

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: May 8, 2012

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: Paul Cates & Adrianna Mora, 5199 SW 28 Terrace, Case # 09-1799

Summary Explanation & Background:

This was originally cited on 9/22/09 for 3 violations, and was given 30 days to comply. This went to the Special Magistrate on 12/3/09 for 2 violations. The Special Magistrate issued an order giving the respondent until 12/24/09 to comply or a fine of \$200.00 per day would be levied. At the 5/6/10 hearing, the fine was confirmed. The fines ran from 12/24/09 through 3/9/12, 806 days @ \$200.00 per day = \$161,200.00 plus recording/admin fees of \$258.00, for a total of \$161,458.00. This is a motion to accept the settlement offer received by the City. The City received \$8,060.00 as settlement, plus \$458.00 in administrative fees, and \$440.05 in nuisance abatement costs, for a total of \$8,958.05.

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 \$8,060.00 as settlement, plus \$458.00 in administrative fees, and \$440.05 in nuisance abatement costs, for a total of \$8,958.05.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

| | | |
|--------------|-------------|-------------|
| DATE ESTBL | STATUS | STATUS DATE |
| INSPECTOR | TENANT NAME | TENANT NBR |
| 9/18/09 | ACTIVE | 9/22/09 |
| GARY PHANEUF | | |

MINIMUM STANDARDS
 5042-32-10-0190-
 5199 SW 28 TER

1. CASE 09-00001799

CASE DATA: CERTIFIED MAIL NUMBER 7009 0820 0000 4013 1241
 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: Vio.Let. - 13-34b; 13-34c; 22-515d
 Rcvd pymt of \$432.99 on 1/27/12 for PS work done for
 nuisance abatement on property.
 February 2, 2012 1:11:48 PM daninx1.

9/22/09
 2/02/12
 2/02/12
 2/02/12

NOTICE NAMES: PAUL CATES 1/2 INT EA
 ADRIANNA MORA OWNER

RSLT TEXT: Property failed reinspection per Inspector Gary Phaneuf.
 October 12, 2009 12:40:47 PM DANITXT 10/12/09
 10/12/09

NARRATIVE: Compliance by December 23, 2009 or \$200.00 per day fine.
 Authorization to abate nuisances by cutting and cleaning
 the property after December 23, 2009 granted in the
 interest of public health and safety per Special Magistrate
 Mitch Kraft at the December 3, 2010 Special Magistrate
 hearing. \$100.00 administrative fee is assessed.
 December 8, 2009 10:09:13 AM DANITXT 1/25/10
 1/25/10
 1/25/10
 1/25/10

RSLT TEXT: Property failed reinspection on 12.28.09 per Inspector Gary
 Phaneuf. 12/29/09
 December 29, 2009 4:00:05 PM DANITXT 12/29/09
 12/29/09

NARRATIVE: Fine confirmed per Special Magistrate Gordon Linn at the May
 6, 2010 Special Magistrate hearing. 12/22/10
 May 12, 2010 11:48:03 AM DANITXT 12/22/10
 12/22/10

RSLT TEXT: Property failed reinspection on 8.10.10 per Inspector Gary
 Phaneuf. 8/13/10
 8/13/10

PREPARED 5/08/12, 20:47:01
 PROGRAM CE200L
 CITY OF DANIA BEACH

CASE HISTORY REPORT
 CASE NUMBER 09-00001799

 CASE TYPE DATE ESTBL STATUS TENANT NBR STATUS DATE
 Folio Number INSPECTOR TENANT NAME
 ADDRESS 9/18/09 ACTIVE 9/22/09
 MINIMUM STANDARDS GARY PHANEUF
 5042-32-10-0190-
 5199 SW 28 TER

1. CASE 09-00001799

RESULT TEXT: August 13, 2010 1:54:48 PM DANITXT. 8/13/10
 RESULT TEXT: Property failed reinspection per Inspector Gary Phaneuf. 10/12/09
 October 12, 2009 12:40:47 PM DANITXT 10/12/09
 RESULT TEXT: Per Tim Ryan's office, pending foreclosure action, monitor 5/03/11
 case. 5/03/11
 May 3, 2011 12:18:59 PM DANITXT. 5/03/11
 ROST TEXT: check on foreclosure status 5/03/11
 RESULT TEXT: emailed Victoria (Tim Ryan's office) on status of 8/11/11
 foreclosure. 8/11/11
 August 2, 2011 9:31:11 AM danitxt. 8/11/11
 case still pending. 8/11/11
 August 11, 2011 3:19:48 PM danitxt. 8/11/11
 ROST TEXT: check on foreclosure status 11/16/11
 RESULT TEXT: Still in violation. 11/16/11
 November 16, 2011 6:03:29 PM daninxl. 11/16/11
 ROST TEXT: Check w/ Tim Ryan's ref f/c status. 11/16/11
 November 16, 2011 6:04:13 PM daninxl. 11/16/11

VIOLATIONS: DATE DESCRIPTION QTY CODE STATUS DATE RESOLVED
 (1) 9/22/09 DECC 13-34(b) Prop & RW Maint 1 CE013034002001 ACTIVE
 DECC 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.
 (2) 9/22/09 DECC 13-34(c) Untended Veg 1 CE013034003001 ACTIVE
 DECC 13-34(c) states the owners and operators of all improved property within the city shall not permit unintended 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.
 (3) 9/22/09 DECC 22-5(i) (5) (d) Tree Maint 1 CE022005009541 ACTIVE
 DECC 22-5(i) (5) (d) states all trees shall be kept trimmed by the abutting property owner or tenant and shall have a clearance of at least eight (8) feet above the sidewalk and

PREPARED 5/08/12, 20:47:01
 PROGRAM CE200L
 CITY OF DANIA BEACH

CASE HISTORY REPORT
 CASE NUMBER 09-00001799

 CASE TYPE DATE ESTBL STATUS DATE RESOLVED
 Folio Number INSPECTOR TENANT NBR
 ADDRESS 9/18/09 ACTIVE 9/22/09
 MINIMUM STANDARDS
 5042-32-10-0190-
 5199 SW 28 TER
 GARY PHANEUF

1. CASE 09-00001799

VIOLATIONS: DATE DESCRIPTION QTY CODE STATUS DATE RESOLVED
 (3) 9/22/09 DBCC 22-5(i)(5)(d) Tree Maint 1 CE022005009541 ACTIVE
 fourteen (14) feet above the street level so as to permit
 pedestrian and vehicular traffic beneath them without
 interference.

City of Dania Beach

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

OWNER: PAUL CATES 1/2 INT EA, ADRIANNA MORA
 FOLIO: 0232-10-0190
 LEGAL: STEVENS HOMESITES NO 2 37-26 B LOT 3, 4 BLK 6
 ADDRESS: 5199 SW 28 TERRACE

| CODE ENFORCEMENT ORDER LIEN | | | | CEB 09-1799 | | RECORDED | | RELEASED | |
|-----------------------------|--------------|-------------|-----------|--------------|--------------|----------|-----------|----------|-----------|
| Start Date | Through Date | Lien Amount | # of Days | TOTAL FINE | Record Fee | BOOK | PAGE | BOOK | DATE |
| 12/24/2009 | 3/9/2012 | \$200.00 | 806 | \$161,200.00 | \$258.00 | 47713 | 1947-1953 | | 2/11/2011 |
| | | | | | Total | | | | |
| | | | | | \$161,458.00 | 47713 | 1947-1953 | | 2/11/2011 |

Property compiled on 3/9/12

REVISED 5/8/2012

| 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: CATES,PAUL & MORA,ADRIANNA
 FOLIO: 0232-10-0190
 LEGAL: STEVENS HOMESITES NO 2 37-26 B LOT 3,4 BLK 6
 ADDRESS: 5199 SW 28 TERRACE

LOT MOWING AND DEBRIS REMOVAL LIEN

CASE # 09-1799 RECORDED RELEASED

| Interest Start | Through Date | Lien Amount | # of Days | Interest Amount | Per Diem | Interest Amount | Record Fee | Total | BOOK | PAGE | DATE | BOOK | PAGE |
|----------------|--------------|-------------|-----------|-----------------|------------|-----------------|------------|----------|-------|------|-----------|------|------|
| 1/5/2010 | 4/14/2012 | \$274.96 | 830 | 0.00032900 | \$0.090462 | \$75.08 | \$90.00 | \$440.04 | 46383 | 170 | 1/28/2010 | | |

REVISED 5/8/2012

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> |