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# AGENDA REQUEST FORM CITY OF DANIA

**Date:** August 31, 2011

**Agenda Item #:**

**Title:** Request for Abatement

**Requested Action:**

Approval of the Settlement Received for Gregory E. Schuknecht, 4630 SW 43 Avenue, CASE # 09-1264

**Summary Explanation & Background:**

This was originally cited on July 15, 2009 for 12 violations, and was given 30 days to comply. This went to the Special Magistrate on October 8, 2009 for 12 violations. The Special Magistrate issued an order giving the respondent until October 28, 2009 and November 17, 2009 to comply or a fine of \$200.00 per day would be levied. At the 3/4/10, the fine was confirmed.

The fines ran from 11/17/09 through 3/15/11, 483 days @ \$200.00 per day = \$96,866.50 including costs. This is a motion to accept the settlement offer received by the City. The City received \$8,195.24 for the code case, \$100.00 for special magistrate fee, \$166.50 in administrative and recording fees, and \$1,538.26 for nuisance abatement lien totaling \$10,000.00 as settlement.

**Exhibits (List):**

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

**Purchasing Approval:**

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

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**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk

PREPARED 6/14/11, 16:31:06  
PROGRAM CE200L  
CITY OF DANIA BEACH

CASE HISTORY REPORT  
CASE NUMBER 09-00001264

CASE TYPE ----- DATE ESTBL ----- STATUS -----  
Folio Number ----- INSPECTOR ----- TENANT NAME ----- TENANT NBR -----  
ADDRESS ----- 7/10/09 ----- ACTIVE ----- 7/15/09 -----  
MINIMUM STANDARDS ----- MICHAEL RINALDI -----

5041-25-04-0160-  
4630 SW 43 AVE  
DAVIE FL 33314

5. CASE 09-00001264

CASE DATA: CERTIFIED MAIL NUMBER 7009 0080 0001 0484 7743  
CERT LINE HC  
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 letter-8-7(a); 8-21(a)(2)(g); 8-21(a)(4)(a); 8-21(a)(4)(f); 8-21(a)(5)(a)(1); 8-21(a)(5)(a)(2); 13-29; 13-34(a); 13-34(b); 13-34(c); 22-1; 33-40(13)(b) 7/15/09  
7/15/09  
7/15/09

NOTICE NAMES: GREGORY E SCHURKNECHT OWNER  
622 OTTER CT

RSLT TEXT: Property failed reinspection per inspector Mike Rinaldi.  
August 19, 2009 9:20:22 AM danilxg

NARRATIVE: Compliance by October 28, 2009 or \$200.00 per day fine in regards to the nuisance charges # 1,2,7,8,9, 10 & 12. Authorization to abate nuisances by securing property and pool, cleaning pool, cutting yard, removing debris and removing pilings after October 28, 2009 granted in the interest of public health & safety. Compliance by Novemeber 17, 2009 or \$200.00 per day fine for all remaining violations per Special Magistrate Mark Berman.  
October 21, 2009 4:02:28 PM DANITXT

RSLT TEXT: Property failed reinspection per Inspector Mike Rinaldi.  
October 29, 2009 3:18:16 PM DANITXT

RSLT TEXT: Property failed reinspection per Inspector Mike Rinaldi.  
November 18, 2009 4:41:47 PM DANITXT

NARRATIVE:

NARRATIVE: Fine confirmed per Special Magistrate Mitch Kraft at the

8/19/09  
8/19/09

1/15/10  
1/15/10  
1/15/10  
1/15/10  
1/15/10  
1/15/10  
1/15/10  
1/15/10  
1/15/10

6/14/11  
6/14/11

1/15/10  
1/15/10

0/00/00

6/14/11

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CASE HISTORY REPORT  
 CASE NUMBER 09-00001264

CASE TYPE  
 Folio Number  
 ADDRESS  
 MINIMUM STANDARDS  
 5041-25-04-0160-  
 4630 SW 43 AVE  
 DAVIE  
 FL 33314

DATE ESTBL STATUS  
 INSPECTOR TENANT NAME  
 7/10/09 ACTIVE  
 MICHAEL RINALDI

STATUS DATE  
 TENANT NBR  
 7/15/09

5. CASE 09-00001264

NARRATIVE: March 4, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed.  
 March 15, 2010 2:13:03 PM DANITXT

RSLT TEXT: Property failed reinspection on 6.22.10 per Inspector Mike Rinaldi.  
 June 22, 2010 3:01:17 PM DANITXT.

NARRATIVE: Received \$8,195.24 code case, \$100 special magistrate cost, \$166.50 admin & recording fees, \$1,538.26 nuisance at lie=\$10,000. Will wait for check to clear and then release lien.  
 May 31, 2011 11:04:20 AM DANITXT.

CK cleared. Release of lien will be processed. Case will be scheduled for City Commission meeting in July 2011.  
 June 2, 2011 11:48:29 AM DANITXT.

6/14/11  
 6/14/11  
 6/14/11  
 6/22/10  
 6/22/10  
 6/22/10  
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 6/03/11  
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 6/03/11  
 6/03/11  
 6/03/11  
 6/03/11  
 6/03/11

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
( 1 )	7/15/09	DBCC 8-7(a) Required Pool Encl	1	CE008007001001	ACTIVE	
		DBCC 8-7(a) requires all owners of sites on which there is a swimming pool to construct an enclosure around such swimming pool. The enclosure may be either a fence, screen structure, or wall. All gates or other means of entrance through the enclosure shall contain locks, and shall be maintained in a locked condition when the swimming pool is not in use.				
( 2 )	7/15/09	DBCC 8-21(a) (2) (g) Win/Door Mn	1	CE008021127001	ACTIVE	
		DBCC 8-21(a) (2) (g) states every window and exterior door shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair.				
( 3 )	7/15/09	DBCC 8-21(a) (4) (a) Bldg Cond	1	CE008021141001	ACTIVE	
		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 proof, water tight, rodent proof, and kept in a state of good repair.				
( 4 )	7/15/09	DBCC 8-21(a) (4) (f) Fences/Wall	1	CE008021146002	ACTIVE	
		DBCC 8-21(a) (4) (f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.				
( 5 )	7/15/09	DBCC 8-21(a) (5) (a) (1) Bldg Mat	1	CE008021151101	ACTIVE	
		DBCC 8-21(a) (5) (a) (1) states the exterior of all premises				

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 ADDRESS

DATE ESTBL  
 INSPECTOR

STATUS  
 TENANT NAME  
 TENANT NBR

STATUS DATE  
 TENANT NBR  
 7/15/09

MINIMUM STANDARDS  
 5041-25-04-0160-  
 4630 SW 43 AVE  
 DAVIE

7/10/09  
 MICHAEL RINALDI

FL 33314

5. CASE 09-00001264

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
( 5)	7/15/09	DBCC 8-21(a)(5)(a)(1) Bldg Mnt 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	
( 6)	7/15/09	DBCC 8-21(a)(5)(a)(2) Paint 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	
( 7)	7/15/09	DBCC 13-29 Stagnant Water/Mosq keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.	1	CE013029000001	ACTIVE	
( 8)	7/15/09	DBCC 13-34(a) Nus Accumulation 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)	7/15/09	DBCC 13-34(b) Prop & RW Maint 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)	7/15/09	DBCC 13-34(c) Untended Veg improved property within the city shall not permit untended 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)	7/15/09	DBCC 22-1 Bldg Numbers (Front) correct street number upon such building.	1	CE022001000001	ACTIVE	

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5. CASE 09-00001264

VIOLATIONS: DATE DESCRIPTION QTY CODE STATUS DATE RESOLVED  
( 12) 7/15/09 DBCC 33-40 (13) (b) Unsafe Dock 1 CE033040013201 ACTIVE  
DBCC 33-40 (13) (b) prohibits all docks and mooring structures  
within the jurisdiction of the city from being in an unsafe  
or unsatisfactory condition.

# City of Dania Beach

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

OWNER: SCHUKNECHT,GREGORY E  
 FOLIO: 0125-04-0160  
 LEGAL: TROPICAL HAVEN 42-5 B LOT 16  
 ADDRESS: 4630 SW 43 AVENUE

## CODE ENFORCEMENT ORDER LIEN CEB 09-1264

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	RECORDED		RELEASED	
						BOOK	PAGE	BOOK	PAGE
11/17/2009	3/15/2011	\$200.00	483	\$96,600.00	\$266.50	47008	1068-1076	47962	43-44
Total					\$96,866.50	47008	1068-1076	47962	43-44
									6/8/2011

REVISED 6/14/2011

Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES		
1	PAGES CERTIFIED COPY COVER	10.00
5	PAGES FINAL ORDER	42.50
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
		<u>266.50</u>