

# AGENDA REQUEST FORM CITY OF DANIA

**Date:** August 31, 2011

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Consideration of the Abatement Request for: Eugene Bushell & Ato Lawrence, Vacant Lot NW corner of SW 2 Avenue & SW 3 Street, Case #09-2366

**Summary Explanation & Background:**

This was originally cited on January 8, 2010 for 2 violations for a repeat violation. This went to the Special Magistrate on 2/04/10 for 2 violations. The fine ran from 1/08/10 through 1/16/11, 8 days @ \$500.00 per day = \$4,000.00 plus recording costs. The fine was confirmed and an order imposing the fine for a repeat violation was granted per Special Magistrate Mark E. Berman. Respondent is requesting the fine be reduced. The recommendation for abatement of the fine will be heard at the Special Magistrate hearing on September 8, 2011. The amount will be presented to the City Commission at the September 15, 2011 Abatement hearing.

**Exhibits (List):**

- (1) Copy of the original violation letter issued.
- (2) Copy of the Final Order Imposing Fine issued by the Special Magistrate.
- (3) Copy of the minutes from the 2/04/10 Special Magistrate hearing.
- (4) Copy of the lien total sheet.

**Purchasing Approval:**

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

**Recommended for Approval By:**

The recommendation for abatement of the fine will be heard at the Special Magistrate hearing on September 8, 2011. The amount will be presented to the Commission at the September 15, 2011 Abatement hearing.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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

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



# City of Dania Beach

FLORIDA

CASE: 09-2366

DATE: January 8, 2010  
PROPERTY ADDRESS: Vacant lot NW corner of SW 2 AVE & SW 3 ST  
FOLIO # 5142 03 14 0310

You are notified that you are presently in violation of the following Code of Ordinances, City of Dania Beach, Florida:

DBCC 13-34 a - Unpermitted nuisance/trash/junk/debris/untended vegetation  
DBCC 13-34 b - Property and right of way require maintenance and cleaning

The above listed violation(s) is a repeat violation, as defined in Florida Statute 162.04(5). You must bring the violation(s) into compliance immediately and call for a reinspection.

Pursuant to Florida Statute 162.06(3), your case will be presented to the City's Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing the case. You will receive notice of the date and time for your hearing before the Special Magistrate on the above listed repeat violation(s). If you require further information or have any questions about the above violation, please contact the inspector listed below.

Eric Watson  
Code Inspector  
954 - 924-6810 ext.3703

I certify that an original hereof was furnished to the above named addressee by Certified Mail # 7009 1680 0000 9715 5635

\*\* You may be fined up to \$500.00 per day per violation for each day the violation(s) continues, beginning from the day of the first inspection. As soon as you correct the violation, you must call the code inspector for a reinspection.

"Broward's First City"

**CODE COMPLIANCE SPECIAL MAGISTRATE**

**CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida           :           CASE # 09-2366  
Municipal Corporation,

PETITIONER,                                   :

vs.   :

EUGENE V. BUSHELL &  
ATO LAWRENCE,

RESPONDENTS.                               :

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**FINAL ORDER IMPOSING FINE ON REPEAT VIOLATION**

This proceeding came on for Formal Hearing on February 4, 2010, after notice. Based upon the evidence presented, the Code Compliance Special Magistrate makes the following findings of fact and conclusions of law:

- a. The Code Compliance Special Magistrate has jurisdiction of the Respondents and the subject matter of this action.
- b. Respondents, Eugene V. Bushell and Ato Lawrence, did allow the following code violations to exist at the subject property Respondents own, located at Vacant Lot NW Corner SW 2 Ave. and SW 3 Street, Dania Beach, Florida, which property is legally described as: NORTH DANIA HEIGHTS 7-39 B LOTS 13 & 14 BLK 3: (# 1203 14 0310).
  1. DBCC 13-34 (a) Nuisance Accumulation. It is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, stagnant water, trash, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises. There is untended vegetation on the premises. All 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 on the 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.

c. The violations described in paragraphs b.(1) and b.(2) of this Final Order existed on the subject property on January 8, 2010, and the violations continued until January 16, 2010.

d. Respondents, Eugene V. Bushell and Ato Lawrence, were previously found by the Special Magistrate in the Final Order dated October 9, 2008, Case Number 08-1453, to be in violation of DBCC 13-34 (a) on the subject property.

e. The prior violation of the above referenced code section occurred within five years of Respondents violation of DBCC 13-34 (a), on January 8, 2010.

f. The violation of DBCC 13-34 (a) is a repeat violation pursuant to Florida Statute 162.04(5), and Respondents are fined \$500 per day from January 8, 2010 through January 16, 2010. The fine accrued for a period of 8 days at \$500.00 per day for a total fine of \$4,000.00. **In addition, there is also assessed a fine of \$250.00 to cover costs incurred by the City in the prosecution of this matter.**

g. 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 Respondents.

In the event the Order Imposing Fine on Repeat Violation is recorded as a lien, a charge will be imposed for recording the lien and any satisfaction.

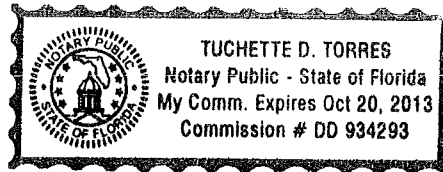
DONE and ORDERED at Dania Beach, Broward County, Florida this 17 day of February, 2010.

DANIA BEACH CODE COMPLIANCE  
SPECIAL MAGISTRATE

By:   
Mark Berman, Esq.

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

Final Order  
#09-2366  
Page 3



Notary Seal:

Sworn and subscribed before me this  
17 day of February, 2010.

Tuchette Torres  
NOTARY PUBLIC STATE OF FLORIDA

Mark Berman is personally known to me.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Final Order Imposing Fine on Repeat  
Violation was mailed to the Respondents, Eugene V. Bushell and Ato Lawrence, this  
17 day of February, 2010.

Certified Mail # 7009 1680 0000 9715 9053

Tuchette Torres  
CODE COMPLIANCE  
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail  
am

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
1	08-0263	Richard L Bulow Tr	4100 Ravenswood Rd	Fine confirmed. Hold on recording lien for 90 days. Fine reduced to \$1,500 if paid by May 5, 2010. P
2	09-1258	S & W ALF Of Dania Inc	4580 SW 33 Ave	Fine confirmed. Authorization to abate the nuisances in regards to charges # 1 & 2 by cutting the overgrowth, cleaning and removing the debris after February 24, 2010 granted in the interest of public health and safety. P
3	09-0840	Griffin Place Inc	3525 Griffin Rd	Extension granted until May 15, 2010. P
4	09-0328	Hermitage Partners LLC	215 SW 12 St	Abatement of \$4,500.00 recommended to City Commission. P
5	08-2088	Patrick Toma	24 SW 13 St	Abatement of \$2,100.00 recommended to City Commission. P
6	08-2171	Fila Power & Light Co Attn: Property Tax Dept JLM	1055 NE 7 Ave	Abatement of \$2,400.00 recommended to City Commission. P
7	09-1906	Lewis & Wanda Bowen	821 NW 8 Ave	Fine reduced to \$900.00 plus administrative and public services costs if paid by March 6, 2010. P
8	09-0405	Thunderboat Center Marina Inc	2050 Griffin Rd	Extension granted until May 15, 2010. \$100.00 administrative fee is assessed. P
9	08-2114	Robert Liauw	31 SW 10 St	Extension granted until May 15, 2010. P
10	08-1159	Kimber-Lee Schwab	4900 SW 28 Ter	Extension granted until March 16, 2010. P
11	09-2176	Davie Property Group LLC	4485 Stirling Rd	Compliance by March 16, 2010 or \$200.00 per day fine in regards to charge # 5. Compliance by May 15, 2010 or \$100.00 per day fine in regards to charges # 1, 2, 3, 4, 6, 8 & 9. \$100.00 administrative fee is assessed. P
12	07-2834	William Diblasio	313 SW 15 St	Abatement of \$15,750.00 recommended to City Commission. P
13	09-2058	Clayton H Bailey & Patricia M Grace	4843 SW 44 Ter	Compliance by April 15, 2010 or \$100.00 per day fine in regards to charges # 1 & 2. Compliance by February 24, 2010 or \$150.00 per day fine in regards to charge # 8. \$100.00 administrative fee is assessed. P
14	07-1746	Claude Navennec	4362 SW 52 St	Fine reduced to \$250.00 if paid by March 6, 2010. P
15	09-1173	John T Zimmerman Jr	1500 SW 2 Ave	Continuance granted to April 8, 2010 hearing. NP
16	09-1383	Sakara Chin	413 SW 2 Ave	Extension granted until April 15, 2010. NP
17	09-2060	Coon Holdings Inc	999 Eller Dr C1-2	Stipulated agreement. Compliance by May 15, 2010 or \$250.00 per day fine. \$100.00 administrative fee is assessed. NP
18	09-2097	Dana Chowen	317 Phippen Rd	Compliance by March 16, 2010 or \$250.00 per day fine. \$200.00 administrative fee is assessed. NP
19	09-2366	Eugene V Bushell & Ato Lawrence	Vac Lot NW Corner SW 2 Ave SW 3 St	Repeat violation found for 8 days. Fine of \$500.00 per day levied for a total of \$4,000.00 owed. \$250.00 administrative fee is assessed. NP
20	09-0532	Urzule & Nesly Bonny	713 SW 3 Pl	Fine confirmed. Authorization to abate the 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. NP
21	09-1278	Barak Rozen	5091 SW 27 Ave	Fine confirmed. \$100.00 administrative fee is assessed. NP
22	09-1299	Conrado Arboleda & Maria C Navairo	5451 SW 24 Ave	Abatement request denied. Fine confirmed. Hold on recording lien for 30 days. \$100.00 administrative fee is assessed. NP
23	09-1583	Sheldon of S FL LC % Davis & Bellison LLC	2332 Griffin Rd	Extension granted until April 15, 2010. NP
24	09-2025	James H Rodgers	2421 SW 51 St	Compliance by April 15, 2010 or \$150.00 per day fine. \$100.00 administrative fee is assessed. NP
25	09-2028	Scott Carroll	5230 SW 26 Ter	Compliance by March 16, 2010 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:** EUGENE BUSHELL & ATO LAWRENCE  
**FOLIO:** 1203-14-0310  
**LEGAL:** NORTH DANIA HEIGHTS 7-39 B LOTS 13 & 14 BLK 3  
**ADDRESS:** VACANT LOT AT NW CORNER OF SW 2 AVE & SW 3 STREET

## CODE ENFORCEMENT ORDER LIEN CEB 09-2366

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	RECORDED		RELEASED	
						BOOK	PAGE	BOOK	PAGE
1/8/2010	1/16/2010	\$500.00	8	\$4,000.00	\$391.00	47241	980-985	7/21/2010	
					Total	48035	1082-1087	7/13/2011	

This property must be brought into compliance & paid before the lien will be released.

**REVISED 8/31/2011**

### Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES		
1	PAGES CERTIFIED COPY COVER	10.00
5	PAGES FINAL ORDER	42.50
	PAGES SUPPLEMENTAL ORDER	0.00
2	PAGES RELEASE OF LIEN	18.50
	ADM. FEE RECORDING LIEN	40.00
	ADM. FEE RECORDING RELEASE	30.00
	ADM. FEE - SPECIAL MAGISTRATE FINE	250.00
		<u>391.00</u>