

AGENDA REQUEST FORM CITY OF DANIA

Date: January 3, 2011

Agenda Item #:

Title: Request for Abatement

Requested Action:

Consideration of the Settlement Received for Jorge Polo & Jeannette Espailat, 212 SW 2 Terrace, CASE # 07-0591

Summary Explanation & Background:

This was originally cited on March 13, 2007 for 11 violations, and was given 30 days to comply. This went to the Special Magistrate on June 4, 2007 for 11 violations. The Special Magistrate issued an order giving the respondent until 9/02/07 to comply or a fine of \$200.00 per day would be levied. At the 5/01/08 hearing, the fine was confirmed. The fines ran from 9/03/07 through 11/24/10, 1,179 days @ \$200.00 per day = \$235,958.00 including cost. This is a motion to accept settlement offer received by the City. The City received \$5,000.00 as settlement.

Exhibits (List):

- (1) Copy of the history report.
- (2) Copy of the lien sheet.

Purchasing Approval:

Source of Additional Information: *(Name & Phone)*

Recommended for Approval By:

This is a motion to accept settlement offer received by the City. The City received \$5,000.00 as settlement.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

 CASE TYPE: FOLIO NUMBER: DATE ESTBL: STATUS: TENANT NAME: TENANT NBR: STATUS DATE:-----
 ADDRESS: DANIA BEACH FL 33004 ERIC WALTON 3/13/07 ACTIVE 3/13/07
 MINIMUM STANDARDS 5142-03-14-0060-
 212 SW 2 TER
 DANIA BEACH FL 33004
 5. CASE 07-00000591

CASE DATA: CERTIFIED MAIL NUMBER 7001 1940 0002 6631 7069
 SHARIANN MARCHAN
 CERT LINE
 VIOLATION TYPE
 VIOLATION TYPE
 VIOLATION TYPE
 VIOLATION TYPE
 VIOLATION TYPE
 VIOLATION TYPE
 FORMAL HEARING NOTICE CERT #
 2ND INSPECTOR
 3RD INSPECTOR
 ALSO KNOWN AS ADDRESS

NARRATIVE: Vio.Let.: 8-21a4f; 8-21a5a2; 8-21a5d; 13-34a; 13-34b; 13-74c; 15-1; 28-4.20a; FBC 105.1; 22-515; 8-21a4e
 Received \$5,000.00 settlement offer. Case will be scheduled for January 2011 City Commission Abatement hearing.
 November 29, 2010 2:41:59 PM DANITYT. 3/13/07
 11/29/10
 11/29/10

NOTICE NAMES: JORGE POLO & JEANNETTE ESPAILLAT
 OWNER
 RSLT TEXT: Vio.Let.: 8-21a4f; 8-21a5a2; 8-21a5d; 13-34a; 13-34b; 13-74c; 15-1; 28-4.20a; FBC 105.1; 22-515; 8-21a4e 3/13/07
 3/13/07

RSLT TEXT: Properly failed reinspection per inspector Eric Walton. 4/12/07
 April 12, 2007 4:31:03 PM danilxg 4/12/07

NARRATIVE: Comply by September 2, 2007 or \$200 per day fine. 8/05/10
 RSLT TEXT: Property failed reinspection per inspector Eric Walton. 9/06/07
 September 6, 2007 8:28:30 AM danilxg 9/06/07

NARRATIVE: Fine confirmed as ordered by Special Magistrate Mitch Kraft at the May 1, 2008 hearing. City authorized to abate nuisances within 15 days, in the interest of public health and safety, if not done by the property owner. 8/05/10
 May 14, 2008 11:00:06 AM daniszp 8/05/10

RSLT TEXT: Property failed reinspection per inspector Eric Walton. 7/21/10
 July 31, 2008 9:49:10 AM danilxg 7/21/10

CASE TYPE
 Folio Number
 ADDRESS
 MINIMUM STANDARDS
 5142-03-14-0060-
 212 SW 2 TER
 DANIA BEACH
 FL 33004

DATE ESTBL
 INSPECTOR
 STATUS
 TENANT NAME
 TENANT NBR
 STATUS DATE

5. CASE 07-00000591

NARRATIVE: Sent for Title Search
 2/25/09

NARRATIVE: Per title search, property is currently in a mortgage foreclosure action. Tim Ryan's office will continue to monitor.
 11/18/09
 11/18/09
 11/18/09

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	3/13/07	DBCC 8-21(a) (4) (F) Fences/Wall DBCC 8-21(a) (4) (F) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	1	CE008021146002	ACTIVE	
(2)	3/13/07	DBCC 8-21(a) (5) (a) (2) Paint DBCC 8-21(a) (5) (a) (2) states all surfaces requiring painting or which are otherwise protected from the elements shall be kept painted or protected, maintained free of graffiti, and be of uniform colors void of any evidence of deterioration.	1	CE008021151201	ACTIVE	
(3)	3/13/07	DBCC 8-21(a) (5) (d) VG Material DBCC 8-21(a) (5) (d) states live vegetative material shall provide complete coverage of the entire yard area exposed to public view, and its height shall conform with all applicable city ordinances.	1	CE008021154001	ACTIVE	
(4)	3/13/07	DBCC 13-34(a) Nuis Accumulation 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.	1	CE013034001001	ACTIVE	
(5)	3/13/07	DBCC 13-34(b) Prop & RW Maint 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.	1	CE013034002001	ACTIVE	
(6)	3/13/07	DBCC 13-74(c) Removal of Items DBCC 13-74(c) states all garbage carts and all other receptacles shall be removed from the right of way and from the front yard no later than dusk of the day of collection.	1	CE013074003002	ACTIVE	
(7)	3/13/07	DBCC 15-1 BRR/License Required DBCC 15-1 states it is unlawful for any person to engage in, manage or allow anyone on the person's property to engage in or manage any business in the city without having a business	1	CE0150010000001	ACTIVE	

 CASE TYPE: DATE ESTBL STATUS STATUS DATE
 Folio Number: INSPECTOR TENANT NAME TENANT NBR
 3/13/07 ACTIVE 3/13/07
 MINIMUM STANDARDS
 5142-03-14-0060-
 212 SW 2 TER ERIC WALTON
 DANIA BEACH FL 33004
 5 CASE 07-00000591

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(7)	3/13/07	DBCC 15-1 BMR/License Required tax receipt (previously referred to as a license) from the city.	1	CE015001000001	ACTIVE	
(8)	3/13/07	DBCC 28-4.20(a) Appl of Regs on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the regulations established by this chapter for the district in which the building or land is located.	1	CE028004020101	ACTIVE	
(9)	3/13/07	FBC 105.1 Permits Required to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Florida Building Code (2007 ed.), or to cause any such work to be done, must first make application to the building official (or building department) and obtain the required permit(s).	1	CE105001000001	ACTIVE	
(10)	3/13/07	DBCC 22-5(1)(5) Reg Swale Sod vegetative ground cover to be planted in any unpaved swale areas, and both new and existing planted areas shall be maintained and trimmed by the abutting property owner or tenant on a regular basis consistent with all city laws governing lawn and yard maintenance.	1	CE022005009501	ACTIVE	
(11)	3/13/07	DBCC 8-21(a)(4)(e) Elec Cond accessories to be maintained in good, safe working condition and be adequately insulated and protected. No wiring, outlets, or connections shall be left exposed so as to create a hazardous condition.	1	CE008021145001	ACTIVE	

City of Dania Beach

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

OWNER: POLO, JORGE & ESPALLAT, JEANNETTE

FOLIO: 1203-14-0060

LEGAL: NORTH DANIA HEIGHTS 7-39 B LOT 6 LESS PT DESC AS, BEG AT NW COR OF LOT 6, AS OCCUPIED,

ELY ALG N/L 43.1 TO NE COR, AS OCCUPIED, SLY 2.68, WLY ARC DIST 43.19, NLY 4.9 TO POB BLK 1

ADDRESS: 212 SW 2 TERRACE

CODE ENFORCEMENT ORDER LIEN

CEB 07-0591

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	Total	RECORDED BOOK	PAGE	DATE	RELEASED BOOK	PAGE	DATE
9/2/2007	11/24/2010	\$200.00	1,179	\$235,800.00	\$158.00	\$235,958.00	45681	209-216	9/15/2008			

This property is in compliance as of 11/24/2010.

REVISED 1/5/2011

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	34.00
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
			158.00