

AGENDA REQUEST FORM CITY OF DANIA

Date: January 7, 2011

Agenda Item #:

Title: Request for Abatement

Requested Action:

Consideration of the Abatement Request for: County Homes Development, Vacant Lot South of 4640 SW 33 Avenue, Case #09-1209

Summary Explanation & Background:

This was originally cited on July 7, 2009 for 2 violations, and was given 14 days to comply. This went to the Special Magistrate on 9/03/09 for 2 violations. The Special Magistrate issued an order giving the respondent until 9/23/09 to comply or a fine of \$250.00 per day would be levied. Special Magistrate Mark Berman ordered the fine confirmed at the 2/04/10 hearing. At the 1/06/11 hearing Special Magistrate Gordon Linn granted an authorization to foreclose. The fines ran from 9/23/09 through 9/28/09, 5 days @ \$250.00 per day = \$1,250.00. An abatement of \$1,000.00 plus \$100.00 administrative cost was recommended to the City Commission per Special Magistrate Gordon Linn at the January 6, 2011 Special Magistrate hearing.

Exhibits (List):

- (1) Copy of the original violation letter issued.
- (2) Copy of the Final Order issued and the Supplemental Order issued by the Special Magistrate.
- (3) Copy of the minutes from the 9/3/09, 2/4/10 and 1/06/11 Special Magistrate hearings.
- (4) Copy of the lien total sheet.

Purchasing Approval:

Source of Additional Information: (Name & Phone)

Recommended for Approval By:

An abatement of \$1,000.00 plus \$100.00 administrative cost was recommended to the City Commission per Special Magistrate Gordon Linn at the January 6, 2011 Special Magistrate hearing.

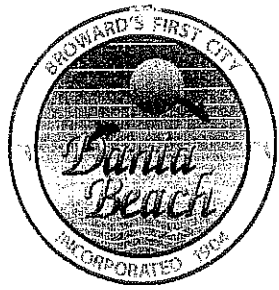
Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk



City of Dania Beach

FLORIDA

July 7, 2009

COUNTY HOMES DEVELOPMENT INC
PO BOX 836200
MIAMI, FL 332836200

Case Number: 09-00001209

Location: VAC LOT SO OF 4640 SW 33 AVE
Folio: 5042-30-03-0080-
Legal Description:
FIRST ADDITION TO CANAL GROVES 23-41 B LOT 10 BLK 8

Dear COUNTY HOMES DEVELOPMENT INC:

You are hereby notified that you are presently in violation of Dania Beach Code of Ordinances. We have attached the ordinance section(s) and corrective actions for your reference.

You are required to correct the violation(s) and call for a re-inspection by July 21, 2009. Failure to comply will result in proceedings against you by the Code Enforcement Special Magistrate, as provided by law. If the violation is corrected and then reoccurs or if the violation is not corrected by the time specified for correction by the Code Inspector, the case may be presented to the Code Enforcement Special Magistrate for imposition of a fine and lien against the property even if the violation has been corrected prior to the hearing.

If you require further information or have any questions about the attached violation(s), please do not hesitate to contact me at 954 924-6810 ext.3649.

Sincerely

TUCHETTE TORRES
CODE INSPECTOR

I certify that an original hereof was furnished to the above named addressee by:

Certified Mail # 7009 0080 0001 0519 7281 by SM

Also sent regular mail

xc: County Homes Development Inc, 11430 N Kendall Drive Ste.300
Miami, FL 33176 Certified Mail # 7009 0080 0001 0519 7298

"Broward's First City"

SE NUMBER 09-00001209
PROPERTY ADDRESS VAC LOT SO OF 4640 SW 33 AVE

VIOLATION: CE013034001001 QUANTITY: 1
DESCRIPTION: DBCC 13-34(a) Nus Accumulation DATE: 7/07/09
LOCATION:

ORDINANCE DESCRIPTION :

DBCC 13-34(a) states it is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, trash, stagnant water, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises.

CORRECTIVE ACTION REQUIRED :

Remove any garbage, litter, trash, stagnant water, untended vegetation, or discoloration, or any nuisance as defined in section 13-21 from the premises and maintain the property in accordance with all applicable city ordinances.

VIOLATION: CE013034002001 QUANTITY: 1
DESCRIPTION: DBCC 13-34(b) Prop & RW Maint DATE: 7/07/09
LOCATION:

ORDINANCE DESCRIPTION :

DBCC 13-34(b) states each owner or operator of property within the city shall keep such property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks clean and free from any accumulation of garbage, trash, and litter.

CORRECTIVE ACTION REQUIRED :

Remove any garbage, trash, and litter from the property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks.

nuisance as defined in section 13-21 upon the premises. There is untended vegetation on the premises. All untended vegetation on the premises must be cut.

2. DBCC 13-34 (b) Property and Right of Way Maintenance. Each owner or operator of property within the city shall keep such property, and the adjoining unpaved portions of the public rights-of-way, swales and canal banks, clean and free from any accumulation of garbage, trash, and litter. There is trash and litter on the property and the public rights of way adjoining the property. Remove all trash and litter from the property and the adjoining unpaved portions of the public rights of way.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondent, County Homes Development, Inc.:

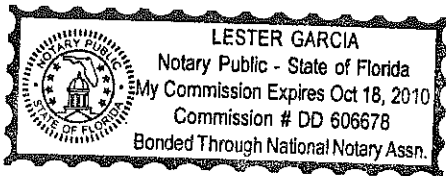
(a) has been found to be in violation of the above described code sections listed in paragraphs b.(1) and b.(2) and a fine of \$250.00 per day will begin running on September 23, 2009 for the violations. The violations listed in paragraphs b.(1) and b.(2) present a serious threat to the public health, safety and welfare since the trash, litter and overgrown vegetation on the property attract rats and other vermin. The violations listed in paragraphs b.(1) and b.(2) must be complied by September 23, 2009, or the City is authorized to remove the violations described above by cutting all overgrown grass and weeds, and removing all trash and debris, and the City's reasonable cost for corrective action shall be charged to Respondent, along with the fine imposed in this Final Order.

The fine shall continue until said violations come into compliance with said sections of the City Code upon requested inspection. Upon complying, the Respondent must notify the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent has complied. If the Respondent does not notify the City's Code Compliance Department, an officer will not inspect the property and the fine will continue to be imposed each day until a Code Officer is notified, inspects the

FINAL ORDER
09-1209
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property and determines the property to be in compliance with this order. Said fine shall constitute a lien upon the real property and personal property of the Respondent.

In the event this Final Order is recorded as a lien, a charge will be imposed to record the Final Order and any lien satisfaction. ORDERED at Dania Beach, Broward County, Florida, this 18 day of September, 2009.



CODE COMPLIANCE/SPECIAL MAGISTRATE

By: [Signature]
Mitchell S. Kraft, Esq.

Notary Seal:

Sworn and subscribed before me this 18 day of September, 2009.

[Signature]
NOTARY PUBLIC STATE OF FLORIDA

Mitchell S. Kraft is personally known to me.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order was mailed to the Respondent, County Homes Development, Inc., this 18 day of September, 2009.

CERTIFIED MAIL # 7009 0820 0000 4013 0954

cc: County Homes Development Inc,
11430 N. Kendall Drive Ste. 300,
Miami, FL 33176
Certified Mail # 7009 0820 0000 4012 9328
CC: First Class Standard Mail
am

[Signature]
CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

Return to: Patricia Varney, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 09-1209
Municipal Corporation,

PETITIONER, : FINAL ORDER

vs. :

COUNTY HOMES DEVELOPMENT INC

RESPONDENT(S). :

SUPPLEMENTAL ORDER /CLAIM OF LIEN

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, having received the notice and testimony of Code Officer Michael Rinaldi, on the City's Motion to Confirm Fine held on February 4, 2010, and based on the evidence, the Code Compliance Special Magistrate enters the following findings of fact and order:

1. The Respondent(s) or a representative for the Respondent(s) was not present at the hearing.
2. That the Code Compliance Special Magistrate did issue on September 18, 2009, a Final Order in the above-captioned case commanding the Respondent(s), County Homes Development LLC, to bring the violations specified in the Final Order into compliance on or before September 23, 2009, or pay a fine in the amount of \$250.00 per day for each day of non-compliance thereafter.
3. The violations found by the Code Compliance Special Magistrate and entered in the Final Order occurred on the following described real property located at Vacant Lot South of 4640 SW 33 Avenue, Dania Beach, which property is legally described as: FIRST ADDITION TO CANAL GROVES 23-41 B LOT 10 BLK 8 (# 0230 03 0080).
4. Respondent(s) did not comply with the Final Order on or before September 23, 2009. There are violations stated in the Final Order which still exist on the Property.

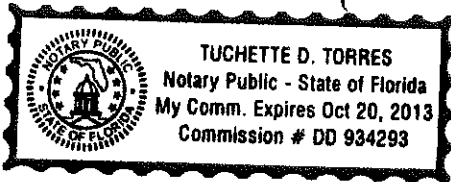
5. The fine stated in the Final Order is confirmed and ratified and shall accrue at the per diem rate specified until such time as the Respondent(s) has/have complied with the Final Order. Upon complying, **the Respondent(s) MUST notify** the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent(s) has/have complied.

6. The fine shall constitute a lien against the above-described real property and it shall be a lien against any other real or personal property owned by Respondent(s).

7. **In addition, the Special Magistrate has also assessed an additional fine of \$100.00 to cover costs incurred by the City in the prosecution of this matter.** Said amount is now due, if not paid, this fine may also constitute an additional lien against the above referenced property which may also be actionable by law through this order.

DONE and ORDERED at Dania Beach, Broward County, Florida, on

February 17, 2010.



CODE COMPLIANCE SPECIAL MAGISTRATE

By:

[Signature]
Mark E. Berman, Esq.

Notary Seal:

Sworn and subscribed before me on

February 17, 2010.

Tuchette Torres
NOTARY PUBLIC STATE OF FLORIDA

Mark E. Berman is personally known to me.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Supplemental Order/Claim of Lien was mailed to the Respondent(s) on February 17, 2010.

Supplemental Order/Claim of Lien

#09-1209

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CERTIFIED MAIL #

7009 1680 0001 3724 2585



CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

/sm

Return to: Mark Bates
Finance Director
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

Case Order	Case #	Name	Address	Results	
32	08-2020	Rochelle Jackson	4530 SW 43 Ave	Fine confirmed.	NP
33	09-0089	Elisabetta Patriche	200 SE 4 Ter	Extension granted until December 12, 2009.	NP
34	09-0245	John Cruise	242 SW 11 St	Continue case to a special hearing, date to be determined.	NP
35	09-0472	American Maritime Officers Building Corp of Florida	212 SW 11 St	Continuance granted to the October 8, 2009 hearing.	NP
36	09-0925	Joseph Dobson, Dorothea B. Dobson Tr. Est.	231 SW 9 St	Fine confirmed.	NP
37	09-1134	Antia Roye	337 Phippen Rd	Stipulated agreement. Compliance by November 12, 2009 or \$150.00 per day fine.	NP
38	09-1178	Deutsche Bank National Tr. Co.	718 SW 3 Pl	Compliance by September 23, 2009 or \$250.00 per day fine. Authorization to abate nuisances by removing the junk, debris, overgrowth and securing the property after September 23, 2009 granted in the interest of public health and safety.	NP
39	09-1209	County Homes Development, Inc.	Vac Lot So of 4640 SW 33 Ave	Compliance by September 23, 2009 or \$250.00 per day fine. Authorization to abate nuisances by removing the junk, debris and overgrowth after September 23, 2009 granted in the interest of public health and safety. Stipulated agreement. Compliance by November 12, 2009 or \$150.00 per day fine.	NP
40	09-1255	Frank Frowiss	281 SW 7 St 1	Authorization to sue for money judgment granted.	NP
41	07-0008	Marivel Davis & Myra Thea Davis	29 NW 4 Ave	Authorization to foreclose granted.	NP
42	08-0566	Michelle B & Darryl Wilcox	141 NW 4 Ave	Compliance by November 12, 2009 or \$200.00 per day fine.	NP
43	08-0767	Danians Corp	601 E. Dania Beach Blvd	Extension granted until December 12, 2009.	NP
44	08-0769	Samuel Weiss	130 SW 3 Ave		NP
45	08-1758	Elizabeth Morrison & Paul Morrison	413 NW 3 Ter	Fine confirmed.	NP
46	09-0416	Terence L. Hunt & Janice Tribue	121 NW 4 Ave	Compliance by September 23, 2009 or \$250.00 in regards to the nuisance charges # 5 & 6. Authorization to abate nuisances by removing the junk, debris and overgrowth after September 23, 2009 granted in the interest of public health and safety. Compliance by October 13, 2009 or \$200.00 per day fine for all remaining violations.	NP
47	09-1112	Warsome Acquisition Corp % Jerome L. Teppes PA	17 N. Federal Hwy	Continuance granted to the October 8, 2009 hearing.	NP
48	09-1113	Alex Barnuevo 1/2 Int Ea Yobany Marrero	833 Argonaut Isle	Compliance by September 23, 2009 or \$250.00 per day fine. Authorization to abate nuisances by removing the junk, debris, overgrowth, repairing electrical damage and treating pool after September 23, 2009 granted in the interest of public health and safety.	NP
49	09-1137	Warsome Acquisition Corp % Jerome L. Teppes PA	4 N. Federal Hwy	Continuance granted to the October 8, 2009 hearing.	NP
50	09-1249	Adrian Simon	966 Nautilus Isle	Compliance by September 23, 2009 or \$250.00 in regards to the nuisance charges # 1, 5, 6 & 7. Authorization to abate nuisances by securing the property, removing the junk, debris and overgrowth after September 23, 2009 granted in the interest of public health and safety. Compliance by October 13, 2009 or \$200.00 per day fine for all remaining violations.	NP
51	09-1252	Deutsche Bank National Tr. Co. % Specialized Loan Svc. LLC.	215 NW 4 Ave	Compliance by September 23, 2009 or \$250.00 in regard to the nuisance charge #1. Authorization to abate nuisances by removing the bee infestation after September 23, 2009 granted in the interest of public health and safety.	NP

AK

Case Order	Case #	Name	Address	Results	
26	09-2029	Vandrea & Kirk White	4710 SW 34 Ter	Compliance by March 16, 2010 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	NP
27	09-2059	David Brian Earl	2460 SW 50 St	Continuance granted to March 4, 2010 hearing.	NP
28	09-2116	Wilson Hollywood Showroom LLC% TTAV Eproperty Tax Dept 207	5555 Anglers Ave 16-B	Compliance by March 16, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
29	09-2125	Lutchmie Chand	2521 SW 58 Manor	Stipulated agreement. Compliance by April 15, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
30	09-2177	Ibrahim Guven	5015 SW 24 Ave	Stipulated agreement. Compliance by April 15, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
31	07-1054	Dotan Vakrin	2733 SW 47 St	Authorization to foreclose granted.	NP
32	09-2137	Kennedy Gonzalez Miguel Angel Gonzalez	4533 SW 51 St	Compliance by March 16, 2010 or \$250.00 per day fine. \$100.00 administrative fee is assessed.	NP
33	09-2170	Angel L Rivera	4911 SW 44 Ter	Continuance granted to March 4, 2010 hearing.	NP
34	09-2290	Dennis Le Marrone Louis Marrone & Mary Marrone	305 Lewis Ln	Stipulated agreement. Compliance by March 16, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
35	09-0877	Indira Maharaj	2222 Clipper Pl 5107	Continuance granted to March 4, 2010 hearing.	NP
36	09-1209	County Homes Development, Inc	Vac Lot South of 4640 SW 33 Ave	Fine confirmed. \$100.00 administrative fee is assessed.	NP
37	07-2878	Tropical Paradise Resorts	2420 W State Rd 84	Extension granted until May 15, 2010.	NP
38	08-0769	Samuel Weiss	130 SW 3 Ave	Extension granted until May 15, 2010.	NP
39	09-0508	Florian & Marie Bazin	101 SW 5 Ct	Extension granted until March 16, 2010.	NP
40	09-0510	Florian & Marie Bazin	105 SW 5 Ct	Extension granted until March 16, 2010.	NP
41	09-0514	Florian & Marie Bazin	117 SW 5 Ct	Extension granted until March 16, 2010.	NP
42	09-0516	Florian & Marie Bazin	145 SW 5 Ct	Extension granted until March 16, 2010.	NP
43	09-0574	Five Star Capital Corp	1101 Old Griffin Rd	Extension granted until March 16, 2010.	NP
44	09-1069	Cheryl Clarke	501 W Dania Beach Blvd	Extension granted until April 15, 2010.	NP
45	09-1502	Danians Corp	601 E Dania Beach Blvd	Compliance by May 15, 2010 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	NP
46	09-2111	James L Smith	401 SE 2 Ave	Compliance by March 16, 2010 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	NP
47	09-2175	Cinnamon Kaye Venezia	188 NE 6 Ct	Stipulated agreement. Compliance by March 16, 2010 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	NP

Case Order	Case #	Name	Address	Results	
1	07-1810	Karen Wright Theana Fils-Aime	4700 SW 34 Ter 2050 Griffin Rd	Continuance granted to April 7, 2011 hearing. Extension granted to April 16, 2011.	P
2	09-0405	Thunderboat Center Marina Inc	4600 SW 44 Ave	Fine confirmed. Reduced to \$3,000.00 if paid by February 5, 2011.	P
3	08-0946	Front Water Investments Inc	380 S Federal Hwy	Authorization to foreclose granted.	P
4	07-1861	A & J Subachan Invest Inc	380 S Federal Hwy	Fine confirmed.	P
5	10-1027	A & J Subachan Invest Inc	380 S Federal Hwy	Authorization to foreclose granted.	P
6	08-0178	A & J Subachan Invest Inc	380 S Federal Hwy	Authorization to foreclose granted.	P
7	09-1209	County Homes Development, Inc	Vacant Lot South of 4640 SW 33 Ave	Authorization to foreclose granted. Abatement of \$1,000.00 plus \$100.00 administrative fee is recommended to City Commission.	P
8	09-2177	Ibrahim Guven	5015 SW 24 Ave	Fine confirmed. Hold on recording lien for 30 days.	P
9	10-1141	Kevin R Grisby	725 SW 4 Ter	Compliance by April 16, 2011 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	P
10	10-1288	Hugo Mesias	4434 SW 38 Ter	Compliance by April 16, 2011 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	P
11	10-0435	Odel Arenobia	4871 SW 24 Ave	Extension granted to April 16, 2011 with the stipulation that the \$100.00 administrative fee is paid within 15 days.	P
12	10-1278	Richard Edward Sparkman	45 SE 6 St	Compliance by February 15, 2011 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	P
13	10-0555	Praim Nanan	4875 SW 28 Ave	Continuance granted to February 3, 2011 hearing.	P
14	10-1383	Hitching Post Mobile Homes LLC	945 S Federal Hwy	Compliance by April 16, 2011 or \$150.00 per day fine. \$125.00 administrative fee is assessed.	P
15	10-0460	Mary Jane Dwyer H/E Richard Dwyer	5040 SW 27 Ave	Extension granted to April 16, 2011.	P
16	09-1502	Danians Corp	601 E Dania Beach Blvd	Fine confirmed. Reduced to \$3,500.00 if paid by April 6, 2011.	P
17	08-1081	Joanne H Kestler	5511 SW 44 Ave	Motion to sue for money judgment rescinded. Abatement of \$1,500.00 is recommended to City Commission.	P
18	10-0848	Robert & Estelle G Riendeau	202 SE 10 St 104	Continuance granted to March 3, 2011.	NP
19	10-0849	Robert Clement Monique Roy Clement	202 SE 10 St 106	Continuance granted to March 3, 2011.	NP
20	10-1236	Rubens & Maria Onoforio	325 SE 11 Ter 305	Compliance by March 17, 2011 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP
21	10-1332	Eleanor G Zenobia	238 SE 3 Pl	Compliance by March 17, 2011 or \$200.00 per day fine. \$100.00 administrative fee is assessed.	NP
22	10-1486	Mary E Rea	1024 SE 5 Ave 407	Continuance granted to March 3, 2011.	NP
23	09-0912	Associates Financial Services of America Inc	728 SW 7 St	Motion to foreclose rescinded.	NP
24	09-1255	Frank Frowiss	281 SW 7 St	Fine confirmed. \$100.00 administrative fee is assessed.	NP
25	04-0556	Stephen R Cunningham	4880 SW 28 Ave	Authorization to sue for money judgment granted.	NP
26	09-0756	Michael Donnelly	5845 SW 29 Ter	Authorization to sue for money judgment granted.	NP
27	09-2356	Robert G Ward Jr	4877 SW 28 Ter	Fine confirmed.	NP
28	10-0375	Essel Corp	Vacant Lot West of 3047 SW 50 St	Fine confirmed. Reduced to \$15,000.00 if paid by February 5, 2011.	NP
29	10-1152	Yanina Aranes Gonzalo Martin Hernandez	2608 SW 45 St	Stipulation agreement. Compliance by April 16, 2011 or \$150.00 per day fine. \$100.00 administrative fee is assessed.	NP

City of Dania Beach

100 W. Dania Beach Blvd.
 Dania Beach, FL 33004
 954-924-6800 Ext. 3662

OWNER: COUNTY HOMES DEVELOPMENT INC
 FOLIO: 0230-03-0080
 LEGAL: FIRST ADDITION TO CANAL GROVES 23-41 B LOT 10 BLK 8
 ADDRESS: VACANT LOT

CODE ENFORCEMENT ORDER LIEN

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	Total	RECORDED BOOK	PAGE	DATE	RELEASED BOOK	PAGE	DATE
9/23/2009	9/28/2009	\$250.00	5	\$1,250.00	\$249.50	\$1,499.50	46902	989-995	2/25/2010			

CEB 09-1209

To calculate additional daily amount (x) \$250.00 by the # of days after 9/28/2009
 This property must be brought into compliance & paid before the lien will be released.

REVISED 12/16/2010

ESTIMATED COST OF RECORDING FEES	
1	PAGES CERTIFIED COPY COVER 10.00
3	PAGES FINAL ORDER 25.50
3	PAGES SUPPLEMENTAL ORDER 25.50
2	PAGES RELEASE OF LIEN 18.50
	ADM. FEE RECORDING LIEN 40.00
	ADM. FEE RECORDING RELEASE 30.00
	ADM. FEE - SPECIAL MAGISTRATE FINE 100.00
	249.50