

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: September 12, 2012

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: A. Elmaliach & L.E. Espailat Elmaliach,
25 SE 7 Street, Case #'s 08-0532 & 09-1364

Summary Explanation & Background:

Case 08-0532 was originally cited on 3/21/08 for 3 violations, and was given 30 days to comply. This went to the Special Magistrate on 6/5/08 for 3 violations. The Special Magistrate issued an order giving the respondent until 7/15/08 to comply or a fine of \$100.00 per day would be levied. At the 11/6/08 hearing, the fine was confirmed. The fines ran from 7/15/08 through 6/25/12, 1,441 days @ \$100.00 per day = \$144,100.00 plus recording/admin fees of \$141.00, for a total of \$144,241.00.

Case 09-1364 was originally cited on 7/14/09 for 3 violations, and was given 14 days to comply. This went to the Special Magistrate on 9/3/09 for 3 violations. The Special Magistrate issued an order giving the respondent until 9/23/09 to comply or a fine of \$250.00 per day would be levied, as well as the City was granted authorization to abate the nuisances on the property. At the 1/7/10 hearing, the fine was confirmed. The fines ran from 9/23/09 through 6/25/12, 1,006 days @ \$250.00 per day = \$251,500.00 plus recording/admin fees of \$258.00, for a total of \$251,758.00.

This is a motion to accept the settlement offer received by the City. The City received \$6,000.00 as settlement for the fines, plus \$400.00 in administrative fees/costs, and full payment of the nuisance abatement liens at \$1,100.00, for a total settlement received of \$7,500.00.

Exhibits (List):

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

Purchasing Approval:

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

Recommended for Approval By:

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Commission Action:

Passed

Failed

Continued

Other

Comment:

City Manager

City Clerk

PREPARED 9/11/12, 21:16:48
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 08-00000532

CASE TYPE DATE ESTBL STATUS TENANT NBR STATUS DATE
Folio Number INSPECTOR TENANT NAME
ADDRESS 3/21/08 ACTIVE 3/26/08
MINIMUM STANDARDS
5142-03-12-0440-
25 SE 7 ST

67. CASE 08-00000532

CASE DATA: CERTIFIED MAIL NUMBER 7007 2680 0000 4901 0363
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. - 8-21a5a2; 28-4.20a; FBC 105.1 3/26/08

NOTICE NAMES: ALON ELMALIAH & LORENA E ESPALLIAT ELMALIAH OWNER

RSLT TEXT: Property failed reinspection per inspector Eric Walton. 4/25/08
April 25, 2008 11:16:34 AM danilxg 4/25/08

NARRATIVE: Compliance by July 15, 2008 or \$100.00 per day fine 8/02/11
per Special Magistrate Mark Berman at the June 5, 2008 code 8/02/11
hearing. 8/02/11
June 16, 2008 3:19:28 PM daniszp 8/02/11

RSLT TEXT: Property failed reinspection per inspector Eric Walton. 7/15/08
July 15, 2008 3:50:03 PM danilxg 7/15/08

NARRATIVE: Fine confirmed at the Special Magistrate Hearing on November 8/02/11
6, 2008 per Special Magistrate Mitch Kraft. 8/02/11
November 24, 2008 11:01:46 AM daniszp 8/02/11

RSLT TEXT: Property failed reinspection per inspector Eric Walton. 6/17/11
March 25, 2009 11:05:10 AM danilxg 6/17/11

VIOLATIONS: (1) DATE 3/26/08 DESCRIPTION QTY CODE STATUS DATE RESOLVED
(1) DBCC 8-21(a) (5) (a) (2) Paint 1 CE08021151201 ACTIVE
DBCC 8-21(a) (5) (a) (2) states all surfaces requiring painting
or which are otherwise protected from the elements shall be

PREPARED 9/11/12, 21:16:48
 PROGRAM CE200L
 CITY OF DANIA BEACH

CASE HISTORY REPORT
 CASE NUMBER 08-00000532

 CASE TYPE DATE ESTBL STATUS TENANT NAME TENANT NBR STATUS DATE
 Folio Number INSPECTOR
 ADDRESS 3/21/08 ACTIVE
 MINIMUM STANDARDS
 5142-03-12-0440-
 25 SE 7 ST

ERIC WALTON

67. CASE 08-00000532

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	3/26/08	DBCC 8-21(a) (5) (a) (2) Paint kept painted or protected, maintained free of graffiti, and be of uniform colors void of any evidence of deterioration.	1	CE008021151201	ACTIVE	
(2)	3/26/08	DBCC 28-4.20(a) Appl of Regs on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the regulations established by this chapter for the district in which the building or land is located.	1	CE028004020101	ACTIVE	
(3)	3/26/08	FBC 105.1 Permits Required to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Florida Building Code (2007 ed.), or to cause any such work to be done, must first make application to the building official (or building department) and obtain the required permit(s).	1	CE105001000001	ACTIVE	

City of Dania Beach

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

OWNER: ELMALIAH,ALON & ELMALIACH,LORENA E ESPAILLAT
 FOLIO: 1203-12-0440
 LEGAL: SOUTH DANIA HEIGHTS AMEN PLAT 6-9 B LOT 31,32 BLK 3
 ADDRESS: 25 SE 7 STREET

CODE ENFORCEMENT ORDER LIEN										CEB 08-0532					
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	RECORDED		RELEASED		DATE	PAGE	DATE	BOOK	PAGE	DATE
						BOOK	PAGE	BOOK	PAGE						
7/15/2008	6/25/2012	\$100.00	1,441	\$144,100.00	\$141.00	46115	283-288	49020	1899	4/7/2009	283-288	8/23/2012	49020	1899	8/23/2012
					Total										
					\$144,241.00										

REVISED 9/11/2012

ESTIMATED COST OF RECORDING FEES	
1	PAGES CERTIFIED COPY COVER 10.00
3	PAGES FINAL ORDER 25.50
2	PAGES SUPPLEMENTAL ORDER 17.00
2	PAGES RELEASE OF LIEN 18.50
	ADM. FEE RECORDING LIEN 40.00
	ADM. FEE RECORDING RELEASE 30.00
	141.00

PREPARED 9/11/12, 21:17:10
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 09-00001364

CASE TYPE DATE ESTBL STATUS DATE
Folio Number INSPECTOR TENANT NAME TENANT NBR
ADDRESS 7/14/09 ACTIVE 7/22/09
MINIMUM STANDARDS
5142-03-12-0440-
25 SE 7 ST

68. CASE 09-00001364

CASE DATA: CERTIFIED MAIL NUMBER 7009 0080 0001 0484 7477
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-13-34(a); 13-34(b); 13-34(c) 7/22/09

NOTICE NAMES: ALON EMALIAH & OWNER
LORENA E ESEAILLAT ELMALIACH

RSLT TEXT: Property failed reinspection per inspector Eric Walton.
August 7, 2009 3:56:49 PM danilxg 8/07/09
8/07/09

NARRATIVE: Compliance by September 23, 2009 or \$250.00 per day fine.
Authorization to abate nuisances by removing the junk,
debris and overgrowth after September 23, 2009 granted in
the interest of public health and safety.
September 16, 2009 4:03:11 PM daniszp 8/02/11
8/02/11

RSLT TEXT: Property failed reinspection per Inspector Eric Walton.
September 23, 2009 3:21:18 PM danilxg 9/23/09
9/23/09

NARRATIVE: Fine confirmed per Special Magistrate Mark Berman at the
January 7, 2010 Special Magistrate hearing. \$100.00
administrative fee is assessed.
January 19, 2010 4:01:36 PM DANITXT 4/15/11
4/15/11

RSLT TEXT: Property failed reinspection on 2.25.11 per Inspector Eric
Walton. 3/11/11
March 11, 2011 11:24:08 AM DANITXT. 3/11/11

RSLT TEXT: Property failed reinspection per inspector Eric Walton.
August 7, 2009 3:56:49 PM danilxg 8/07/09
8/07/09

PREPARED 9/11/12, 21:17:10
PROGRAM CE200L
CITY OF DANIA BEACH

CASE HISTORY REPORT
CASE NUMBER 09-00001364

CASE TYPE
Folio Number
ADDRESS
MINIMUM STANDARDS
5142-03-12-0440-
25 SE 7 ST

DATE ESTBL STATUS DATE
INSPECTOR TENANT NBR
7/14/09 ACTIVE 7/22/09
ERIC WALTON

68. CASE 09-00001364

RSLT TEXT: Per Tim Ryan's office, pending foreclosure. Will monitor case.
April 26, 2011 2:36:37 PM DANITXT. 4/26/11
4/26/11
4/26/11
RQST TEXT: ck on status of foreclosure 4/26/11
RSLT TEXT: Property failed reinspection on 7.26.11 per Inspector Eric 8/19/11
Walton. August 2, 2011 9:27:03 AM danitxt. 8/19/11
August 2, 2011 9:27:03 AM danitxt. 8/19/11

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
(1)	7/22/09	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	
(2)	7/22/09	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	
(3)	7/22/09	DBCC 13-34(c) Untended Veg DBCC 13-34(c) states the owners and operators of all 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	

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 FOLIO: 1203-12-0440
 LEGAL: SOUTH DANIA HEIGHTS AMEN PLAT 6-9 B LOT 31,32 BLK 3
 ADDRESS: 25 SE 7 STREET

Start Date		Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	CEB 09-1364		RECORDED		RELEASED	
Date		Date	Amount	Days	FIN	Fee	BOOK	PAGE	BOOK	PAGE	BOOK	DATE
9/23/2009		6/25/2012	\$250.00	1,006	\$251,500.00	\$258.00	46902	971-978	49020	1899		8/23/2012
						Total						
						\$251,758.00						

REVISED 9/11/2012

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

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 ADDRESS: 25 SE 7 STREET

09-1364 RECORDED												RELEASED			
Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	BOOK	PAGE	DATE	BOOK	PAGE	DATE		
9/30/2009	6/25/2012	\$265.74	999	0.00032900	\$0.087428	\$87.34	\$90.00	46637	49	11/2/2009	49020	1899	8/23/2012		
7/29/2011	6/25/2012	\$425.94	332	0.00032900	\$0.140134	\$46.52	\$90.00	48084	762	8/2/2011	49020	1899	8/23/2012		
Total								\$443.08							
Total								\$562.46							
Total								\$1,005.55							

REVISED 9/11/2012

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>