

**MEMORANDUM
NO. 2021-008**

TO: ANNE GERWIG, MAYOR
TANYA SISKIND, VICE MAYOR
JOHN MCGOVERN, COUNCILMAN
MICHAEL DRAHOS, COUNCILMAN
MICHAEL NAPOLEONE, COUNCILMAN

CC: Paul Schofield
Jim Barnes
Senior Staff
Chevelle Addie

FROM: Laurie S. Cohen *L.S.C.*

DATE: January 12, 2021

RE: Palm Beach Polo Property Owners Association

As a follow up to our discussion at Agenda Review, attached are copies of the e-mail correspondence I received from Laura Manning-Hudson, legal counsel for the Palm Beach Polo Property Owners Association ("POA"), along with the referenced enclosures.

The POA is seeking to purchase 1.353 acres of property from Palm Beach Polo, Inc. The property is currently encumbered by liens in favor of the Village of Wellington as well as a lis pendens in the foreclosure action, preventing the POA from acquiring clear title to the property. The POA is requesting that the Village issue partial releases of the liens and lis pendens from the 1.353 acre parcel in order to allow it to close on the property.

If the Village agrees to the POA's request, such releases will be conditioned upon the closing of the property and recording of the deed. I expect to revisit this issue with you at your next agenda review meeting on January 25, 2021.

If you have any questions, please do not hesitate to contact me.

Maria Pisz

From: Laurie Cohen
Sent: Monday, January 11, 2021 1:47 PM
To: Jim Barnes
Cc: Maria Pisz
Subject: FW: PB Polo POA
Attachments: We sent you safe versions of your files; 3TL2934-survey - halfway house.pdf; 3TN7252-Notice of Lis Pendens - VOW v. PB Polo, Inc..pdf; 3TN7249-VOW Order Imposing Lien 14-3630.pdf; 3TN7243-VOW Order Imposing Lien 19-0129.pdf; 3TN7246-VOW Order Imposing Lien 18-2098.pdf

Jim,

I need to discuss this with you.

Laurie Cohen | Village Attorney |
| Village of Wellington | 12300 Forest Hill Blvd | Florida, 33414 |
| Phone: 561-791-4000
| lcohen@wellingtonfl.gov | www.wellingtonfl.gov |



From: Laura Manning <lmanning@siegfriedrivera.com>
Sent: Monday, January 11, 2021 1:42 PM
To: Laurie Cohen <lcohen@wellingtonfl.gov>
Cc: Kelly Rodriguez <krdriguez@siegfriedrivera.com>; Arnstein & Lehr (Steven.Daniels@saul.com) (Steven.Daniels@saul.com) <Steven.Daniels@saul.com>
Subject: PB Polo POA

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

Hi Laurie,

As we discussed last week, the Palm Beach Polo POA is in the process of purchasing a small parcel of land from Palm Beach Polo, Inc. also known commonly within the POA as the "halfway house". The parcel (which is located at 11585 Polo Club Road) is located on the corner of Sunnydale Drive and Polo Club Road within the Palm Beach Polo community and consists of approximately 1.353 acres, but is a part of a larger tract of land owned by Palm Beach Polo, Inc. which fronts Forest Hill Boulevard (the soccer fields). A Sketch of Description prepared by Engenuity Group, Inc., showing the location and legal description of the area being purchased is attached.

As you know, the Village of Wellington has several liens on the properties owned by Palm Beach Polo, Inc., as well as a Lis Pendens which was filed as part of a foreclosure matter. Accordingly, the POA is requesting that the Village release the 1.353 acres which it is purchasing from Palm Beach Polo, Inc.

– as it did with the POA's purchase of the Dunes golf course. The liens and lis pendens which the parcel would need to be released from (as per its title commitment) are as follows:

1. Order Imposing Penalty/Lien recorded in O.R. Book 29578, at page 819
2. Order Imposing Penalty/Lien recorded in O.R. Book 30259, at page 556
3. Order Imposing Penalty/Lien recorded in O.R. Book 30507, at page 423
4. Lis Pendens recorded in O.R. Book 30408, at page 1177 of the public records of Palm Beach County, Florida, in case number 50-2019-CA-001617XXXMB.

Copies of the above liens and lis pendens are also attached for your ease of reference.

Once you have an opportunity to review the above, please let me know if you have any questions or if I can provide any additional information.

Thank you,

Laura M. Manning-Hudson

Shareholder

Florida Bar Board Certified Specialist in Condominium and Planned Development Law

1655 Palm Beach Lakes Blvd, Suite 500 | West Palm Beach, FL 33401

Tel: 561-296-5444 Ext. 105 | Direct: 561-296-2399 | Fax: 561-296-5446

www.siegfriedrivera.com | lmanning@siegfriedrivera.com

Facebook | LinkedIn | Youtube | Bio | V-card

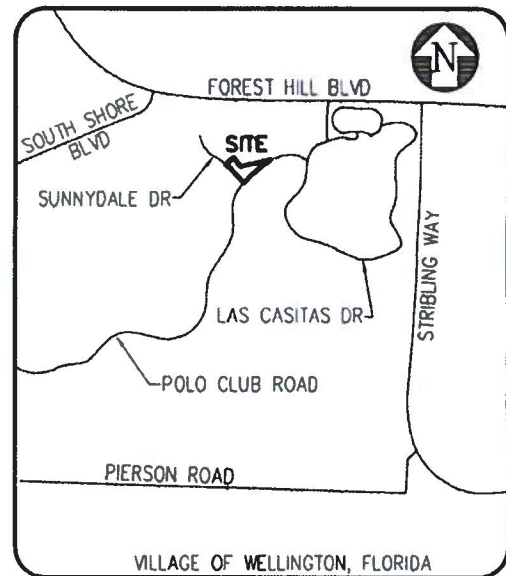
SIEGFRIED | RIVERA

This e-mail, and any attachments thereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently deleting the original and any copy of this e-mail and any printout thereof.

SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
NOT VALID WITHOUT ACCOMPANYING SHEETS 2 & 3

LEGEND

PB	PLAT BOOK
ORB	OFFICIAL RECORDS BOOK
PG.(S)	PAGE
R/W	RIGHT-OF-WAY
PCN	PARCEL CONTROL NUMBER
P.O.B.	POINT OF BEGINNING
Δ	DELTA
R	RADIUS
L	LENGTH
PC	POINT OF CURVATURE



LOCATION MAP
 N.T.S.

NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY ENGENUITY GROUP, INC.
2. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.
3. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING OF S35°33'23"E ALONG THE WESTERLY LINE PARCEL 8 OF THE PLAT OF GOLF AND TENNIS VILLAGE PHASE I OF PALM BEACH POLO AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 35, PAGE 185 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES EXPRESSED IN U.S. FEET AND DECIMAL PARTS THEREOF.

**Jennifer
Malin**

Digitally signed by
 Jennifer Malin
 Date: 2020.12.22 08:30:26
 -05'00'

JENNIFER MALIN, P.S.M.
 PROFESSIONAL SURVEYOR AND MAPPER
 STATE OF FLORIDA LICENSE NO. 6667
 STATE OF FLORIDA LB#6603

FOR:

HALF WAY HOUSE AT 11585 POLO CLUB ROAD

SCALE: N/A
 DRAWN BY: JCM
 CHECKED BY: CAR
 DATE: 12/21/2020



A Higher Standard of Excellence
engenuity
 group inc.
 ENGINEERS • SURVEYORS • GIS MAPPERS

1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
 PH (561)635-1151 • FAX (561)632-3390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK

SHEET:

1 / 3

FLORIDA R.L.S.

JOB NO
 20213.01

SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
 NOT VALID WITHOUT ACCOMPANYING SHEETS 1 & 3

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF PARCEL B ACCORDING TO THE PLAT OF GOLF AND TENNIS VILLAGE PHASE I OF PALM BEACH POLO AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 35, PAGE 185 OF THE PUBLIC RECORD OF PALM BEACH COUNTY FLORIDA; THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID PARCEL THE FOLLOWING TWO COURSES S35°33'23"E A DISTANCE OF 175.00 FEET; THENCE N76°31'35"E A DISTANCE OF 373.35 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF POLO CLUB ROAD EXTENSION AS RECORDED IN OFFICIAL RECORD BOOK 4386, PAGE 292 OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES S49°23'22"W A DISTANCE OF 352.14 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 539.79 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°44'47" A DISTANCE OF 35.30 FEET TO A POINT OF NON-TANGENCY, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SUNNYDALE DRIVE AS RECORDED IN PLAT OF SUNNYDALE DRIVE AS RECORDED IN PLAT BOOK 58, PAGE 82 OF SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES; S88°06'19"W A DISTANCE OF 33.75 FEET; THENCE S49°26'00"W A DISTANCE OF 77.22 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 91.80 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°26'00" A DISTANCE OF 31.14 FEET TO THE POINT OF TANGENCY; THENCE N30°00'00"W A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 512.21 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°14'20" A DISTANCE OF 189.87 FEET TO A POINT OF NON-TANGENCY; THENCE LEAVING SAID RIGHT-OF-WAY LINE N61°06'48"E A DISTANCE OF 101.20 FEET TO THE **POINT OF BEGINNING**.

SAID HEREIN DESCRIBED PARCEL CONTAINING 1.353 ACRES MORE OR LESS.

FOR:

HALF WAY HOUSE AT 11585 POLO CLUB ROAD

SCALE: N/A
 DRAWN BY: JCM
 CHECKED BY: CAR
 DATE: 12/21/2020



A Higher Standard of Excellence
engenuity
 group inc.
 ENGINEERS • SURVEYORS • GIS MAPPERS

1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
 PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGENUITYGROUP.COM

FIELD BOOK

SHEET:

2 / 3

FLORIDA R.L.S.
 #

JOB NO

20213.01

SKETCH OF DESCRIPTION
THIS IS NOT A SURVEY
 NOT VALID WITHOUT ACCOMPANYING SHEETS 1 & 2



SCALE: 1"=100'

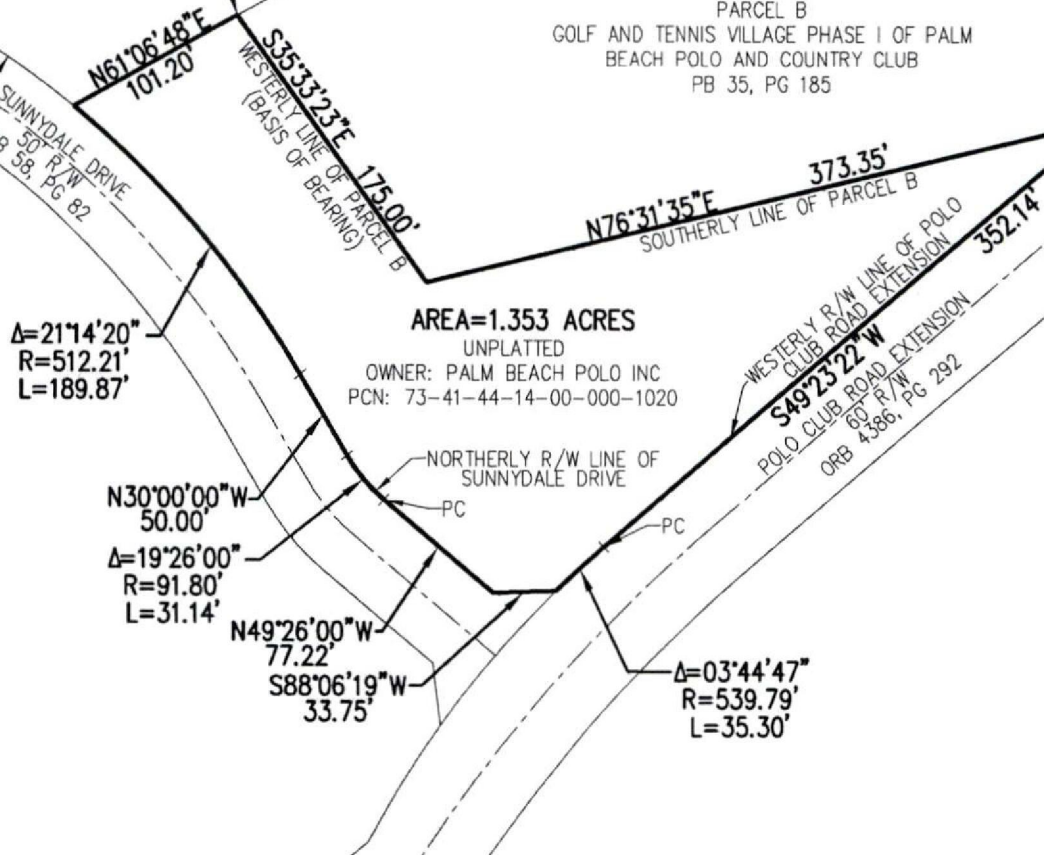
UNPLATTED
 OWNER: PALM BEACH POLO INC
 PCN: 73-41-44-14-00-000-1020

P.O.B.
 NW CORNER OF
 PARCEL B
 PB 35, PG 185

GOLF COTTAGES #2
 DECLARATION OF CONDOMINIUM
 ORB 3034, PG 1275

POND VIEW DRIVE
 60' R/W
 PB 44, PG 20

PARCEL B
 GOLF AND TENNIS VILLAGE PHASE I OF PALM
 BEACH POLO AND COUNTRY CLUB
 PB 35, PG 185



FOR:

HALF WAY HOUSE AT 11585 POLO CLUB ROAD

SCALE: 1"=100'

DRAWN BY: JCM

CHECKED BY: CAR

DATE: 12/21/2020



A Higher Standard of Excellence

engenuity
 group inc.
 ENGINEERS • SURVEYORS • GIS MAPPERS

1280 CONGRESS AVENUE, SUITE 101, WEST PALM BEACH, FLORIDA 33409
 PH (561)655-1151 • FAX (561)832-9390 • WWW.ENGUITYGROUP.COM

FIELD BOOK #

SHEET:

3
 /
 3

JOB #

20213.01

FLORIDA R.L.S.
#

CFN 20190046106
OR BK 30408 PG 1177
RECORDED 02/08/2019 13:13:12
Palm Beach County, Florida
AMT
Sharon R. Bock
CLERK & COMPTROLLER
Pgs 1177-1179; (3Pgs)

Filing # 84496416 E-Filed 02/06/2019 11:34:36 AM

IN THE CIRCUIT COURT FOR THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

Case No.

VILLAGE OF WELLINGTON, FLORIDA,
a Florida municipal corporation,

Plaintiff,

vs.

PALM BEACH POLO, INC.,
a Florida corporation,

Defendant.

NOTICE OF LIS PENDENS

TO: ALL NAMED DEFENDANTS and ALL OTHERS WHOM IT MAY CONCERN:

NOTICE is hereby given of the institution of an action by Plaintiff, VILLAGE OF WELLINGTON, FLORIDA, in the above-captioned case. The relief sought is the foreclosure of the Village's duly recorded Code Enforcement Lien, encumbering the following described properties in PALM BEACH COUNTY.

PARCEL 1:

15-44-41, PT OF S 1/2 LYG BET C-23 CNL & POLO CLUB R/D R/WS K/A BIG BLUE FOREST (LESS NLY 343.65 FT LYG S OF & ADJ TO POLO CLUB RD R/W IN OR24580P1983), which is commonly knowns as 12140 Polo Club Road, Wellington, Florida (PCN: 73-41-44-15-00-000-5040);

AND

PARCEL 2:

14-44-41, TH PT OF N 1/2 LYG E OF & ADJ TO SUNNYDALE DR K/A -OLDE- GOLF COURSE PAR 2 (LESSLAKE #4), with an address of 11585 Polo Club Road, Wellington, Florida (PCN: 73-41-44-14-00-000-1020);

AND

Notice of Lis Pendens
Village of Wellington v. Palm Beach Polo Inc.
Case No.:
Page 2 of 3

PARCEL 3:

14-44-41, TH PT OF N 1/2 LYG SOF FOREST HILL BLVD K/A LAKES #4 & 5, with an address of 11153 Polo Club Road, Wellington, Florida (PCN: 73-41-44-14-00-000-1060);

AND

PARCEL 4:

11-44-41, UNPLATTED PT OF SEC LYG SE OF & ADJ TO PB31P116, NE OF & ADJ TO PB42P178, W OF & ADJ TO PB35P168 & PB71P112 K/A -OLDE- GOLF COURSE PARCEL 1 (LESS LAKE PARCELS 1 THRU 3, AID C-17, C-17B & FOREST HILL BLVD R/WS), with an address of 11351 Forest Hill Boulevard, Wellington, Florida (PCN: 73-41-44-11-00-000-1010);

AND

PARCEL 5:

11-44-41, TH PT OF N 1/2 LYG SOF PB31P116, K/A LAKE #1, with an address of 1330 Pine Valley Drive, Wellington, Florida (PCN: 73-41-44-11-00-000-1020);

AND

PARCEL 6:

14-44-41, TH PT OF NE 1/4 LYG BET LONG MEADOW DR & -OLDE- GOLF COURSE PARCEL 2 & N OF & ADJ TO GOLF COTTAGE #2 COND, with an address of 11199 Polo Club Road, Wellington, Florida (PCN: 73-41-44-14-00-000-1070);

AND

PARCEL 7:

14/15-44-41, PT OF SEC 14 & 15 K/A CYPRESS GOLF COURSE PAR 1 (LESS LAKE # 8 & 9, PT LYG N OF & ADJ TO LT 25 PB44P20 & PT LYG S OF & ADJ TO LT 7 PB44P55), PARS 2 & 3 (LESS PB90P9), PARS 4 & 5 (LESS PB84P65) & PAR 6, (PCN: 73-41-44-14-00-000-3030);

AND

Notice of Lis Pendens
Village of Wellington v. Palm Beach Polo Inc.
Case No.:
Page 3 of 3

PARCEL 8:

14-44-41, TH PT OF SEC LYG N OF & ADJ TO LONG MEADOW DR IN PB50P175 & E OF & ADJ TO POLO CLUB RD IN PB48P28 K/A GOLF CLUBHOUSE, CROQUET CT & DRIVING RANGE PARCEL, with an address of 11630 Polo Club Road, Wellington, Florida (PCN: 73-41-44-14-00-000-1030);

AND

PARCEL 9:

GOLF & TENNIS VILLAGE PH 2A OF PALM BEACH POLO & COUNTRY CLUB WELLINGTON PARCEL E (CLUBHOUSE AREA), with an address of 11198 Polo Club Road, Wellington, Florida (PCN: 73-41-44-14-04-005-0000).

(hereinafter, collectively, the "Properties").

Dated: February 6, 2019

Respectfully submitted,
CHANE SOCARRAS, PLLC
11380 Prosperity Farms Road, Suite
204
Palm Beach Gardens, Florida 33401
Telephone: (561) 308-9552
Facsimile: (561) 708-6616

By: /s/ Jonathan C. Chane
JONATHAN C. CHANE, ESQ.
Florida Bar No. 0125581
jchane@cslawfl.com
service@cslawfl.com

Attorneys for Plaintiff Village of Wellington

Village of Wellington
12300 W. Forest Hill Boulevard
Wellington, FL 33414

CFN 20180011659
OR BK 29578 PG 0819
RECORDED 01/09/2018 13:36:38
Palm Beach County, Florida
Sharon R. Back, CLERK & COMPTROLLER
Pgs 0819 - 822; (4pgs)

BEFORE THE VILLAGE OF WELLINGTON SPECIAL MAGISTRATE

VILLAGE OF WELLINGTON,

Petitioner,

CASE NO.

vs.

NOH-14-00003630

PALM BEACH POLO INC.

Respondent

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE, was heard by the Village of Wellington Special Magistrate on November 16, 2017 pursuant to FS Section 162.09(1). Based on the Code Compliance Officer's testimony and upon review of the entire record in this cause, the Special Magistrate finds as follows:

1. Respondent has failed to comply with the Order of the Special Magistrate by the time set, which Order was affirmed on appeal by the Palm Beach County Circuit Court under Case No.: 502014CA011710XXXX
2. That the Respondent shall be assessed a fine of \$55.63 per day/ per violation (130 separate violations), commencing April 1, 2015 and ending on August 14, 2017 (867 days) of non-compliance with Wellington Land Development Regulation Section(s) 5.1.14 and 7.4.9.
3. That the Respondent shall be assessed administrative costs incurred in this case in an amount not less than \$570.14 and such costs shall continue to accrue until the violation(s) is/are corrected and an inspection has confirmed that compliance has been achieved.
4. The cease and desist order is extended five years from the date of this order.

The foregoing decision is based on the following findings of fact as required by (b) which requires the Special Magistrate to consider the following three factors in determining the amount of the fine if any as follows:

- A. The gravity of the violation;
- B. Any actions taken by the violator to correct the violation; and
- C. Any previous violations committed by the violator.

Furthermore, the Special Magistrate is limited, pursuant to Florida Statute Section 162.09(2), to impose a fine not to exceed \$250 per day for a first violation. Since the violation has been found and has been affirmed on appeal the only issue before the Special Magistrate is the amount of the fine, which fine previously imposed by the Special Magistrate required specific findings of fact in accordance with the foregoing statute.

Based on the evidence and testimony presented at the November 16, 2017 hearing, as well as the memorandums of law submitted by the Village of Wellington as Petitioner, and Palm Beach Polo, Inc., as Respondent the special Magistrate finds as follows:

A. That the actions of the Respondent in removing substantial native vegetation from a critically sensitive wetland constituted a substantial and material violation of the codes of the Village of Wellington. Respondent's argument that the actions were not grievous because the violation can be restored is without merit. Virtually all fines assessed for violations of the Village of Wellington code are matters which can be reversed. Restoration is only a minor factor in determining the amount of a fine to be imposed. More importantly, the gravity of the fine is based on the effects of the violation on the community, the length of the violation, the size of the violation, and the time period necessary to take to restore the property to the pre-violation condition. Given that Florida Statute Section 162.09(2) permits a fine of up to \$250.00 per violation, the finding of a fine of \$62.50 or less is more than reasonable in light of the gravity of the violation.

B. At the November 16, 2017 hearing the Respondent raised three arguments for what is essentially mitigation relating to actions taken by the violator to correct the violations as follows:

1. That the wet conditions covering the affected area prevented the Respondent from preparing a remediation plan;

2. That even if the wet conditions did not prevent the Respondent from preparing a remediation plan, the presence of substantial fecal matter in the water prevented access necessary to prepare a remediation plan; and

3. That the specific location of the violation was unknown despite repeated requests by the Respondent to know the exact 4.5 acres affected.

In reviewing the foregoing, the Special Magistrate is unpersuaded by the arguments raised under number one and two above. Testimony was presented that there were substantial time periods when the affected area was not covered with water, and further, even if covered with water and fecal matter, the Respondent was able to create a remediation plan once it received a survey delineating the affected area.

With regard to the issue of the exact location of the area subject to the violation, the Respondent states that without an accurate survey it could not determine that the location for which to submit a remediation plan. This argument also fails because the evidence and testimony presented shows that the Respondent was aware of the afflicted area. However, the Special Magistrate is persuaded, in part to reduce the fine and burden by approximately eleven (11%) percent due to the

possibility that the actual area in question during the period in which the fine was running could not be identified with 100% accuracy. The eleven (11%) percent reduction is based on a possible +/- one-half (0.5) acre reduction.

C. With regard to the third prong of the test, whether there were any previous violations committed by the violator, no cases were presented or staff commentary which would assist the Special Magistrate in determining the specific application of this test. Two issues need to be addressed in analyzing this test, whether or not the violations committed were only the violations currently being heard by the Special Magistrate and whether or not the violations in question had to occur on the specific property subject to the current violation. The narrow's analysis would limit this prongs test to similar violations affecting the same property.

In the instant action, the Respondent has not violated the subject code section as a relates to the subject property. Furthermore, the petitioner acknowledges that the Respondent has never violated the code sections in question under this matter. However, the Respondent has repeatedly violated other sections of the Village of Wellington code. Absent a court decision otherwise, the ability to hold title in multiple entities (which is very common) the ability to use this prong to impose a greater fine because of a violation of either the same or similar codes on other properties would result in an equity for those property owners who do not hold title in multiple entities. Based on the foregoing, the Special Magistrate is basing the fine, as it relates to the third prong, that the Respondent did not have previous violations of the current code in question.

Based on the three-pronged test, the Magistrate feels that the fine set forth above is reasonable, justified and supported by the findings of fact. The Magistrate has also considered the argument of the amount of the fine and the tax assessed value of the property and finds that argument both unpersuasive and without merit. Tying fines to value (or equity in a property) would essentially mean that fines could not be levied against many properties, defeating the purpose of the fine regime which is to force enforcement to stop the fines from being imposed or continuing to be imposed.

These amounts shall be in addition to all fines, costs and abatement costs previously assessed in this cause.

The aforementioned costs are for violations that existed at 12140 POLO CLUB RD, described as 15-44-41, TH PT OF S 1/2 K/A, BIG BLUE FOREST, according to the Plat thereof as recorded in the Public Records of Palm Beach County, Florida.

Property Control #73-41-44-15-00-000-5040

It is the order of the Special Magistrate that the fine and costs imposed herein shall constitute a lien against the property described above and all real or personal owned by the Respondent in Palm Beach County, Florida, pursuant to Section 162.09(3) Florida Statutes, and Village of Wellington Code 2-199; and the Clerk of the Special Magistrate is directed to record a true copy of this order in the Public Records of Palm Beach County.

The Village of Wellington is authorized to foreclose on all liens or to sue to recover a money judgment for the amounts of those fines plus interest that have remained unpaid for three months (90 days) following the date of filing of the lien/s.

DONE AND ORDERED in the Village of Wellington, Palm Beach County, Florida on this 16th day of November, 2017.

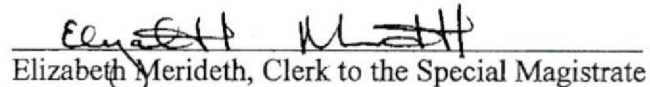
VILLAGE OF WELLINGTON
CODE ENFORCEMENT
SPECIAL MAGISTRATE



By: _____
Michael J Posner, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U. S. Mail to the Respondent(s) at PALM BEACH POLO INC, CRAIG GALLE, RA, 11198 POLO CLUB RD, WELLINGTON, FL 33414 and PALM BEACH POLO INC, c/o ALEXANDER DOMB, ESQ, 11199 POLO CLUB RD, SUITE 1, WELLINGTON, FL 33414], this 8th day of January, 2018.


Elizabeth Merideth, Clerk to the Special Magistrate

This instrument prepared by:
Village of Wellington
Community Services
Code Compliance Department
12300 Forest Hill Boulevard
Wellington, FL 33414
561-753-2565

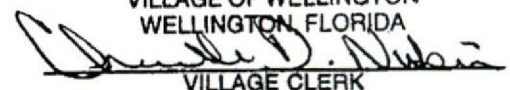
Name and Address of Lienholder:
Village of Wellington
12300 Forest Hill Boulevard
Wellington, FL 33414

Date Received: _____

RECEIVED
JAN 04 2018

Village of Wellington
Code Compliance Division

CERTIFIED COPY
CHEVELLE D. NUBIN, MMC
VILLAGE OF WELLINGTON
WELLINGTON, FLORIDA


VILLAGE CLERK



CFN 20190109969

OR BK 30507 PG 0423
 RECORDED 03/29/2019 12:58:02
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 0423 - 425; (3pgs)

Village of Wellington
 12300 W. Forest Hill Boulevard
 Wellington, FL 33414

BEFORE THE VILLAGE OF WELLINGTON SPECIAL MAGISTRATE

Village of Wellington,

Petitioner,

CASE NO.

vs.

NOH-19-00000129

PALM BEACH POLO INC

Respondent(s)

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE, was heard by the Village of Wellington Special Magistrate on March 21, 2019 pursuant to FS 162.09(1). Based on the Code Compliance Officer's testimony, the testimony of Respondent's representative, Glenn Straub, and upon review of the entire record in this cause, the Special Magistrate finds as follows:

1. The Order dated January 23, 2019, required Respondent to come into compliance on or before February 21, 2019. Respondent has failed to comply with the Order of the Special Magistrate by the time set.
2. That the Respondent shall be assessed a fine of \$150.00 per day, commencing February 22, 2019, and continuing to accrue, until they are in compliance with Wellington Land Development Regulation Section(s) 7.3.12.B. It shall be the responsibility of the Respondent to contact the Code Compliance Division and notify them that compliance has been achieved. Until the Code Compliance Division has been notified of compliance and inspected to confirm that compliance has been achieved, the fine shall continue to be assessed.
3. That the Respondent shall be assessed administrative costs incurred in this case in an amount not less than \$485.33 and such costs shall continue to accrue until the violation(s) is/are corrected and an inspection has confirmed that compliance has been achieved.
4. The cease and desist order is extended five (5) years from the date of this order.

Respondent's counsel, Alex Domb, Esq., initially raised an objection to the hearing being held based on the lack of notice and due process. Mr. Domb argued that the Respondent not only did not receive Notice of this Hearing but in addition that the Hearing's agenda posted on the Village's web site did not contain notice of the Hearing. Mr. Domb did however acknowledge that he and his client received a copy of the January 23, 2019 Order Finding Violation(s) which expressly stated that a fine

certification hearing would be held without further notice before the Special Magistrate on March 21, 2019 at 9:00 a.m. Further, the Special Magistrate notes that Mr. Domb and his client were both present at the commencement of the Hearing at 9:00 a.m. on the morning of March 21, 2019. Accordingly, Respondent's objection is overruled.

Next, Mr. Domb once again raised the objection that the Special Magistrate did not have the authority to hear this case. Again, the objection was overruled.

Based on my finding that the Respondent failed to comply with the Order dated January 23, 2019, the sole issue remaining for the Special Magistrate is the amount of the fine to be assessed against Respondent.

In determining the amount of the fine the Special Magistrate is required to consider the following three (3) factors:

1. The gravity of the violation;
2. What if any action was taken by the Respondent to correct the violation; and
3. Any previous violations committed by the Respondent.

Based on the testimony and evidence presented at the hearing the Special magistrate finds as follows:

1. Respondent is the owner of two (2) golf courses within the Palm Beach Polo community. The underlying violation concerned Respondent's failure to maintain its driving range in a healthy and orderly appearance. Respondent's counsel argued that there might be 1 to 2 weeds that were unavoidable and that the Village was not being reasonable. However, Debra Mitchell, the Village's Code Compliance Officer, testified that large areas of dead and bare patches plus overgrown grass and weeds areas currently existed around the driving range and near or next to residential homes. Based on the violations effects on the community the amount of the fine assessed is reasonable in light of the gravity of the violation.
2. The Respondent testified that parts of the driving range were mowed but not all areas surrounding the driving range needed to be mowed. Ms. Mitchell, however, testified that although some areas surrounding the driving range were mowed, large areas remained in violation of the Order. Due to the Village's and Respondent's testimony of partial compliance, the Special Magistrate reduced the fine assessed in the Order from \$250.00 per day to \$150.00 per day.
3. Since no evidence or testimony was presented by the Village as to whether or not the Respondent had any other violations that occurred on the driving range subject to the current violation, the Special Magistrate finds that the Respondent had no prior violations of the property subject to the Order and therefore concludes that the fine set forth herein is reasonable and supported by the facts.

These amounts shall be in addition to all fines, costs and abatement costs previously assessed in this cause.

The aforementioned costs are for violations that existed at 11630 POLO CLUB RD, described as 14-44-41, TH PT OF SEC LYG N, OF & ADJ TO LONG MEADOW DR IN, PB50P175 & E OF & ADJ TO POLO, CLUB RD IN PB48P28 K/A GOLF, according to the Plat thereof as recorded in the Public Records of Palm Beach County, Florida.

Property Control #73-41-44-14-00-000-103-0

It is the order of the Special Magistrate that the fine and costs imposed herein shall constitute a lien against the property described above and all real or personal owned by the Respondent in Palm Beach County, Florida, pursuant to Section 162.09(3) Florida Statutes, and Village of Wellington Code 2-199; and the Clerk of the Special Magistrate is directed to record a true copy of this order in the Public Records of Palm Beach County.

The Village of Wellington is authorized to foreclose on all liens or to sue to recover a money judgment for the amounts of those fines plus interest that have remained unpaid for three months (90 days) following the date of filing of the lien/s.

DONE AND ORDERED in the Village of Wellington, Palm Beach County, Florida on this 25th day of March, 2019.

VILLAGE OF WELLINGTON
CODE ENFORCEMENT
SPECIAL MAGISTRATE

By: Alan S. Zangen
Alan S. Zangen, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U. S. Mail to the Respondent(s) at PALM BEACH POLO INC, CRAIG GALLE, RA, 11198 POLO CLUB RD, WELLINGTON, FL 33414 and PALM BEACH POLO INC, 11199 POLO CLUB ROAD, WELLINGTON, FL 33414, this 28 day of MARCH, 2019.

Elizabeth Merideth
Elizabeth Merideth, Clerk to the Special Magistrate

This instrument prepared by:
Village of Wellington
Community Services
Code Compliance Department
12300 Forest Hill Boulevard
Wellington, FL 33414
561-753-2565

Date Received:

RECEIVED
MAR 25 2019

Name and Address of Lienholder:
Village of Wellington
12300 Forest Hill Boulevard
Wellington, FL 33414

CERTIFIED COPY
CHEVELLE D. NUBIN, MMC
VILLAGE OF WELLINGTON
WELLINGTON, FLORIDA

Chevelle D. Nubin
VILLAGE CLERK



CFN 20180438824

OR BK 30259 PG 0556
 RECORDED 11/20/2018 14:29:20
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 0556 - 557; (2pgs)

Village of Wellington
 12300 W. Forest Hill Boulevard
 Wellington, FL 33414

BEFORE THE VILLAGE OF WELLINGTON SPECIAL MAGISTRATE

Village of Wellington,

Petitioner,

CASE NO.

vs.

NOH-18-00002098

PALM BEACH POLO INC

Respondent(s)

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE, was heard by the Village of Wellington Special Magistrate on November 15, 2018 pursuant to FS 162.09(1). Based on the Code Compliance Officer's testimony and upon review of the entire record in this cause, the Special Magistrate finds as follows:

1. Respondent has failed to comply with the Order of the Special Magistrate by the time set.
2. Respondents request for a continuance (via email during the course of the hearing) has been denied.
3. That the Respondent shall be assessed a fine of \$250.00 per day, commencing October 19, 2018, and continuing to accrue, until they are in compliance with Wellington Land Development Regulation Section(s) 5.3.9. It shall be the responsibility of the Respondent to contact the Code Compliance Division and notify them that compliance has been achieved. Until the Code Compliance Division has been notified of compliance and inspected to confirm that compliance has been achieved, the fine shall continue to be assessed.
4. That the Respondent shall be assessed administrative costs incurred in this case in an amount not less than \$645.85 and such costs shall continue to accrue until the violation(s) is/are corrected and an inspection has confirmed that compliance has been achieved.
5. The cease and desist order is extended five years from the date of this order.

These amounts shall be in addition to all fines, costs and abatement costs previously assessed in this cause.

The aforementioned costs are for violations that existed at 12373 POLO CLUB RD, described as 14/15-44-41, TH PT OF SEC 14 & 15 K/A CYPRESS GOLF COURSE, PAR 1 (LESS LAKE # 8 & Village of Wellington, Community Services, Code Compliance Department, 12300 W. Forest Hill Boulevard, Wellington, FL 33414

9 & TH, PT LYG NW OF & ADJ TO LT 25, according to the Plat thereof as recorded in the Public Records of Palm Beach County, Florida.

Property Control #73-41-44-14-00-000-303-0

It is the order of the Special Magistrate that the fine and costs imposed herein shall constitute a lien against the property described above and all real or personal owned by the Respondent in Palm Beach County, Florida, pursuant to Section 162.09(3) Florida Statutes, and Village of Wellington Code 2-199; and the Clerk of the Special Magistrate is directed to record a true copy of this order in the Public Records of Palm Beach County.

The Village of Wellington is authorized to foreclose on all liens or to sue to recover a money judgment for the amounts of those fines plus interest that have remained unpaid for three months (90 days) following the date of filing of the lien/s.

DONE AND ORDERED in the Village of Wellington, Palm Beach County, Florida on this 16th day of November, 2018.

VILLAGE OF WELLINGTON
CODE ENFORCEMENT
SPECIAL MAGISTRATE

By: _____

Alan Zanger, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U. S. Mail to the Respondent(s) at {PALM BEACH POLO INC, CRAIG GALLE, RA, 11198 POLO CLUB RD, WELLINGTON, FL 33414}, this 19 day of November, 2018.

Elizabeth Merideth
Elizabeth Merideth, Clerk to the Special Magistrate

This instrument prepared by:
Village of Wellington
Community Services
Code Compliance Department
12300 Forest Hill Boulevard
Wellington, FL 33414
561-753-2565

Name and Address of Lienholder:
Village of Wellington
12300 Forest Hill Boulevard
Wellington, FL 33414

Date Received: _____

RECEIVED
NOV 19 2018

CERTIFIED COPY
RACHEL R. CALLOVI, CMC
VILLAGE OF WELLINGTON
WELLINGTON, FLORIDA

Rachel R. Callovi
DEPUTY VILLAGE CLERK

Village of Wellington, Community Services, Code Compliance Department, 12300 W. Forest Hill Boulevard, Wellington, FL 33414