD
EAST AURORA, NY 14052

RE: NE HWY 17, ARCADIA FL 34266

33-36-25-0000-0030-0000

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Valerie Vicente, County Attorney
Florida Bar Number 71010
201 East Oak Street, Suite 201
Arcadia, Florida 34266

Special Master Lien Checklist

** This checklist must be completed and accompany each case being turned in for Lien Hearing**

I or N/A	Respondents Name <u>American Holding Co</u> <u>22c</u> Case #: <u>2023-057</u> <u>2D-0186</u>
☒	Case Notes in date order
☒	Case Cost for Lien Hearing to date
☒	Copies of receipts if any for any payments of or towards initial case cost
☒	Property card after being verified
☒	Tax Record after being verified
☒	Deed Information after being verified
☒	Complaint/Request
☐	Affidavit of Non-Compliance
☒	Copy of Facts and Finding from original Special Master Hearing
☒	Photographs of site visits in support of case
☒	Any correspondence to or from Respondent or Respondents representative
☒	Additional documentation that will be referenced or presented during the Lien Hearing (IE: InCode Information, <u>Division of corporation info</u> , <u>Local Business Tax info</u> , copies of permits, R.O.W forms, ECT.)
Information Legal needs to know: Any special instructions to the Legal department (IE: if posting affidavit is required, if some of the violations listed on the original Notice have been corrected, if the Hearing Notice needs to be sent to more than one person)	
☐ Only reference the following violations on the Notice of Mandatory Hearing: _____ _____ _____	
☐ Will have to be posted and sent by regular mail in addition to the Certified Mail with return receipt.	
☐ Will need an Affidavit of posting	
Special Instructions to Legal Department: <u>Lien Hearing for Development Permit on a</u> <u>Shipping Container</u> <u>Permt use 0039-2020</u> <u>1P-0038-2020</u>	

Officers Name Tommy Turnbull

For Special Master Hearing on: 5/22/2025
Date

Reviewed by: [Signature]

Date: 4/26/25

SMCG 2023-057

COLE ENFORCEMENT CASE

CASE NUMBER: & 20-0186

Name	AMERICAN HOLDING CO., LLC
Property Address	NE HWY 17
Zoning	IL
Violation (1)	LDR 20-1342 DEVELOPMENT PERMIT REQUIRED
Violation (2)	0

CASE NOTES

11/30/2023	SPECIAL MASTER HEARING
12/15/2023	ORDER WAS SIGNED
12/26/2023	SITE VISIT IN VIOLATION TOOK PHOTO
1/3/2024	SITE VISIT IN VIOLATION TOOK PHOTO
1/12/2024	PAID THE CASE COST
1/16/2024	RENEW THE TEMP USE
12/4/2024	TEMP USE EXPIRED
1/9/2025	SITE VISIT IN VIOLATION TOOK PHOTO
1/31/2025	SITE VISIT IN VIOLATION TOOK PHOTO
2/3/2025	POSTED A N2C TOOK PHOTOS
2/7/2025	EMAIL FROM OWNERS
2/13/2025	EMAIL FROM OWNERS
3/17/2025	SITE VISIT IN VIOLATION TOOK PHOTO
3/18/2025	SITE VISIT IN VIOLATION TOOK PHOTO
3/21/2025	SITE VISIT IN VIOLATION TOOK PHOTO
4/7/2025	SITE VISIT IN VIOLATION TOOK PHOTO
4/11/2025	SITE VISIT IN VIOLATION TOOK PHOTO
4/28/2025	SITE VISIT IN VIOLATION TOOK PHOTO
4/28/2025	TURN IN FOR REVIEW

Special Master Order

	Violation founded	Owner Present	
	21 Days in violation	per day fine	\$ 250.00
\$ 5,250.00	Lien	Previous case cost	\$ -
\$ 5,278.87	Total lien cost	Current case cost	\$ 28.87
	Cost of \$_____ to be paid in _____ days.		\$ 28.87 Total of case costs

CODE ENFORCEMENT COST BREAKDOWN

COPY	Number of copy @ \$.15 per photo	6	\$	0.90
SERVICE	Number of Certified letters @ \$6.11 per letter	2	\$	8.69
LEGAL SERVICE	Number of Certified letters @ \$6.31 per letter	2	\$	19.28
	DAYS	PENALTY	\$	28.87
Non compliant days		21	\$ 250.00	\$ 5,250.00
Previous SM Case costs			\$	-
Affadavit/hearing days			\$	-
X	PROPERTY CARD	TOTAL	\$	5,278.87
X	TAX RECORD			
X	DEED			
5/25/20 & 3/31/23	N2C GREEN CARD RETURN DATE	Accepted	Rejected	
	HEARING GREEN CARD RETURN DATE	XX		

Code Enforcement Case: CE-20-0186

Entered on: 06/18/2020 09:50 AM

Printed on: 04/28/2025

Topic: Development without Permit

Status: Open - In Violation

Due Date: 04/28/25

Assigned To: Thomas Turnbull

Initiated by: County

Area #: IL

Hearing Date:

Hearing Time:

SM Case No: 2023-057

Permit

Permit #: Business name: License #:

Property Location

Occupant Name: DESOTO AUCTION SITE

Address: NE HWY 17 , 34266

Phone:

Cell #:

APN : 33-36-25-0000-0030-0000

Owner Information

Owner Name: AMERICAN HOLDING CO LLC

Address: 11167 BIG TREE RD

EAST AURORA, NY 14052-0000

Phone:

Cell #: 716-870-8950

Actions

Action	By	Date	Time	Note/Observation
Complaint	Thomas Turnbull	06/18/2020	8:22 am	Request 2725- COUNTY - They are doing work on the property without Development Plans from Planning & Zoning.
Inspection / Site Visit	Thomas Turnbull	06/18/2020	8:59 am	They have put a shipping container on the property without Development Plans from Planning & Zoning. The property is also overgrown. Took photos. Posted a 3 days remover of the container.
Case Notes	Thomas Turnbull	06/18/2020	10:17 am	The Company is not in sunbiz.org.
Notice of Violation	Thomas Turnbull	06/18/2020	10:56 am	> Inspection Time:8:59 am, Send to (Owner - Cert no=70192970000125051902,Owner - SCHIERRER, RUSS - Cert no=70192970000125051896), Extra days(0)
Mail and Post Notice to Correct Violation	Thomas Turnbull	06/18/2020	11:33 am	Posted the N2C and mail out the letter, Took photos.
Return Receipt Received	Thomas Turnbull	06/25/2020	1:33 pm	Both green card was signed and returned.
Inspection / Site Visit	Thomas Turnbull	06/29/2020	9:22 am	They are still in violation. Took photo. I will turn in to Special Master Hearing
Other	Thomas Turnbull	06/29/2020	3:45 pm	They sent a Certified mail asking for more time. Copy in the file.
Meeting / Conference	Thomas Turnbull	07/30/2020	8:05 am	Per Zoning, They have turn in a use, number USE-0039-2020.
Case Notes	Thomas Turnbull	08/31/2020	8:20 am	They have turn in what they need and it is in review.
Meeting / Conference	Thomas Turnbull	11/30/2020	2:20 pm	They have a temp use, USE-0039-2020 and a IP-0038-2020 plans.
Case Notes	Thomas Turnbull	02/22/2021	9:48 am	Need NTP on the improvement plan.
Case Notes	Thomas Turnbull	04/26/2021	3:03 pm	Planning is still working on the plans.
Case Notes	Thomas Turnbull	06/23/2021	2:56 pm	The shipping container has been approved for the use. The plans are still in works.
Case Notes	Thomas Turnbull	08/19/2021	7:41 am	They are all under site plans, They are still being work with Planning & Zoning.
Case Notes	Thomas Turnbull	11/19/2021	8:06 am	They have until the end of the month.

Case Notes	Thomas 12/06/2021 3:14 pm	Per Planning they gave them until January
Case Notes	Thomas 01/25/2022 9:22 am	This is on hold for 30 days.
Case Notes	Thomas 02/22/2022 8:32 am	Per Planning & Zoning, They are still working with the plans.
Case Notes	Thomas 05/23/2022 1:46 pm	They have a Notice To Proceed, Expiration date is February 26, 2023. Copy in the file.
Inspection / Site Visit	Thomas 03/02/2023 9:11 am	The shipping container is still there and the use has expired. Took photo.
Phone Call	Thomas 03/02/2023 1:05 pm	Called Russ Scherrer at 239-887-0731. He wants to renew the temp use for the container. He will get with Planning & Zoning.
Inspection / Site Visit	Thomas 03/10/2023 8:52 am	He has not remove the container or has he called for the temporary use. Took photo. Check in one week
Inspection / Site Visit	Thomas 03/21/2023 9:25 am	They are still in violation, will send a N2C. Took photo.
Notice of Violation	Thomas 03/23/2023 7:29 am	> Inspection Time:9:25 am, Send to (Owner - Cert no=70210350000051051239, Owner - SCHIERRER, RUSS - Cert no=70210350000051051222), Extra days(0)
Mail and Post Notice to Correct Violation	Thomas 03/23/2023 9:09 am	Posted the N2C and mail out the letters. Took photos.
Return Receipt Received	Thomas 03/31/2023 12:36 pm	Both green cards was signed and returned.
Case Notes	Thomas 04/03/2023 9:00 am	He is working with Planning to get a tempt use the shipping container.
Case Notes	Thomas 06/27/2023 9:16 am	Planning & Zoning is still working with the owner.
Phone Call	Thomas 08/31/2023 2:05 pm	Talk with Russ Scherrer at 716-870-8950. Planning & Zoning will email them temp use.
Inspection / Site Visit	Thomas 10/10/2023 10:15 am	The shipping container is still on the property, and they have not turn in a temp use. Took photo.
Inspection / Site Visit	Thomas 11/02/2023 9:19 am	The shipping container is still on the property, and they have not turn in the temp use. Took photo.
Turn in for Special Master Hearing	Thomas 11/03/2023 9:16 am	Turn into Special Master Hearing.
Inspection / Site Visit	Thomas 11/09/2023 10:00 am	The temp use is still expired, and the shipping container is still there. Took photo.
Mail and Post Notice of Hearing and Violation	Thomas 11/14/2023 8:38 am	Posted the notice for the hearing, took photos.
Inspection / Site Visit	Thomas 11/20/2023 12:52 pm	Still in violation, took photo.
Inspection / Site Visit	Thomas 11/29/2023 8:32 am	Still in violation, took photo.
Special Master Hearing	Thomas 11/30/2023 10:00 am	Not present. In violation. Correct violation within 10 days of Order. C&D 2 years. Non-Compliance fine up to \$250.00 per day, per violation. Case cost \$40.72 to be paid in 10 days of order.
Speical Master Facts and Findings received and filed	Thomas 12/15/2023 8:00 am	The order was singe on this date, copy in the file. 10 days to comply and pay the case cost.
Inspection / Site Visit	Thomas 12/26/2023 9:52 am	They are still in violation and has not paid the case cost. Took photo.
Inspection / Site Visit	Thomas 01/03/2024 9:33 am	The shipping container is still on the property and has no temp use. Took photo.
Turned in for Lien Hearing	Thomas 01/04/2024 12:16 pm	Turn in for a Lien Hearing.
Mail and Post Notice of Lien Hearing	Thomas 01/12/2024 9:07 am	Posted the notice for Lien Hearing. took photos.
Case Cost Paid in Full	Thomas 01/12/2024 3:29 pm	They paid the case cost in full with a check, number 2564.
Phone Call	Thomas 01/16/2024 9:30 am	Jenniefer called and said they have a temp use for the shipping container. phone number is 800-536-1401, ext. 102.
Case Notes	Thomas 01/16/2024 9:53 am	They did comply on 12/1/2023. They have a new temporary permit for the shipping container. It will expire on 12/1/2024.

Case Notes	Thomas 12/04/2024 2:36 pm Turnbull	The temporary permit for the shipping container has expired and the resolution is old, from June 25, 2019.
Inspection / Site Visit	Thomas 01/09/2025 9:36 am Turnbull	The temp use and development plans has expired, took photo.
Inspection / Site Visit	Thomas 01/31/2025 8:50 am Turnbull	They have not renewed or turn anything into Planning & Zoning. Took photo.
Notice of Violation	Thomas 02/03/2025 8:50 am Turnbull	> Inspection Time:8:50 am, Send to (Owner - Cert no=9589071052700462268540, Owner - SCHIERRER, RUSS - Cert no=9589071052700462268557), Extra days(0)
Mail and Post Notice to Correct Violation	Thomas 02/03/2025 8:55 am Turnbull	Posted the N2C and mail out the letters, took photos.
E-mail Correspondence	Thomas 02/07/2025 12:17 pm Turnbull	Jennifer Dolegowski email Planning Department about the Notice to Proceed or the Temp Use. Both had expired.
Return Receipt Received	Thomas 02/10/2025 1:33 pm Turnbull	Both the green cards were signed and returned.
E-mail Correspondence	Thomas 02/13/2025 7:30 am Turnbull	I email them and give them until 3/17/2025 to have the shipping container remove.
Inspection / Site Visit	Thomas 03/17/2025 9:17 am Turnbull	The shipping container was still there, they have until the end of the day today. took photo.
Inspection / Site Visit	Thomas 03/18/2025 8:48 am Turnbull	The shipping container is still there, will turn into the next special master hearing. Took photo.
E-mail Correspondence	Thomas 03/20/2025 7:48 am Turnbull	I email Jennifer Dolegowski about the remove of the shipping container.
Inspection / Site Visit	Thomas 03/21/2025 9:39 am Turnbull	They have not removed the shipping container, took photo.
Inspection / Site Visit	Thomas 04/07/2025 8:28 am Turnbull	The shipping container is still on the property, they have not removed it. took photo.
Inspection / Site Visit	Thomas 04/11/2025 8:53 am Turnbull	The shipping container is still there. took photo.
Inspection / Site Visit	Thomas 04/28/2025 8:46 am Turnbull	The shipping has not been removed. Took photo.
Submitted for Special Master Review and approval	Thomas 04/28/2025 3:09 pm Turnbull	Turn in to for review for Lien Hearing

<i>Violations</i>				
#	Violation Type	Due Date	Status	Closed Date
	LDR Sec. 20-1342 - Development Permit Required		Open	
1	Corrections Required:Please contact our office with proof of permit/exception for the development activity being conducted on your property, or obtain the required permits			

Additional Addresses				
Address Type:Complainant Name:COUNTY Address: Phone: Cell #:		Address Type:Owner Name:SCHIERRER, RUSS Address:11167 BIG TREE RD EAST AURORA, NY 14052-0000 Phone: Cell #:239-887-0731		
Fees				
Fee Type	Date	Charges	Payments	Details
Special Masters Hearing Case Cost	01/12/2024	40.72		Case cost
Case Cost - Paid in Full	01/12/2024		40.72	check #2564
		40.72	40.72	

<i>Inspection Notes</i>

Date: _____ Time: _____

Findings: _____

American Holdings Co. LLC
Russ Scherrer RA
11167 Big Tree Road
East Aurora, NY 14052
scherrerruss@gmail.com
716-870-8950
January 3, 2024

Desoto County
Board of County Commissioners
County Development Department
201 East Oak Street
Suite 204
Arcadia, Florida 34266
Attn: Code Enforcement

RE: Case #CE 2023-057

Please find enclosed payment in the amount of \$40.72, check #2564 that was assessed in the Order of Violation at parcel #33-36-25-0000-0030-0000, NE Hwy 17, Arcadia, Florida 34266.

This check is to replace check #2563 that was sent out 12/22/23 but made out to Desoto County Office of the Attorney instead of the Board of County Commissioners.

Please let me know if you need anything else. I can be reached at 800-536-1401 ext. 102 or jennifer@auctionsinternational.com

Respectfully yours,

A handwritten signature in black ink that reads "Jennifer Dolegowski". The signature is fluid and cursive, with the first name "Jennifer" being more prominent and the last name "Dolegowski" following in a similar style.

Jennifer Dolegowski
Assistant to Russ Scherrer

Russ J Scherrer
11167 Big Tree Rd
East Aurora, NY 14052-9501

Citizen: nk
29-1310/0213

2564

1/3/2024

PAY TO THE
ORDER OF Desoto County Board of Co Commissioners

\$ **40.72

Forty and 72/100*****

DOLLARS

Desoto County Board
of County Commissioners
201 East Oak Street, Suite 204
Arcadia, FL 34266
Attn: Code Enforcement
Case CE2023-057

MEMO

Russ Scherrer

AUTHORIZED SIGNATURE

⑈002564⑈ ⑆021313103⑆ 4019830249⑈

THIS DOCUMENT CONTAINS A COLORED BACKGROUND ON WHITE PAPER. MICROPRINT IS LOCATED BELOW THIS WARNING BAND.

0012-001 01/12/24
2024 01 12
DEPT. COUNTY CLERK
100-000-1-1
COUNTY CLERK - ARCADIA
2024 01230201 1/12/2024 11:17 AM
PER. 00 PER. 003
NFTI 2011
COUNTY CLERK - ARCADIA
2024 01230201 1/12/2024 11:17 AM
PER. 00 PER. 003
NFTI 2011
COUNTY CLERK - ARCADIA
2024 01230201 1/12/2024 11:17 AM
PER. 00 PER. 003
NFTI 2011

Parcel: << 33-36-25-0000-0030-0000 (15165) >>

Owner & Property Info

Result: 1 of 1

Owner	AMERICAN HOLDING CO LLC 11167 BIG TREE RD EAST AURORA, NY 14052		
Site	NE HWY 17, ARCADIA		
Description*	THAT PART OF NW1/4 OF SW1/4 W OF ACL RR & N OF OLD PUBLIC RD LESS HWY 17 & LESS THAT PART W OF US 17 OR 591/2763,2765 INST:201914000414		
Area	13.53 AC	S/T/R	33-36-25
Use Code**	VACANT INDUSTRIAL (4000)	Tax District	7

*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

**The Use Code is a FL Dept. of Revenue (DOR) code and is not maintained by the Property Appraiser's office. Please contact your city or county Planning & Zoning office for specific zoning information.

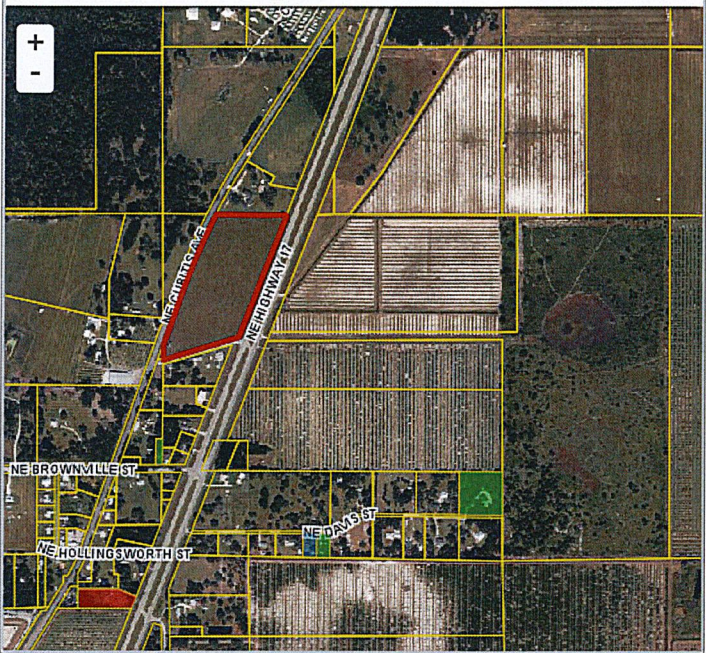
Property & Assessment Values

2023 Certified Values		2024 Certified Values	
Mkt Land	\$169,125	Mkt Land	\$169,125
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$958	XFOB	\$916
Just	\$170,083	Just	\$170,041
Class	\$0	Class	\$0
Appraised	\$170,083	Appraised	\$170,041
SOH/10% Cap	\$0	SOH/10% Cap	\$0
Assessed	\$170,083	Assessed	\$170,041
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$170,083 other:\$170,083 school:\$170,083	Total Taxable	county:\$170,041 other:\$170,041 school:\$170,041

NOTE: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Aerial Viewer Building Photo Google Maps

2024 2023 2020 2017 Sales



Sales History

Show Similar Sales within 1/2 mile Fill out Sales Questionnaire

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
1/15/2019	\$199,000	201914000414	WD	V	Q	01
1/8/2007	\$202,500	591 / 2765	WD	V	U	
1/5/2007	\$202,500	591 / 2763	WD	V	U	
11/24/1998	\$100	426 / 1078	WD	V	U	

Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

Extra Features & Out Buildings (Codes)

Code	Desc	Year Blt	Value	Units	Dims
0850	CONCR SLAB	1990	\$256.00	160.00	16 x 10
1521	FUEL-CONC	1994	\$126.00	54.00	9 x 6
1410	FNC CH L6	1990	\$144.00	52.00	0 x 0

Land Breakdown

Code	Desc	Units	Adjustments	Eff Rate	Land Value	* Zoning
4000	INDUSTRIAL (MKT)	13.530 AC	1.0000/1.0000 1.0000/ /	\$12,500 /AC	\$169,125	IL

* The Property Appraiser's Office is NOT responsible for the zoning codes. For more information about Zoning, please contact the appropriate Planning & Zoning office for your area. City of Arcadia office: 863-494-4114 -or- DeSoto County office: 863-993-4806

Search Result: 1 of 1

AMERICAN HOLDING CO LLC
11167 BIG TREE RD
EAST AURORA, NY 14052

33-36-25-0000-0030-0000

[illegible]

Notice Of AD Valorem Taxes & Non-AD Valorem Assessments**Bill # R 1273200 2024****R 33-36-25-0000-0030-0000****REAL ESTATE TAX/NOTICE RECEIPT FOR DESOTO COUNTY****AD VALOREM TAXES**

TAXING AUTHORITY	MILLAGE RATE	TAX AMOUNT
DESOTO COUNTY	.0076153	\$1,294.91
COUNTY LAW ENF	.0024399	\$414.88
SCHOOL LRE	.0030960	\$526.45
SCHOOL DISC	.0022480	\$382.25
SOUTHWEST WATER MGMT	.0001909	\$32.46
TOTAL AD-VALOREM:		\$2,650.95

NON-AD VALOREM ASSESSMENTS

TAXING AUTHORITY	TAX AMOUNT
Asmt - FIRE	\$38.00
TOTAL NON-AD VALOREM:	\$38.00

COMBINED TAXES & ASMTS: \$2,688.95**DISCOUNT: \$0.00****UNPAID BALANCE: \$0.00****Exemptions:****Property Address:**
NE HWY 17 ARCADIA 34266**AMERICAN HOLDING CO LLC**
11167 BIG TREE RD
EAST AURORA , NY 14052**13.530 ACRES**
THAT PART OF NW1/4 OF SW1/4 W
OF ACL RR & N OF OLD PUBLIC RD
LESS HWY 17 & LESS THAT PART
W OF US 17**FAIR MKT VALUE \$170,041.00 DIST 7****ASSESS \$170,041.00 EXEMPT VALUE \$0.00****TAXABLE VALUE \$170,041.00****** PAID ******Last Payment: 12/10/2024** **Receipt Number: 302560****Amount Collected: \$2,608.28** **Discount Amount: \$0.00****Tax Roll Property Summary**

Parcel	Roll Type	Year	Original Gross Tax	Original Assessments	Date Paid	Amount Paid	Total Unpaid
333625000000300000	R	2024	\$2,650.95	\$38.00	12/10/2024	\$2,608.28	\$0.00
333625000000300000	R	2023	\$2,701.27	\$38.00	11/13/2023	\$2,629.70	\$0.00
333625000000300000	R	2022	\$2,727.66	\$38.00	2/6/2023	\$2,738.00	\$0.00
333625000000300000	R	2021	\$2,891.20	\$38.00	11/9/2021	\$2,812.03	\$0.00
333625000000300000	R	2020	\$2,917.86	\$38.00	11/24/2020	\$2,837.63	\$0.00
333625000000300000	R	2019	\$2,939.77	\$38.00	11/26/2019	\$2,858.66	\$0.00
333625000000300000	R	2018	\$2,836.71	\$38.00	1/16/2019	\$2,817.22	\$0.00
333625000000300000	R	2017	\$2,756.57	\$28.00	1/3/2018	\$2,701.03	\$0.00
333625000000300000	R	2016	\$2,808.02	\$28.00	2/27/2017	\$2,807.66	\$0.00
333625000000300000	R	2015	\$3,010.91	\$30.00	3/24/2016	\$3,040.91	\$0.00
333625000000300000	R	2014	\$2,745.52	\$30.00	3/27/2015	\$2,775.52	0.00



After Recording Return to:

Shayla Shannon
Arcadia Abstract & Title Company, Inc.
20 West Oak Street
Arcadia, FL 34266

This Instrument Prepared by:

Shayla Shannon
Arcadia Abstract & Title Company, Inc.
20 West Oak Street
Arcadia, FL 34266
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Inst: 201914000414 Date: 01/18/2019 Time: 4:33PM
Nadia K. Daughtrey,
Clerk of Court Desoto, County, By: RB
Deputy Clerk Doc Stamp-Deed: 1393.00

Property Appraisers Parcel I.D. (Folio) Number(s):
33-36-25-0000-0030-0000
File No.: 2018-28122

WARRANTY DEED

This Warranty Deed, Made the 15th day of January, 2019, by Tri-State Development, LLC, a Florida Limited Liability Company, whose post office address is: 27120 Hickory Blvd, Bonita Springs, FL 34134, hereinafter called the "Grantor", to American Holding Co., LLC, a New York Limited Liability Company, whose post office address is: ~~NE Highway #17, Arcadia, FL 34266~~, hereinafter called the "Grantee".
**5337 Bay Shore Ave., Cape Coral FL 33904*

WITNESSETH: That said Grantor, for and in consideration of the sum of **One Hundred Ninety Nine Thousand Dollars and No Cents (\$199,000.00)** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in DeSoto County, Florida, to wit:

That part of the NW 1/4 of the SW 1/4, lying West of U.S. Highway #17 (formerly ACL Railroad) and North of NE Crystal Street (formerly Old Public Road), LESS NE Cubitis Avenue (formerly Highway 17) and LESS that part lying West of NE Cubitis Avenue (formerly U.S. 17), DeSoto County, Florida, being in Section 33, Township 36 South, Range 25 East.

The property is not the homestead of the Grantor(s) under the laws and constitution of the state of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2018, reservations, restrictions and easements of record, if any.

(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

Witness Signature: [Signature] TRI-STATE DEVELOPMENT, LLC

Printed Name: Bernie Andrews
[Signature]
Jon C. Sawyer
Managing Member

Witness Signature: [Signature]

Printed Name: Daniel Zimmerman

State of ~~Florida~~ Michigan
County of INGHAM

RACHAEL N REID
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF INGHAM
MY COMMISSION EXPIRES 11-28-2022
ACTING IN THE COUNTY OF Eaton

The foregoing instrument was acknowledged before me this 15 day of January, 2019 by Jon C. Sawyer, as Managing Member of Tri-State Development, LLC, a Florida Limited Liability Company, who is/are personally known to me or has/have produced driver license(s) as identification.

Rachael N Reid

Notary Public Signature

Printed Name: Rachael N Reid

My Commission Expires: 11-28-2022
(SEAL)

Customer Information

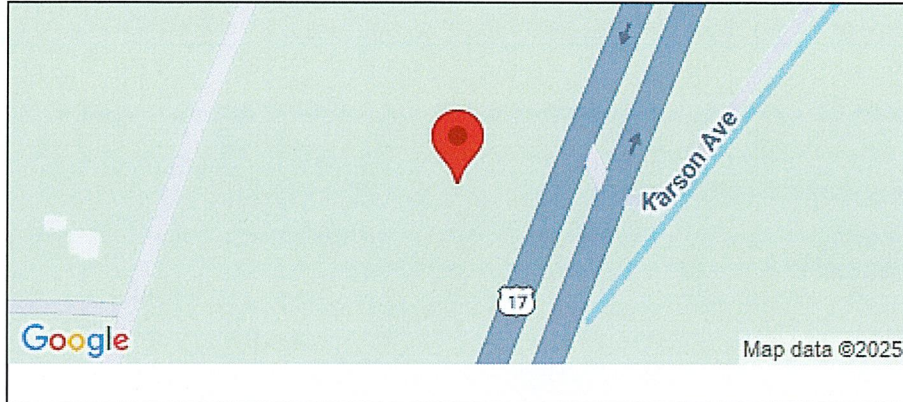
Name: COUNTY (Code)
Address:

Phone:
Alt. Phone:
Email:

Request Classification

Topic: Development without Permits
Status: Closed
Assigned to: Thomas Turnbull
Property Address: 3069 NE Crystal St

Request type: Problem
Priority: Normal
Entered Via: Phone



Property APN:
Property APN:

Description

They are doing work on the property without Development Plans from Planning & Zoning.

Reason Closed

Turn in to an CE case, number CE 20-0186

Date Expect Closed: 06/28/2020

Date Closed: 06/18/2020 09:54 AM **By:** Thomas Turnbull

Enter Field Notes Below

Notes:

Notes Taken By:

Date:

AFFIDAVIT OF NON-COMPLIANCE

The undersigned **Thomas Turnbull** hereby notifies the Special Master that the previous order of the Special Master (**CE 2023-057 & 20-0186**) has not been complied with by the time specified therein and requests that the Special Master enter an order assessing the violator with a fine and unpaid court costs plus any additional costs incurred up to the hearing date.

Description of non-compliance/violation(s) continuing from the previous Special Master Order:

1. LDR 20-1342 DEVELOPMENT PERMIT REQUIRED

Dates of violation:

From **April 7, 2025** the date set for compliance (or the date of the most recent prior inspection)

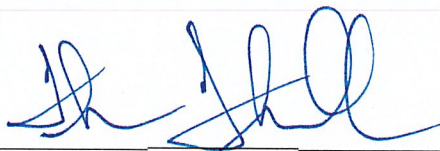
To **April 28, 2025** the date of my last inspection equals: **(21) twenty-one day in violation, with (1) one violation(s) up to \$250.00 per day per violation, plus UNPAID CASE COSTS in the amount of \$0**

The Special Master Reserves jurisdiction to assess a fine retroactive to the date set for compliance in the order until the date of the Lien Hearing, plus unpaid court costs.

Pursuant to Section 162.09(1) and (3), Florida Statutes, a hearing is not necessary for the issuance of this order, and a certified copy of the order imposing fines and costs may be recorded as a lien against the real and personal property owned by the violator.

Case Name American Holding Co LLC

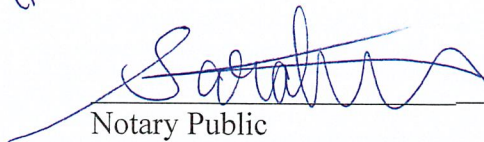
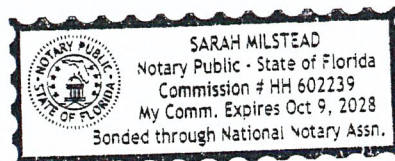
Case # **2023-057 & 20-0186**



Thomas Turnbull/Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF DESOTO

Before me, a notary public in and for said county and state, appeared Thomas Turnbull, personally known to me to be a Code Enforcement Officer of DeSoto County, authorized to assure code compliance, who being duly sworn upon his/her oath deposes and says that the statements above are true and correct. Sworn to and signed this 25th day of April, 2025.


Notary Public

BEFORE THE SPECIAL MASTER OF DESOTO COUNTY, FLORIDA

DESOTO COUNTY,
Petitioner,

vs.

Case Number CE 2023-057

AMERICAN HOLDING CO., LLC
Respondent,

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE was heard by ROBERT H. BERNTSSON, Esquire, Special Master, on November 30 2023, upon Notice of Violation filed against Respondent. The Respondent was not present and not represented by counsel at the hearing. Based upon the testimony and evidence presented, the Special Master hereby enters this Order based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Respondent owns and/or occupies the following real property located in DeSoto County, Florida, to- wit:

Parcel # 33-36-25-0000-0030-0000

as described by Instrument #201914000414 in the Official Records of DeSoto County, Florida, and more commonly known as NE Hwy. 17, Arcadia, Florida, 34266.

2. At all times material hereto, the subject property was zoned IL.

3. On March 21, 2023, an inspection was conducted of the subject property resulting in the finding that the property has an expired temporary permit, #USE-0039-2020, for a shipping container on the property. Subsequent inspections through November 29, 2023 showed the

violations remained.

4. The County has alleged that the Respondent has violated DeSoto County Land Development Regulations Sections 20-1342 which prohibits this condition.

5. Service of the Notice of Violation and of the hearing in this case was duly made upon the Respondent.

CONCLUSIONS OF LAW

6. Respondent by these acts, conduct, or omissions have created or allowed a condition which is in violation of DeSoto County Land Development Regulations Sections 20-1342.

ORDER

Respondent is hereby ordered to:

A. Cease and Desist for a period of two (2) years, from any future violation of DeSoto County Land Development Regulations Sections 20-1342.

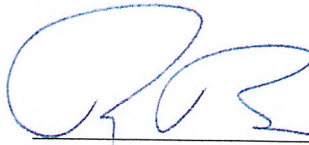
B. Within 10 days of the date of this Order, do all acts necessary to correct the violation.

C. Pay costs in the amount of \$40.72 which are assessed against the Respondent in this cause and are payable within 10 days of the date of this Order.

D. Failure to comply with any provision of this Order shall subject the Respondent to a fine of up to \$250.00 per day, per violation, for each day such violation shall be shown to exist in the future. This fine may become a lien upon the Respondent's property pursuant to Section 162.09, Florida Statutes.

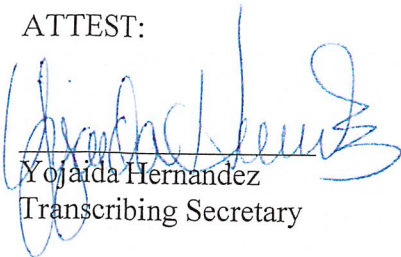
E. The Special Master hereby reserves jurisdiction to issue further orders as may be proper and necessary in this cause, including but not limited to an order imposing a fine and costs for non-compliance with this Order.

DONE AND ORDERED this 12th day of December, 2023.



ROBERT H. BERNTSSON, Esquire
Special Master of DeSoto County, Florida
Florida Bar No. 0804400

ATTEST:

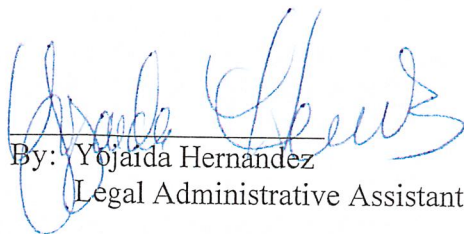

Yojaida Hernandez
Transcribing Secretary

Copies furnished to:

Donald D. Conn, Esquire, DeSoto County Attorney, 201 E. Oak Street, Suite 201, Arcadia
Florida 34266, and

Respondent- American Holdings Co., LLC 11167 Big Tree Road, East Aurora, NY 14052

on this 15 day of December, 2023.


By: Yojaida Hernandez
Legal Administrative Assistant



04/28/2025 08:46

TOMMY TURNBULL
NE HWY 17



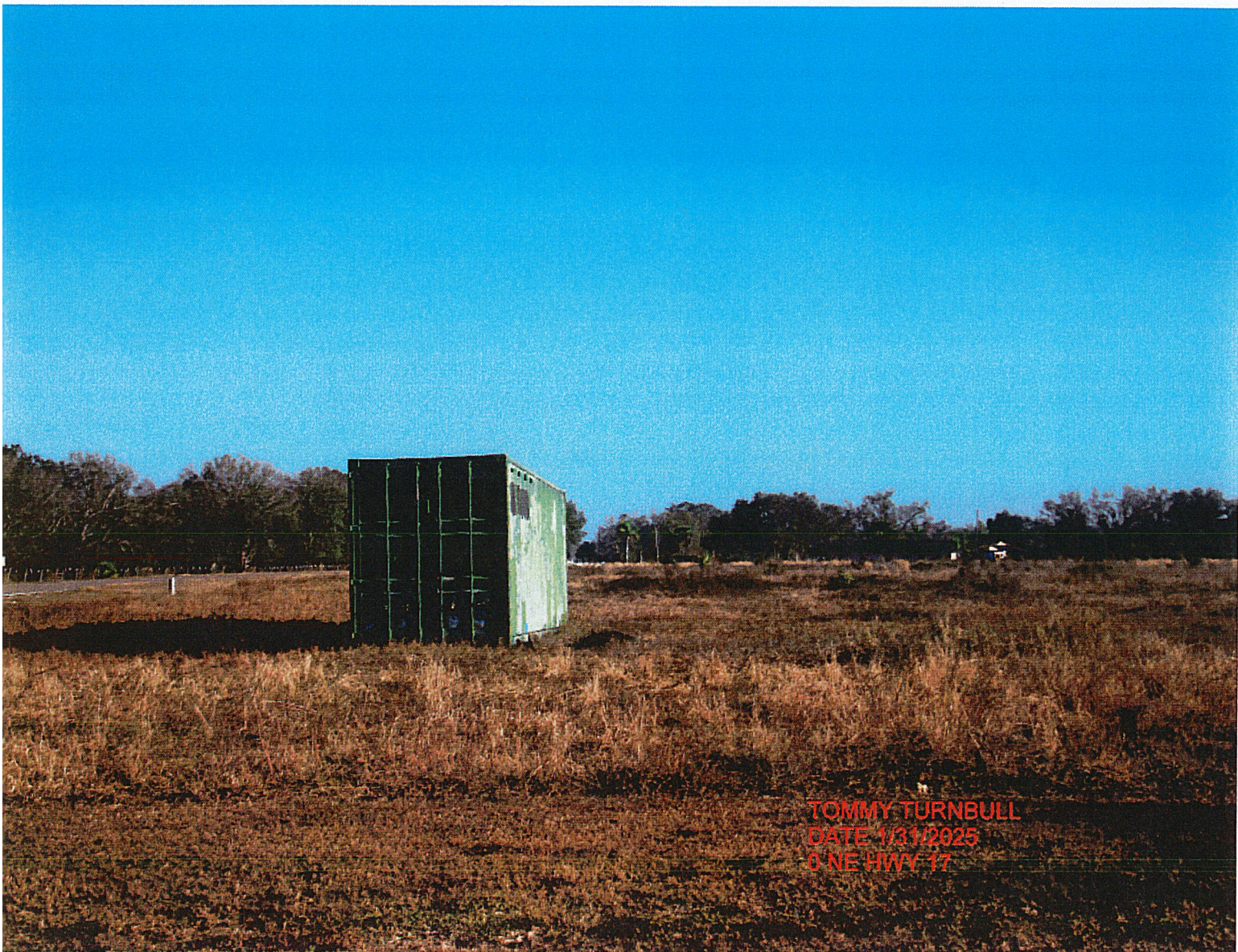
03/18/2025 08:48

TOMMY TURNBULL
0 NE HWY 17



03/17/2025 09:17

TOMMY TURNBULL
0 NE HWY 17



TOMMY TURNBULL
DATE 1/31/2025
0 NE HWY 17



01/09/2025 09:36

TOMMY TURNBULL
0 NE HWY 17



COUNTY DEVELOPMENT DEPARTMENT
DESOTO COUNTY

201 East Oak Street, Suite 204
Arcadia, Florida 34266
Telephone (863)491-6165
Fax (863)491-6163



NOTICE to CORRECT VIOLATION

AMERICAN HOLDING CO LLC
11167 BIG TREE RD
EAST AURORA, NY 14052-0000

RE: NE HWY 17
PIN #: 33-36-25-0000-0030-0000
Case No: CE-20-0186

Date: February 3, 2025

Please be advised that this letter serves as notice that your property was visited due to a complaint or as a result of a routine area patrol and was found to be in violation of the below listed Ordinance(s):

LDR Sec. 20-1342 Development Permit Required: Development is the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into 3 or more parcels. No development activity shall be undertaken unless authorized by a Development Order or Development Permit

Facts constituting violation (including date, time, and place of violation): On **January 31, 2025** at **8:50 am**, the property located at **NE HWY 17** was visited and revealed the following:

The temperature use for the shipping container has expired. The resolution plan has expired also. Need to remove the shipping container from the property.

You must correct the violation(s) by taking the appropriate steps.

Please contact our office with proof of permit/exception for the development activity being conducted on your property, or obtain the required permits

Due by: February 13, 2025

Failure to correct the violation(s) may result in a citation being issued to you for a civil infraction which would be heard by a county court judge or violations as alleged in this notice to correct may be heard by a Special Magistrate. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate if the violation has been corrected prior to the Hearing.

If found to be in violation, a fine may be imposed of up to \$250.00 per day per violation for a first time violator, and up to \$500.00 per day per violation for a repeat violation.

If you feel that you are not in violation, you may submit a request in writing to this department for a hearing before the Special Magistrate. If, as a result of the hearing, it is determined that your property is not in violation, case cost would not be assessed.

If you have any questions concerning this matter, please contact Code Enforcement at 201 East Oak Street, Suite 204, Arcadia, FL 34266, Telephone number (863) 491-6165 or (863) 993-4806.

Sincerely

Thomas Turnbull
Code Enforcement Officer

Certified Mailing Number: 9589071052700462268540





COUNTY DEVELOPMENT DEPARTMENT
DESOTO COUNTY

201 East Oak Street, Suite 204
Arcadia, Florida 34266
Telephone (863)491-6165
Fax (863)491-6163



NOTICE to CORRECT VIOLATION

SCHIERER, RUSS
11167 BIG TREE RD
EAST AURORA, NY 14052-0000

RE: NE HWY 17
PIN #: 33-36-25-0000-0030-0000
Case No: CE-20-0186

Date: February 3, 2025

Please be advised that this letter serves as notice that your property was visited due to a complaint or as a result of a routine area patrol and was found to be in violation of the below listed Ordinance(s):

LDR Sec. 20-1342 Development Permit Required: Development is the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into 3 or more parcels. No development activity shall be undertaken unless authorized by a Development Order or Development Permit

Facts constituting violation (including date, time, and place of violation): On **January 31, 2025** at **8:50 am**, the property located at **NE HWY 17** was visited and revealed the following:

The temperature use for the shipping container has expired. The resolution plan has expired also. Need to remove the shipping container from the property.

You must correct the violation(s) by taking the appropriate steps.

Please contact our office with proof of permit/exception for the development activity being conducted on your property, or obtain the required permits

Due by: February 13, 2025

Failure to correct the violation(s) may result in a citation being issued to you for a civil infraction which would be heard by a county court judge or violations as alleged in this notice to correct may be heard by a Special Magistrate. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the Special Magistrate if the violation has been corrected prior to the Hearing.

If found to be in violation, a fine may be imposed of up to \$250.00 per day per violation for a first time violator, and up to \$500.00 per day per violation for a repeat violation.

If you feel that you are not in violation, you may submit a request in writing to this department for a hearing before the Special Magistrate. If, as a result of the hearing, it is determined that your property is not in violation, case cost would not be assessed.

If you have any questions concerning this matter, please contact Code Enforcement at 201 East Oak Street, Suite 204, Arcadia, FL 34266, Telephone number (863) 491-6165 or (863) 993-4806.

Sincerely

Thomas Turnbull
Code Enforcement Officer

Certified Mailing Number: 9589071052700462268557





COUNTY DEVELOPMENT DEPARTMENT
DESOTO COUNTY

201 East Oak Street, Suite 204
Aurora, Florida 34266
Telephone: (904) 991-4166
Fax: (904) 991-4163

NOTICE to CORRECT VIOLATION

AMERICAN HOLDING CO LLC
11567 RHU TREE RD
EAST AURORA, NY 11003-0000

RE: NE HWY 17
PEV #: 13-16-25-0016-0030
Case No: CE-20-9785

Date: February 3, 2025

Please be advised that this letter serves to notify that your property was visited, due to a complaint or as a result of a random area patrol and was found to be in violation of the below listed Ordinance(s).

LDH Sec. 10-1341 Development Permit Required: Development is the carrying out of any building activity, the making of any material change in the use or appearance of any structure on land, or the dividing of land into 2 or more parcels. The development activity shall be undertaken unless authorized by a Development Order or Development Permit.

Each complaining violation containing date, time, and place of violation(s) On January 21, 2025, at 8:45 am, the property located at NE HWY 17, was visited and revealed the following:

The transportation use for the shipping container has expired. The rezoning plan has expired also. Need to remove the shipping container from the property.

You must correct the violation(s) by taking the appropriate steps.

Please contact our office with proof of permit application for the development activity being conducted on your property, or obtain the required permits. **Due by: February 11, 2025**

Failure to correct the violation(s) may result in a citation being issued to you for a civil infraction which would be subject to a monetary civil penalty or violation or subject to the state's criminal code. If the violation is corrected and then returns to the violation within 30 days of the date of the citation, the citation may be extended to the date of the citation. If the violation has been corrected prior to the hearing.

If found to be in violation, a fine may be imposed of up to \$250.00 per day per violation for a first-time violation, and \$500.00 per day per violation for a repeat violation.

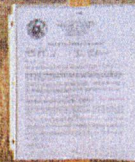
If you feel that you are not in violation, you may wish to request a hearing to the Department for a hearing before the Special Magistrate. If in violation of the ordinance, the Department has your property to use in violation, then you would not be allowed.

If you have any questions concerning this notice, please contact our Department at 201 East Oak Street, Suite 204, Aurora, FL 34266. Telephone number: (904) 991-4166 or (904) 991-4163.

Sincerely,
Thomas Herdall
County Development Officer

02/03/2025 08:55

TOMMY TURNBULL
0 NE HWY 17



02/03/2025 08:55

TOMMY TURNBULL
0 NE HWY 17



COUNTY DEVELOPMENT DEPARTMENT
DESOTO COUNTY

201 East Oak Street, Suite 204
Arcadia, Florida 34266
Telephone (863)491-6165
Fax (863)491-6163

**STATE OF FLORIDA
COUNTY OF DESOTO**

I, Thomas Turnbull, duly sworn, deposes and says: That on 2-3-25 @ 8:55 Am, I posted a true and correct copy of the Notice to Correct Violation addressed to:

OWNER
AMERICAN HOLDING CO LLC
11167 BIG TREE RD
EAST AURORA, NY 14052-0000

Owner
SCHIERRER, RUSS
11167 BIG TREE RD
EAST AURORA, NY 14052-0000

at the following location(s): NE HWY 17

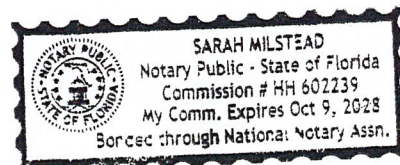
I declare under penalty of perjury that the foregoing is true and correct.

DATE: February 3, 2025

affiant

Sworn to and subscribed before me this 3rd day of February, 2025 by
Thomas Turnbull who is personally known OR Produced Identification

Sarah Milstead
Notary Public



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.
1. Article Addressed to:

AMERICAN HOLDING CO LLC
11167 BIG TREE RD
EAST AURORA, NY 14052

9590 9402 8961 4064 9645 57

2. Article Number (Transfer from service label)

9589 0710 5270 0462 2685 40
PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☒ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | ☐ Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Mail Restricted Delivery | |

Domestic Return Receipt

COMPLETE THIS SECTION

- s 1, 2, and 3.
e and address on the reverse
return the card to you.
d to the back of the mailpiece,
if space permits.
- to:

RUSS
E RD
NY 14052

1 4064 9645 40

PSN 7530-02-000-9053

270 0462 2685 57

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☒ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | ☐ Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Mail Restricted Delivery | |

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 4.10☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage \$ 9.69

Total Postage and Fees \$ 14.54

9589 0710 5270 0462 2685 40

AMERICAN HOLDING CO LLC
11167 BIG TREE RD
EAST AURORA, NY 14052

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

\$ 4.85

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 4.10☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage \$ 9.69

Total Postage and Fees \$ 14.54

9589 0710 5270 0462 2685 57

SCHIERRER, RUSS
11167 BIG TREE RD
EAST AURORA, NY 14052

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

2019-39 A Resolution granting to American Holding Co., LLC (DP 2019-01/SITE 01-2019) approval with conditions for live on-site and online auctions located on the N side of NE Crystal St.

Adopted June 25, 2019

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2019 - 39

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO AMERICAN HOLDING CO., LLC DEVELOPMENT PLAN APPLICATION (DP 2019-01/SITE 01-2019) APPROVAL WITH CONDITIONS FOR LIVE ON-SITE AND ONLINE AUCTIONS WITHIN A 2,400 SQUARE FEET OFFICE TRAILER WITH A TWO PHASE 9.03+ ACRE AUCTION YARD/OUTDOOR DISPLAY AREA, INDUSTRIAL SUPPORT HOUSING, A BILLBOARD SIGN, AND RELATED IMPROVEMENTS ON A 13.530-ACRE PROPERTY ZONED INDUSTRIAL LIGHT (IL) DISTRICT AND GENERALLY LOCATED ON THE NORTH SIDE OF NE CRYSTAL STREET BETWEEN NE HIGHWAY 17 AND NE CUBITIS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by e-mail dated December 7th, 2018, Mr. Russ Scherrer stated he was about to purchase a 13.53-acre property zoned Industrial Light (IL) district and located on NE Crystal Street and that he intended to use it for live onsite and online auctions, item storage (prior to the auction), consignments, storage and display of vehicles and equipment new and used for sale to the general public; and

WHEREAS, on December 14th, 2018, the Development Director issued to Mr. Scherrer a Zoning Interpretation Letter (ZIL) confirming that the Industrial Light (IL) zoning district would allow the above-described property to be used for the above-described land uses; and

WHEREAS, on January 15th, 2019 American Holding Co., LLC, a New York Limited Liability Company, purchased the above-described 13.53-acre property; and

WHEREAS, on April 11th, 2019, Mr. Bryan Clemons on behalf of American Holding Co, LCC filed a Development Plan application and fee with the Development Department for a 2,400 square feet auction house/trailer with an outdoor display area, industrial support housing, a billboard sign, and related improvements; and

WHEREAS, Land Development Regulations (LDR) Section 20-1345(d)(1) requires all development plans be reviewed by the Development Director and then submitted to the Board of County Commissioners (Board) for its review and approval or disapproval at a quasi-judicial public hearing; and

WHEREAS, the Development Director has reviewed the Development Plan application and concludes the application is in conformance with the LDR provided conditions are imposed; and

WHEREAS, on June 25th, 2019, the DeSoto Board of County Commissioners

held a duly noticed public hearing on the Development Plan application (DP 2019-01/Site 001-2019) and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations, and all other applicable regulations provided conditions to ensure conformance are imposed; and

WHEREAS, the Board finds adoption of this resolution will not adversely affect the public interest and is in the best interest of the residents of DeSoto County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Whereas clauses incorporated.* The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

Section 2. *Property description.* The 13.53+ acre property is legally described as that part of the NW ¼ of the SW ¼ West of ACL Railroad and North of the Old Public Road less Highway 17 and Less that part West of US 17, DeSoto County, Florida, being in Section 33, Township 36 South, Range 25 East, the Property Identification Number being 33-36-25-0000-0030-0000 and generally located on the west side of NE Highway 17, the east side of NE Cubitis Avenue, and the north side of NE Crystal Street.

Section 3. Development Plan approved. American Holding Co., LLC is granted Development Plan application (DP 2019-01/Site 001-2019) approval as displayed in Exhibit 1, subject to the following conditions:

1. This Development Plan is approved for an auction use with a 2,400 square feet office trailer, a two-phase auction yard/outdoor display area, and industrial support housing and utility building consistent with LDR Section 20-665, a billboard sign, and related site improvements.

2. A two-phased auction yard/outdoor display area is allowed and shall provide for no more than 218,362.45 square feet (5.01+ acres) of crushed concrete in Phase 1 and 175,237.71 square feet (4.02+ acres) of crushed concrete in Phase 2, for a total of 393,600.16 square feet (9.03+ acres) of crushed concrete.

3. The billboard sign structure shall be of a single pole design and the billboard sign structure must, at all times, include a facing of proper dimensions to conceal back bracing, electrical equipment, and framework of structural members to present an attractive and finished appearance. During periods of repair, alteration, or copy change, such facing may be removed for a maximum period of 72 consecutive hours.

4. All billboard sign lighting shall be directed toward the billboard sign face and utilize cutoff shields or other means to prevent light spillover or trespass onto adjacent properties, rights-of-way, or skyward.

5. The Improvement Plan shall provide for primary access onto NE Crystal Street and a secondary access point shall be allowed NE Cubitis Avenue for emergency purposes.

6. The Improvement Plan shall demonstrate conformance to the minimum separation between access points consistent with LDR Section 20-505(2).

7. The Improvement Plan shall demonstrate conformance to the clear visibility requirements in LDR Section 20-505(i).

8. The Improvement Plan shall display the right-of-way width for all abutting rights-of-way consistent with LDR Section 20-503.

9. The Improvement Plan shall provide for the required number of off-street parking spaces to serve the office and industrial support housing consistent with LDR Section 20-536(b)(2).

10. The Improvement Plan shall provide 22 additional off-street parking spaces in Phase 1 and 18 more off-street parking spaces in Phase 2. These off-street parking spaces may be constructed with crushed concrete but shall be marked by a yellow wheel stop. Should the County receive complaints that the provided number of off-street parking spaces is insufficient to meet parking demand, the Board may hold a duly noticed quasi-judicial public hearing to consider revising the required number of off-street parking spaces.

11. The Improvement Plan shall conform to the off-street parking requirements in LDR Section 20-537.

12. The Improvement Plan shall display a solid waste location that is easily accessible by the solid waste franchisee, shall provide a dumpster enclosure consistent with the County's detail, shall provide a pedestrian path connecting the building to the dumpster enclosure, and shall maintain a commercial garbage collection contract with the franchisee for all waste types generated.

13. The Improvement Plan shall conform to the LDR stormwater management regulations.

14. A minimum 23 large trees consistent with LDR requirements shall be planted and maintained within the NE Highway 17 front setback.

Section 4. *Effective date.* This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 25th day of June 2019.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

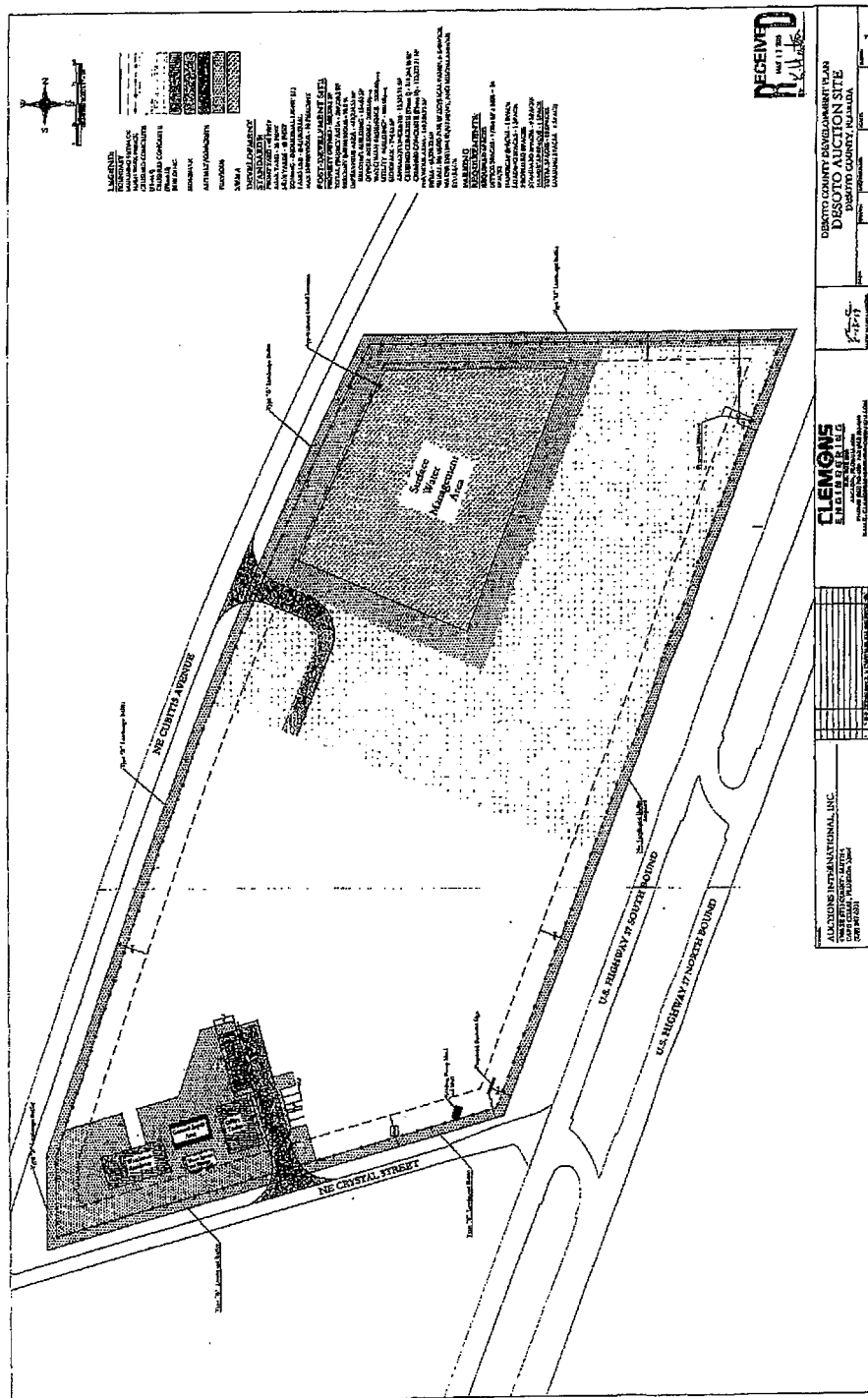
By: Mandy Hines
Mandy Hines
County Administrator

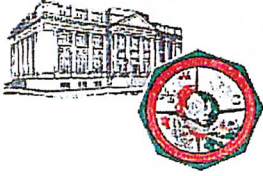
By: Judy Schaefer
Judy Schaefer
Chairman

APPROVED AS TO LEGAL FORM

By: Donald D. Conn
Donald D. Conn
County Attorney

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Desoto County
Board of County Commissioners
County Planning and Zoning
201 East Oak Street; Suite 204
Arcadia, Florida 34266
Phone: (886) 993-4806

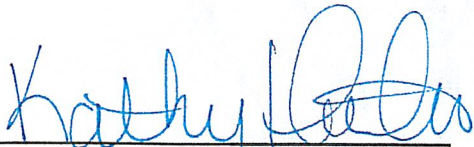
TEMPORARY PERMIT #USE-0039-2020
Issued to American Holdings LLC
Placement of 40' Shipping Container
LDR Sec. 20-728(h)

Issued Date: 12/01/2023
Expiration Date: 12/01/2024
Land Owner: American Holdings Co. LLC
Applicant: Russ Scherrer
Address/parcel: NE Hwy 17, 33-36-25-0000-0030-0000
Use Information: Temporary use for a 40' storage shipping container to be used as storage of building materials and equipment until building is erected.

Conditions:

1. This permit will expire on the date shown above. It is Russ Scherrer's responsibility to apply for a renewal of this permit at least 30 days prior to the expiration (if needed).
2. Once the building is erected, the shipping container shall be removed within 30 days.

NOTE: Keep this page visibly posted in a safe place.


Kathy Heitman, CFM
Senior Planner

Cc: file

NOTICE TO PROCEED

On February 22, 2021, the Development Department issued an approval of the American Holding Co, LLC (Desoto Auction Site-0038-2020) Improvement Plan. Consequently, American Holding Co, LLC is hereby issued this "Notice to Proceed" for Phase I of a 219,784 square feet of crushed concrete auction yard/outdoor display area, and a 202.5 Square foot office trailer, and on site improvements and Phase II adding an additional 172,364 square feet of crushed concrete auction yard/outdoor display area and a bill board on a 13.53 acre site zoned Industrial Light (IL) district and located at 3000 NE Crystal St, the Property Identification Numbers being 33-36-25-0000-0030-0000. This Notice is issued based on the assurance of the owner and/or agent that all operations are consistent with any permits and requirements of outside agencies (i.e. SWFWMD, FDOT) over which DeSoto County does not have authority, as well as, the submitted and approved development and improvement plans.

Project:	American Holding CO LLC
Date of Issue:	February 26, 2021
First extension granted:	November 30, 2023
Expiration Date:	November 30, 2024 (extension available upon request)
Plans By:	Clemons Engineering, Inc.
Signed By:	Bryan Clemons, P.E., FL Reg #62492
Dated(received):	December 9, 2020
Approval:	Improvement Plan Site-0038-2020

This Notice is issued based on compliance with local land development regulations and agreements. All requirements shall be met prior to the issuance of buildings permits and/or final inspection. All site development components must be inspected (to include but not be limited to pre-construction silt management, slope stabilization and the retention area as per the development plan).

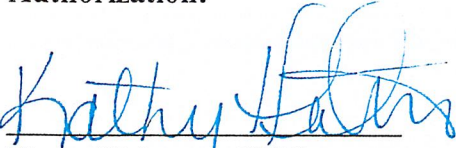
CONDITION(S):

1. This Notice is issued based on the assurance of the owner and/or agent that all operations are consistent with any permits and requirements of outside agencies (i.e. SWFWMD, FDOT) over which DeSoto County does not have authority.
2. All development must comply with the submitted and approved development and improvement plans.
3. The approval is based on the acknowledgements and notations shown on the plan in reference to access, turn radius and dead-ends. This may require some on-site assistance from the DeSoto County Fire Department.
4. Please be advised that the gates will require Knox Locks. Applicant shall coordinate with the DeSoto County Fire Department.
5. The dimensions of bill board are shown. However, the Development Department also requires the square footage of the total sign area. This must be submitted prior to construction.

American Holding Co, LLC (Desoto Auction Site)

6. For the site sign, a calculation is required for the sign face area based on the linear footage of the building facing the lot front (refer to Sec. 20-900). Please label the setbacks based on the requirements of that section. This information must be submitted prior to construction.
7. The applicant may coordinate with the contract waste provider for waste collection services.

Authorization:



Kathy Heitman, CFM
Senior Planner

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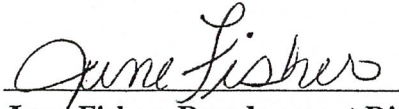
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Authorization:

A handwritten signature in cursive script, appearing to read "June Fisher", is written over a horizontal line.

June Fisher, Development Director