

AGENDA REQUEST FORM CITY OF DANIA

Date: March 7, 2011

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for Urzule & Nesly Bonny, 713 SW 3 Place, CASE # 06-1444

Summary Explanation & Background:

This was originally cited on October 12, 2006 for 15 violations, and was given 30 days to comply. This went to the Special Magistrate on January 8, 2007 for 15 violations. The Special Magistrate issued an order giving the respondent until 3/9/07 to comply or a fine of \$200.00 per day would be levied. At the 2/04/08 hearing, the fine was confirmed. The fines ran from 5/17/07 through 9/7/07, 117 days @ \$200.00 per day = \$23,658.00 including costs. This is a motion to accept the settlement offer received by the City. The City received \$2,658.00 for the code case, plus \$1,572.11 for sidewalk repairs, plus \$399.00 release fees totaling \$4,629.11 as settlement.

Exhibits (List):

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

Purchasing Approval:

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

Recommended for Approval By:

This is a motion to accept the settlement offer received by the City. The City received \$2,658.00 for the code case plus \$1,572.11 for sidewalk repairs, plus \$399.00 release fees totaling \$4,629.11 as settlement.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

PREPARED 2/17/11, 16:15:08
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 06-00001444

CASE TYPE
Folio Number
ADDRESS
MINIMUM STANDARDS
5142-03-36-0451-
713 SW 3 PL
DANIA BEACH FL 33004

DATE ESTPL
INSPECTOR
10/11/06
THEODORE PEREZ

STATUS
TENANT NAME
ACTIVE

TENANT NBR
10/11/06

2. CASE 06-00001444

CASE DATA: CERTIFIED MAIL NUMBER 7004 2510 0003 0646 4736
CERT LINE ANA RESTREPO
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
VIOLATION TYPE
FORMAL HEARING NOTICE CERT # 7006 0810 0003 7726 3192
2ND INSPECTOR
3RD INSPECTOR
ALSO KNOWN AS ADDRESS

NARRATIVE: Vio Letter 8-21a2g, 8-21a4a, 8-21a5a1, 8-21a5a2, 10/11/06
8-21a5a3, 8-21a5d, 13-34a, 13-34b, 13-34c, 13-69d, 14-2a, 10/11/06
15-1, 22-21, 33-211 10/11/06

NOTICE NAMES: BONNY URZULE & NESLY OWNER
1385 SW 106 AVE

RSLT TEXT: This failed reinspection on 11/16/06 per insp. Perez
Will be going to SPM.
November 20, 2006 8:52:26 AM danilhxc

11/20/06
11/20/06
11/20/06

NARRATIVE: Compliance by 3/9/07 or a fine of \$200.00/day per Special
Magistrate Gordon Linn.

2/17/11
2/17/11

RSLT TEXT: Property failed reinspection per inspector Warren Ostrofsky.
March 12, 2007 2:51:54 PM danilhxc

3/12/07
3/12/07

NARRATIVE: Extension granted until May 17, 2007.

2/17/11

RSLT TEXT: Property failed reinspection per inspector Warren Ostrofsky.
May 18, 2007 9:13:51 AM danilhxc

1/31/08
1/31/08

RSLT TEXT: PROPERTY IS IN COMPLIANCE AS OF 9/12/07 FINES RAN FOR 117
DAYS @ \$200.00/DAY TOTALING \$23,400.00
September 20, 2007 4:23:00 PM danilhxc

1/31/08
1/31/08

NARRATIVE: At the December 3, 2007 hearing, Special Magistrate Gordon
Linn ordered the fine abated to \$2,340.00 to be paid by
February 1, 2008 plus the sidewalk payment.

2/17/11
2/17/11
2/17/11

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 713 SW 3 PL
 DANIA BEACH
 FL 33004

DATE ESTBL STATUS
 INSPECTOR TENANT NAME
 10/11/06 ACTIVE
 THEODORE PEREZ

TENANT NBR
 10/11/06

2. CASE 06-00001444

NARRATIVE: sm
 NARRATIVE: At the February 4, 2008 hearing, Special Magistrate Gordon Linn confirmed the fine. Abatement request sent to commission.
 sm

NARRATIVE: Abatement granted at \$25,568.13 per City Commission to be paid within 90 days.
 sm
 March 24, 2008 9:25:09 AM daniszp

NARRATIVE:
 NARRATIVE: Respondent's request to be reheard was denied by the Commission.
 May 20, 2008 10:49:30 AM danilxg

RQST TEXT: Payment
 RSLT TEXT: Payment was not made. Fine reverts to it's original amount.
 July 1, 2008 9:01:41 AM danilxg

NARRATIVE: Sent for Title Search
 RSLT TEXT: Received \$2,658.00 for code case. Will wait for check to clear. Case will be scheduled for March City Commission hearing.
 February 7, 2011 3:15:27 PM DANITXT.

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	10/12/06	DBCC 8-21(a)(2)(g) Win/Door Mn shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair.	1	CE008021127001	ACTIVE	
(2)	10/12/06	DBCC 8-21(a)(2)(g) Window Equ ventilation must be equipped with fully operable hardware and fitted with screens.	1	CE008021127002	ACTIVE	
(3)	10/12/06	DBCC 8-21(a)(4)(a) Blqg Cond DBCC 8-21(a)(4)(a) requires foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors, and all other building parts to be structurally sound, weather	1	CE008021141001	ACTIVE	

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 Folio Number INSPECTOR TENANT NAME TENANT NBR STATUS DATE
 ADDRESS 10/11/06 ACTIVE 10/11/06
 MINIMUM STANDARDS THEODORE PEREZ ACTIVE
 5142-03-36-0451-
 713 SW 3 PL
 DANIA BEACH FL 33004

2. CASE 06-00001444

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(3)	10/12/06	DBCC 8-21(a)(4) (a) Bldg Cond proof, water tight, rodent proof, and kept in a state of good repair.	1	CE008021141001	ACTIVE	
(4)	10/12/06	DBCC 8-21(a)(5)(a)(1) Bldg Mt and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks.	1	CE008021151101	ACTIVE	
(5)	10/12/06	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	
(6)	10/12/06	DBCC 8-21(a)(5)(a)(3) Parking DBCC 8-21(a)(5)(a)(3) states all off street parking spaces shall be paved with asphalt or constructed of concrete or block, and shall be of smooth surface and in good repair.	1	CE008021151301	ACTIVE	
(7)	10/12/06	DBCC 8-21(a)(5)(d) Vg Material DBCC 8-21(a)(5)(g) 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	
(8)	10/12/06	DBCC 13-34(a) Nus 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	
(9)	10/12/06	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	
(10)	10/12/06	DBCC 13-34(c) Untended Vg DBCC 13-34(c) states the owners and operators of all improved property within the city shall not permit untended	1	CE013034003001	ACTIVE	

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VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(10)	10/12/06	DBCC 13-34(c) Untended Veg vegetation upon such property and the public rights of way, swales, and/or canal banks. Untended vegetation includes all grass, weeds, and underbrush in excess of eight (8) inches in height from the ground, and any overgrown vines and similar other vegetation.	1	CE013034003001	ACTIVE	
(11)	10/12/06	DBCC 13-69(d) Bulk Trash Sched 13-69, must not be put out for pickup prior to the Friday immediately preceding the week that pickups are scheduled in the designated area.	1	CE013069004001	ACTIVE	
(12)	10/12/06	DBCC 14-2(a) Junk/Abd Vehicles permit parking or storage of any junked and abandoned vehicle of any kind or parts thereof upon any private property unless the vehicle is completely enclosed within a building or is in connection with an approved business and licensed as such.	1	CE014002001001	ACTIVE	
(13)	10/12/06	DBCC 15-1 BTR/License Required manage or allow anyone on the person's property to engage in or manage any business in the city without having a business tax receipt (previously referred to as a license) from the city.	1	CE015001000001	ACTIVE	
(14)	10/12/06	DBCC 22-21 Sidewalk Maint DBCC 22-21 states it is the duty of each owner of abutting property to construct or reconstruct, and to maintain and keep in uniform repair sidewalks in front of or abutting upon the property.	1	CE022021000001	ACTIVE	
(15)	10/12/06	DBCC 33-211 Parking Surface DBCC 33-211 states all areas reserved for off street parking shall be hard surfaced in accordance with the specifications of the city.	1	CE033211000001	ACTIVE	

City of Dania Beach

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

OWNER: BONNY, URZULE & NESLY
 FOLIO: 1203-36-0451
 LEGAL: COLLEGE TRACT 2ND ADD 19-19 B LOT 15 BLK 10
 ADDRESS: 713 SW 3 PLACE

CODE ENFORCEMENT ORDER LIEN CEB 06-1444

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	RECORDED		RELEASED	
						BOOK	PAGE	BOOK	PAGE
5/17/2007	9/11/2007	\$200.00	117	\$23,400.00	\$258.00	47394	752-758		
Total									
						47394	752-758		
									9/23/2010

REVISED 2/7/2011

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
	ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
		258.00

City of Dania Beach

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

OWNER: BONNY, JRZULE & NESLY
 FOLIO: 1203-36-0451
 LEGAL: COLLEGE TRACT 2ND ADD 19-19 B LOT 15 BLK 10
 ADDRESS: 713 SW 3 PL

SIDEWALK REPAIR PROGRAM

CASE # 07-0136

RECORDED					RELEASED						
Interest	Through	Lien	# of	Interest	Record	BOOK	PAGE	DATE	BOOK	PAGE	DATE
Start	Date	Amount	Days	Amount	Fee	Total					
5/4/2007	2/7/2011	\$1,560.00	1,375	0.00032900	\$90.00	\$2,355.71	1600	6/20/2007	47713	1604	2/11/2011

REVISED 2/17/2011

ESTIMATED COST OF RECORDING FEES	
1	PAGE(S) CLAIM OF LIEN 10.00
	ADM. FEE RECORDING LIEN 40.00
1	PAGE(S) RELEASE OF LIEN 10.00
	ADM. FEE RECORDING RELEASE 30.00
	<u>90.00</u>