

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 # 09-0532

Summary Explanation & Background:

This was originally cited on March 18, 2009 for 9 violations, and was given 30 days to comply. This went to the Special Magistrate on July 9, 2009 for 9 violations. The Special Magistrate issued an order giving the respondent until 8/19/09 to comply or a fine of \$250.00 per day would be levied. At the 2/04/10 hearing, the fine was confirmed. The fines ran from 11/1709 through 2/7/11, 447 days @ \$250.00 per day = \$112,008.00 including costs. This is a motion to accept the settlement offer received by the City. The City received \$8,008.00 for the code case, \$100.00 for a special magistrate fee, and \$875.86 for the nuisance abatement lien totaling \$8,983.86 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 \$8,008.00 for the code case, \$100.00 for a special magistrate fee, and \$875.86 for the nuisance abatement lien totaling \$8,983.86 as settlement.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

PREPARED 2/17/11, 15:52:55
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 09-00000532

CASE TYPE ----- DATE ESTBL ----- STATUS ----- STATUS DATE -----
Folio Number ----- INSPECTOR ----- TENANT NAME ----- TENANT NBR -----
ADDRESS ----- 3/04/09 ----- ACTIVE ----- 3/18/09 -----

MINIMUM STANDARDS -----
5142-03-36-0451- -----
713 SW 3 PL -----
DANIA BEACH ----- FL 33004 -----

1. CASE 09-00000532

CASE DATA: CERTIFIED MAIL NUMBER 7009 0080 0001 9337 0146
CERT LINE SM
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: Vic.Let. - 8-21a2g win/door; 8-21a2g window equip; 8-21a4d; 3/18/09
8-21a4e; 8-21a4f; 8-21a5a1; 8-21a5d; 13-34a; 15-1 3/18/09
Per Tim Ryan's office bank took over property. Per 11/22/10
Supervisor Nick Lupo, case will remain open and back cited. 11/22/10
Costs are still owed. 11/22/10
November 22, 2010 1:07:25 PM DANITXT. 11/22/10

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

RESULT TEXT: Property failed reinspection per inspector Tuchette Torres. 4/20/09
April 20, 2009 10:54:39 AM danilxg 4/20/09

NARRATIVE: Stipulated agreement. Compliance by August 18, 2009 or 2/17/11
\$250.00 per day fine per Special Magistrate Mark Berman at 2/17/11
the July 9, 2009 hearing. 2/17/11
July 29, 2009 8:42:00 AM daniszp 2/17/11

RESULT TEXT: Property failed reinspection per inspector Tuchette Torres. 9/04/09
August 14, 2009 3:34:41 PM danilxg 9/04/09

NARRATIVE: Extension granted until November 17, 2009 per Special 2/17/11
Magistrate Mark Berman at the October 8, 2009 hearing. 2/17/11
October 21, 2009 4:47:09 PM DANITXT 2/17/11

RESULT TEXT: Property failed reinspection on 11.17.09 per Inspector Eric 11/19/09
Walton. 11/19/09
November 19, 2009 9:05:12 AM DANITXT 11/19/09

PREPARED 2/17/11, 15:52:55
 PROGRAM CE200L
 CITY OF DANIA BEACH

CASE HISTORY REPORT
 CASE NUMBER 09-00000532

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

DATE ESTBL STATUS
 INSPECTOR TENANT NAME
 3/04/09 ACTIVE
 TUCHEYTE TORRES

STATUS DATE
 TENANT NBR
 3/18/09

1. CASE 09-00000532

NARRATIVE:

NARRATIVE: Fine confirmed by Special Magistrate Mark Berman at the February 4, 2010 Special Magistrate hearing. Authorization to abate nuisances in regards to charges # 1, 2, & 6 by securing the building and any openings after February 24, 2010 granted in the interest of public health and safety. \$100.00 administrative fee is assessed. February 9, 2010 12:51:38 PM DANITXT

RQST TEXT: NUISANCE ABATEMENT CK
 RSLT TEXT: Property failed reinspection on 2.26.10 per Inspector Eric Walton.
 March 5, 2010 9:21:27 AM DANITXT

RSLT TEXT: Property failed reinspection on 6.4.10 per Inspector Eric Walton.
 June 9, 2010 9:16:33 AM DANITXT.

NARRATIVE:

RSLT TEXT: Received \$8,008.00 for code case. \$100.00 for admin fee and \$875.86 for nuisance abatement liens=\$8,983.86. Will wait for check to clear. Case will be scheduled for March City Commission hearing.
 February 7, 2011 3:21:21 PM DANITXT.

VIOLATIONS: DATE DESCRIPTION QTY CODE STATUS DATE RESOLVED

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	3/18/09	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)	3/18/09	DBCC 8-21(a)(2)(g) Window Equi ventilation must be equipped with fully operable hardware and fitted with screens.	1	CE008021127002	ACTIVE	
(3)	3/18/09	DBCC 8-21(a)(4)(d) Plumb Cond pipe, drain, waste pipe, and gas pipe to be maintained in good, sanitary working condition, and free from defects, leaks and obstructions.	1	CE008021144001	ACTIVE	
(4)	3/18/09	DBCC 8-21(a)(4)(e) Elec Cond	1	CE008021145001	ACTIVE	

PREPARED 2/17/11, 15:52:55
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CASE HISTORY REPORT
 CASE NUMBER 09-00000532

----- DATE ESTBL STATUS -----

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----- DATE ESTBL STATUS -----

CASE TYPE
 Folio Number

INSPECTOR

TENANT NAME

TENANT NBR

MINIMUM STANDARDS
 5142-03-36-0451-
 713 SW 3 PL
 DANIA BEACH FL 33004

3/04/09
 TUCHETTE TORRES

3/18/09

1. CASE 09-00000532

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(4)	3/18/09	DBCC 8-21(a)(4) (e) Elec Cond DBCC 8-21(a)(4) (e) requires all electrical wiring and 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	
(5)	3/18/09	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	CE008021145002	ACTIVE	
(6)	3/18/09	DBCC 8-21(a)(5) (a) (1) Bldg Mnt DBCC 8-21(a)(5) (a) (1) states the exterior of all premises 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	
(7)	3/18/09	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	
(8)	3/18/09	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)	3/18/09	DBCC 15-1 BFR/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 tax receipt (previously referred to as a license) from the city.	1	CE015001000001	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 09-0532		RECORDED		RELEASED			
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	DATE	BOOK	PAGE	DATE
11/17/2009	2/7/2011	\$250.00	447	\$111,750.00	\$258.00	46902	1003-1010	2/25/2010	47706	1593-1594	2/9/2011
					Total						
					\$112,008.00						

REVISED 2/17/2011

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

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NUISANCE ABATMENT LIEN

Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE	DATE
3/10/2010	2/7/2011	\$709.53	334	0.00032900	\$0.233435	\$77.97	\$90.00	\$877.50	47008	1046	4/12/2010	47044	871	2/8/2011

CASE # 09-0532 RECORDED RELEASED

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>