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BEFORE THE NUISANCE ABATEMENT BOARD OF THE
TOWN OF ORANGE PARK, CLAY COUNTY, FLORIDA

NAB CASE NO.: 15-01

TOWN OF ORANGE PARK,

Petitioner,

vs.

JAX INNS, INC.,
a.k.a., RODEWAY INN &
CONFERENCE CENTER,
300 Park Avenue,
Orange Park, FL 32073

Respondent.

CFN # 2015063700
OR BK: 3813 PG: 1591 Pages 1 of 6
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**NUISANCE ABATEMENT BOARD FINDINGS OF FACT, CONCLUSIONS OF
LAW AND SUPPLEMENTAL ORDER ABATING THE PUBLIC NUISANCE**

THIS CAUSE came on for hearing before the Nuisance Abatement Board of the Town of Orange Park (the "Board") on September 21, 2015, after due notice to the Respondent, Jax Inns, Inc., a.k.a., Rodeway Inn & Conference Center ("Rodeway"), and the Board having heard testimony under oath and received evidence, thereupon issues the following Order:

FINDINGS OF FACT

1. The Board readopts the Findings of Fact contained in its Initial Order dated February 2, 2015.

2. On or between February 2, 2015, and September 21, 2015, the hotel/motel, whose mailing address is 300 Park Avenue, Orange Park, Florida 32083 (the "Premises") was in violation of the Town of Orange Park, Town Code, Chapter 17, Article II, as is more particularly described as follows:

Illegal sales or deliveries of controlled substances were conducted upon the Premises on:

- a. July 15, 2015
- b. July 16, 2015
- c. July 16, 2015
- d. July 17, 2015
- e. September 11, 2015
- f. September 11, 2015

Illegal controlled substances were possessed upon the Premises on:

- a. May 7, 2015
- b. June 1, 2015
- c. July 2, 2015
- d. July 24, 2015
- e. August 8, 2015
- f. August 8, 2015
- g. September 10, 2015

Illegal prostitution and prostitution-related activities were conducted upon the Premises on:

- a. September 10, 2015

CONCLUSIONS OF LAW

3. The Board, having previously declared the Premises a public nuisance pursuant to the Town Code of the Town of Orange Park, Florida, Chapter 17, Article II and as authorized by Section 893.138, Florida Statutes, and having duly considered the available appropriate remedies, and endeavoring to use the least restrictive methods believed necessary to abate the public nuisance, hereby finds that:

- a. Rodeway failed to immediately cease and desist from allowing controlled substance use, possession, sale or distribution, or the solicitation of illegal

controlled substance use, possession, sale or distribution upon the Premises.

b. Rodeway remains in violation of the Town of Orange Park, Town Code, Chapter 17, Article II, as is more particularly described in Section 2 above.

c. Based upon the testimony presented, there are no alternative procedure(s) appropriate under the circumstances sufficient to abate the public nuisance upon the Premises,

THEREFORE, IT IS

ORDER

ORDERED that Respondent, Rodeway:

A. In order to abate the public nuisance, is immediately prohibited from operating or maintaining the Premises as a hotel/motel or any other substantially similar use. Said order is **suspended**, pending ongoing, satisfactory compliance with the below conditions and those previously imposed by the Board, or pending further determination by the Board:

1. **Beginning Monday, September 28, 2015**, Rodeway shall provide for an off-duty, sworn law enforcement officer and supplemental private security services to be physically present on the premises twenty-four (24) hours a day and seven (7) days a week for a minimum of thirty (30) consecutive days. The ongoing extent and duration of this condition shall be subsequently determined by the Board. Rodeway shall be exclusively responsible for all costs associated with this condition.

2. **Beginning Monday, September 28, 2015**, Rodeway shall require all current and prospective patrons of the hotel/motel to present valid photo identification upon check-in, and shall require that all room rental payments be made via credit card or debit card issued by a licensed financial institution. Hotel/motel patrons whose room rental payments are sponsored by non-profit or civic organizations are exempted from this requirement.

3. **On or before October 19, 2015**, Rodeway shall prepare and submit a premises improvement plan approved by

the Town, and which, when completed, shall bring the Premises into compliance with the requirements of the Florida Building Code and the NFPA Fire Code, as determined by the Town or its authorized designee. Rodeway shall be exclusively responsible for all costs associated with this condition, including but not limited to the required inspection(s) of the Premises. Once approved by the Board, Rodeway shall meet all deadlines and requirements of the plan. Failure by Rodeway to meet the deadlines and requirements of the approved plan shall constitute noncompliance with this condition.

4. **Effective immediately**, Rodeway shall fully and timely comply with all current and future requirements of the Florida Department of Health and the Florida Department of Business and Professional Regulation.

B. **By stipulation of the parties, the Board shall retain jurisdiction over this matter (NAB Case: 15-01) through December 31, 2016.**

C. This Order shall be recorded in the Public Records of Clay County, Florida, and shall constitute a lien against the above described property pursuant to Section 893.138, Florida Statutes and Chapter 17, Article II, Section 17-17 of the Town Code of the Town of Orange Park, Florida.

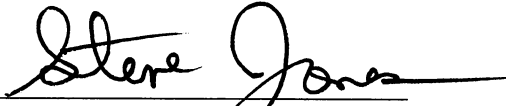
D. Pursuant to Chapter 17, Article II, Section 17-17 of the Town Code of the Town of Orange Park, Florida, while under the jurisdiction of this Order, the Board may suspend, or lift the suspension, of any remedy imposed, whether the remedy was initially imposed or not. Lifting a suspended remedy or imposing a new remedy shall not operate to extend the stipulated, extended jurisdiction of the Board through December 31, 2016, and nothing contained in this subsection shall be construed as compelling such vacating or modification.

ENFORCEMENT

The Town is authorized to enforce this Order through a Petition for Enforcement to the Circuit Court, pursuant to Section 120.69, Florida Statutes, and to request all lawful relief as authorized thereof.

DONE AND ORDERED this ^{21st}~~19th~~ day of September, 2015.

NUISANCE ABATEMENT BOARD
TOWN OF ORANGE PARK, FLORIDA



Steve Jones, Chairman

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Order Abating the Public Nuisance has been furnished to Respondent, Jax Inns, Inc., a/k/a Rodeway Inn & Conference Center, c/o Jitendra B. Patel, 28049 S. Wixom Rd., #315, Wixom, Michigan 43893, Mike Patel, Premises Operator, Rodeway Inn and Conference Center, 300 Park Avenue, Orange Park, Florida 32073, and Daniel Copeland, Esq., 9310 Old Kings Road South, Suite 1501, Jacksonville, Florida 32257-8104 this 21st day of September 2015, by mail/hand delivery.


Sarah Campbell
Town Clerk

IN THE EVENT OF NON-COMPLIANCE, OR NON-PAYMENT OF THE FINE HEREIN THIS ORDER IMPOSING A FINE SHALL BE RECORDED IN THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA AND THEREAFTER SHALL CONSTITUTE A LIEN AGAINST THE LAND UPON WHICH THE VIOLATION EXISTS.

PLEASE BE ADVISED THIS ORDER SHALL BE SUBJECT TO JUDICIAL REVIEW IN THE MANNER PROVIDED BY LAW, IN ACCORDANCE WITH CHAPTER 17, ARTICLE II, SECTION 17-18, TOWN CODE OF THE TOWN OF ORANGE PARK, FLORIDA.